

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 24 APRIL 2023

HOURLY CALLED: 7.00pm

PRESENT: The meeting commenced at 7.01pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

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

1. APOLOGIES W Kennedy

IN ATTENDANCE

Chief Executive Officer
(Mr I Nelson)

Group Manager Engineering Services
(Mr R Graham)

Manager City Planning
(Mr R Lovell)

Chief Financial Officer
(Ms J Murrell)

Manager Communication and Strategic Development
(Mr C Paske)

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

Acting Manager Regulatory Services
(Mr R Brennan)

Manager Governance
(Ms C Shea)

Manager Policy and Strategy
(Ms T Doubleday)

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

Meeting closed at 9.36pm.

COUNCIL MEETING
MONDAY 24 APRIL 2023

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1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor:

- made the following statement:

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

I pay respect to Elders past and present.”

noting a change to the Acknowledgement of Country, reflecting advice received from Council’s Reconciliation Action Plan Working Group.

- invited those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- advised the Meeting and members of the public that Council Meetings, not including Closed Meeting, are livestreamed, audio-visually recorded and published to Council’s website. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

2. ATTENDANCE AND APOLOGIES

Refer to cover page.

3. DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council’s adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED: **NIL**

4. OMNIBUS ITEMS

4.1 CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 20 March 2023, as circulated, be taken as read and confirmed.

Decision: **MOVED** Cr Chong **SECONDED** Cr Ritchie

“That the Minutes of the Council Meeting held on 20 March 2023, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

4.2 MAYOR'S COMMUNICATION

The Mayor acknowledged Council's Manager City Planning, Mr Ross Lovell who is leaving Council after 25 years. On behalf of Council the Mayor thanked Mr Lovell for his years of service to Council and the Clarence community and wished him well for the future.

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

- 21 March: ABC Breakfast Interview – Council Meeting outcomes;
Media Interview at Council Chambers – Council Meeting outcomes;
- 22 March: Neighbour Day (at Clifton) – Media Interview;
Meeting with Minister Guy Barnett – Warrane Defence Site;
ABC Drive – City Heart;
- 23 March: Mercury Interview – Chambroad;
- 24 March: Mercury Interview – Vandalism to ANZAC Park and Geilston Bay Oval;
- 25 March: ABC Interview – Vandalism at ANZAC Park and Geilston Bay Oval /Youth
Justice Correctional Centre;
7 Nightly News – Media Interview – regarding Anzac Park Vandalism;
Olympia FC Warriors Opening for 2023 Season;
- 26 March: Official Opening of Richmond Village Colonial Fair;
- 27 March: Clarence Football Club Meeting – Training Facilities;
- 28 March: Greater Hobart Strategic Partnership (Canberra);
- 29 March: Meeting with Michael Crosby – Air BNB
- 30 March: Rosny College Achievers Night;
- 2 April: Hobart Marathon Festival – Guest of Hobart Airport;
- 6 April: Women's Housing Working Meeting;
Tunnel Hill Mushrooms Tour – Cambridge;
Opening of new Affordable Homes in Clarendon Vale;
- 8 April: Risdon Vale Neighbourhood Centre – Easter Festival;

MAYOR'S COMMUNICATION /contd...

13 April:	Radio Interview - 106.5 – 50 th Anniversary of Council Chambers; Honours and Awards Committee Meeting;
14 April:	Media – Chambers 50 th Birthday;
15 April:	Youth Detention Centre Community Meeting;
18 April:	Warrane Defence Training Depot – Site Visit;
19 April:	7HOFM – Radio Interview regarding Arm End Golf Course; Mercury Interview – Local Government Review;
20 April:	Meeting with Lauderdale Football Club – Infrastructure Issues;
21 April:	Bellerive Reservoir Site Visit regarding Mural/Artwork; Citizenship Ceremony - Clarence on the Bay;
22 April:	Clarence Football Club – Launch of Roolanders;
24 April:	Minister Ferguson – Media Announcement regarding Rokeby Park and Ride Service.

Councillor Alison Ritchie (on behalf of Mayor)

24 March:	Funeral for Mr Reg Watson
22 April:	Multicultural Eid Festival – Pakistani Australian Cultural Organisation (PACO);

Councillor Heather Chong (on behalf of Mayor)

5 April:	Rokeby Neighbourhood Centre Easter Luncheon.
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4.3 COUNCIL WORKSHOPS

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

PURPOSE	DATE
Risdon Vale Structure Plan	
Committees Structure/Constitutions	
Debt Recovery – Unpaid Rates	
Confidential Property Matter	
Confidential Briefing	17 April

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Cr Chong **SECONDED** Cr Ritchie

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer 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.

- Cr Walker provided a petition from Mr Gregory Brown requesting Council to construct a pontoon in Lauderdale.

4.5 REPORTS FROM OUTSIDE BODIES

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

REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representative: Cr James Walker

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

The Mayor advised that the next meeting of the Corporation will be held on 26 June 2023.

- **GREATER HOBART COMMITTEE**

The Mayor advised that the next meeting of Greater Hobart Mayors will be held on 26 April 2023.

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

CLARENCE JAZZ FESTIVAL

- Cr Ritchie tabled the Report for the Clarence Jazz Festival 2023 held 1 – 5 February 2023.

RICHMOND ADVISORY COMMITTEE

- Cr Chong tabled the Minutes of a Meeting held on 15 March 2023.

RICHMOND BICENTENARY PLANNING COMMITTEE

- Cr Chong tabled the Summary Report of a meeting held on 12 February 2023.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 20 and 27 March and 3, 10 and 17 April 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 20 and 27 March and 3, 10 and 17 April 2023 be noted.

Decision: **MOVED** Cr Chong **SECONDED** Cr Ritchie

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5. PUBLIC QUESTION TIME

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

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

5.1 PUBLIC QUESTIONS ON NOTICE

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

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

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

1. RECENT DEVELOPMENTS AND FUTURE DEVELOPMENT APPLICATIONS - BELLERIVE

Some recent construction developments and future development applications in Bellerive have no setback from the footpath resulting in direct impacts on the safety of pedestrians. Footpaths are damaged and access is obstructed by heavy machinery. Pedestrians may be directed to 'use the other footpath' putting them at further risk. This may go on for many months or years. Older people or pedestrians with a disability can be severely injured by falls.

What safety provisions such as covered boardwalks or barriers are required by law and who is responsible for their implementation?

2. BELLERIVE BEACH PARK

Bellerive Beach Park, All Abilities Playground and Beach welcome thousands of visitors each year. Many of these visitors are babies and toddlers and some are children with disabilities. Recently, limited change room facilities have been installed in the park. Baby changing facilities and an accessible private family and carer space are urgently required.

Why hasn't the provision of these facilities been prioritised by the Council?

5.2 ANSWERS TO QUESTIONS ON NOTICE

The Chief Executive Officer provided the following response to the Questions at 5.1.

1. RECENT DEVELOPMENTS AND FUTURE DEVELOPMENT APPLICATIONS - BELLERIVE

Overall, the implementation of safety provisions such as covered boardwalks or barriers at road work sites is determined by the Traffic Management Plan (TMP) for the site. This is prepared by qualified traffic management specialists for the developer and take into account the principles of risk management for the site. The developer or assigned builder is responsible for engaging these specialists to design and implement the TMP, compliant with relevant Australian Standards and the Department of State Growth's Traffic Control for Work on Roads – Tasmanian Guide. Additionally, a permit to undertake works in or affecting a highway must be obtained from the Council, and the permit comes with specific requirements related to pedestrian safety and traffic control.

2. BELLERIVE BEACH PARK

Council is currently undertaking a review of the Bellerive Beach Park Master Plan. A priority of this work is the acknowledgement that the public toilets, beach shower and change facilities at Bellerive Beach require upgrade to meet community needs, expectations and to be more inclusive to all park users. Design options are being investigated for locating a new amenities building closer to the active western end of the park to better service beach, park and playground visitors. Part of the master plan review is also undertaking feasibility analysis of commercial opportunities for the area and the outcomes of these studies may also inform public amenity building options. All information and design outcomes from the master plan review process will be provided to councillors then to seek feedback from the wider community prior to detail design and funding consideration.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

In response to a question asked by Mr M Figg of Lauderdale at Council's Meeting of 27 February 2023, the Chief Executive Officer advised that having been in contact with Mr Figg on the matter, he now provides the following response.

QUESTION

ROCHES BEACH COASTAL MANAGEMENT PLAN

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

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

I can advise that a person is entitled to defend their property within the requirements of the law. That means a person must comply with laws applicable to the land including planning laws, environmental laws and such like and should take all reasonable steps to ensure they are complying with applicable laws. A person is not entitled to take actions outside their property boundary, whether that be on other privately owned land, Crown land or council land, without landowner consent in the first instance.

5.4 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.

6. 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

7 PLANNING AUTHORITY MATTERS

Nil Items.

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS
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Nil Items.

8.2 ASSET MANAGEMENT**8.2.1 ADOPTION OF COUNCIL POLICY – INCLUSIVE PLAY POLICY 2023****EXECUTIVE SUMMARY****PURPOSE**

To consider the formal adoption of the Inclusive Play Policy.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 and Active Living Strategy 2022-2032 are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Internal consultation with key staff and departments has been undertaken to inform the Inclusive Play Policy content. No public consultation has occurred in relation to the policy. The community will be informed of the policy following adoption by Council.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of adopting this policy.

RECOMMENDATION:

That Council adopts the Inclusive Play Policy 2023.

Decision: **MOVED** Cr Walker **SECONDED** Cr Ritchie

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

8.2.2 ESTABLISHING A GREENHOUSE GAS EMISSIONS REDUCTION TARGET FOR CLARENCE CITY COUNCIL**EXECUTIVE SUMMARY****PURPOSE**

To establish a greenhouse gas emissions target arising from Council operations of 40% of 2016-17 levels by 2030. This is an interim trajectory to net zero greenhouse gas emissions by 2050.

RELATION TO EXISTING POLICY/PLANS

The Sustainability Strategy 2023-2033 which supports the Strategic Plan 2021-2031, is relevant. The Sustainability Strategy includes an objective for Council to establish a greenhouse gas emissions reduction target for the organisation.

LEGISLATIVE REQUIREMENTS

The Climate Change (State Action) Amendment Act 2022 (Tas) amends the Climate Change (State Action) Act 2008 to establish an emissions reduction target of net zero greenhouse gas emissions, or lower, from 2030, for the State of Tasmania.

The Australian Government has increased its contribution under the Paris Agreement to 43% of 2005 levels by 2030 as a greenhouse gas emissions reduction target for the nation.

CONSULTATION

No community consultation has been undertaken.

FINANCIAL IMPLICATIONS

Funding will be required in the 2023/2024 financial year to produce a carbon reduction Action Plan. The Action Plan will quantify the emission reductions expected from the actions specified in the Plan. The Action Plan is estimated to cost \$25,000 and this work will need to be outsourced.

RECOMMENDATIONS:

That Council:

- A. Establishes a greenhouse gas emissions reduction target for the organisation of 40% of 2016-17 levels by 2030.
- B. Considers funding a Carbon Reduction Action Plan in the 2023-24 budget to understand how a reduction of 40% of 2016-2017 levels by 2030 may be achieved.

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

ESTABLISHING A GREENHOUSE GAS EMISSIONS REDUCTION TARGET FOR CLARENCE CITY COUNCIL /contd...

Decision:	MOVED Cr Warren SECONDED Cr Darko	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Cr Blomeley	Cr Goyne
	Cr Chong	
	Cr Darko	
	Cr Hulme	
	Cr Hunter	
	Cr James	
	Cr Mulder	
	Cr Ritchie	
	Cr Walker	
	Cr Warren	

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 COMMUNITY SUPPORT GRANTS****EXECUTIVE SUMMARY****PURPOSE**

To consider the Community Support Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the March 2023 round of Community Support Grants.

RELATION TO EXISTING POLICY/PLANS

Consistent with Council's Strategic Plan 2021-2031, Community Grants Policy and social strategies and plans including the Active Lifestyle Strategy, Youth Plan, Cultural Arts Plan, Age Friendly Clarence Plan, Community Wellbeing Strategy, Access and Inclusion Plan, Cultural History Plan, Community Participation Policy, Clarence Events Plan, Community Safety Plan, Reserve Activity Plans and Recreation Strategies.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is an annual budget of \$35,000 for the bi-annual Community Support Grants.

RECOMMENDATION:

That Council approves the distribution of financial grants totalling \$13,064.05 to community groups and organisations, as detailed in the schedule attached to the Associated Report.

Before proceeding, the Chief Executive Officer advised that he had overlooked providing a response at Item 5.3, to a question from Mr Figg asked at the Council Meeting held on 27 February 2023. (Refer to Pages 10-11).

Decision:

MOVED Cr Ritchie **SECONDED** Cr Chong

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

8.4.2 CITIZENSHIP AND AWARDS CEREMONIES 2024 ONWARDS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to table recommendations to alter the scheduling of Council's Citizenship and Awards ceremonies in 2024 and beyond, following notification by the Department of Home Affairs that there has been an amendment to the Australian Citizenship Ceremonies Code (the Code) allowing citizenship ceremonies to be held on Australia Day, or the three days prior or three days after Australia Day.

RELATION TO EXISTING POLICY/PLANS

The recommendations contained in this report are in alignment with the Strategic Plan 2021-2031, and the Cultural Creative Strategy 2022-2032, and are facilitated through the Reconciliation Action Plan Working Group (RAPWG) with endorsement by the Honours and Awards Committee (in relation to the timing and naming of the awards) and the Events Special Committee.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

- Reconciliation Action Plan Working Group;
- Honours and Awards Committee; and
- Events Special Committee.

FINANCIAL IMPLICATIONS

Funds are allocated in Council's annual operating budget to assist with Citizenship and awards ceremonies.

RECOMMENDATION:

That Council:

- Subject to D below, holds no community events or citizenship ceremonies on 26 January.
- In accordance with the Australian Citizenship Ceremonies Code, from 2024 the January citizenship ceremony is to be held in the three days prior to, or the three days after, 26 January, with a date for 2024 and beyond to be set by Council officers in accordance with the Code.
- That Council's Citizen of the Year awards ceremonies remain in the same format (inc. Citizen of the Year coupled with Volunteer recognition event now held in May in line with National Volunteer Week celebrations) however will be decoupled from Australia Day.

- D. Request the Reconciliation Action Plan Working Group to conduct further desktop research to present options at a future Council workshop on how Council may recognise and pay respect to Aboriginal and Torres Strait Islander peoples on 26 January, while it continues to be a national public holiday.

Decision:	MOVED Cr Warren SECONDED Cr Darko	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Cr Blomeley	Cr James
	Cr Chong	Cr Walker (abstained)
	Cr Darko	
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr Mulder	
	Cr Ritchie	
	Cr Warren	

8.4.3 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY – APPROVAL OF RULE CHANGES**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to seek Council’s approval of the certified amendments to the Copping Refuse Disposal Site Joint Authority (Authority) Rules.

RELATION TO EXISTING POLICY/PLANS

The proposed amended Rules are consistent with existing policies and plans.

LEGISLATIVE REQUIREMENTS

The amendment of the Rules must comply with the certification requirements set out at Sections 31 and 32 of the Local Government Act, 1993 (Tas).

CONSULTATION

To progress the amendment of the Rules, Council advertised the proposed amendment through a public advertising process for a period of 21 days. Following the advertising period, the Authority was then to consider any submissions received before referring them to participating councils for final endorsement of the amended Rules. No submissions were received.

FINANCIAL IMPLICATIONS

There are no adverse financial implications arising from the proposed amendment to the Rules.

RECOMMENDATION:

That Clarence City Council approves the certified amended Rules of the Copping Refuse Disposal Site Joint Authority.

Decision: **MOVED** Cr Walker **SECONDED** Cr Chong

“That the Recommendation be adopted”.

Cr Goyne left the Meeting at this stage (8.04pm)

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

8.4.4 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY – DRAFT AMENDMENT TO THE REGIONAL SETTLEMENT AND RESIDENTIAL DEVELOPMENT STRATEGY – COUNCIL RESPONSE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to formally endorse the response to the Minister for Planning, regarding draft amendments to the Regional Settlement and Residential Development Strategy (Map 10 and SRD 2.12).

RELATION TO EXISTING POLICY/PLANS

Council has previously considered an amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS) to introduce a new Regional Policy (SRD 2.12) that provides for limited urban rezoning outside of the Urban Growth Boundary.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

A letter has been received from the Minister for Planning seeking comment on a draft amendment to the Regional Settlement and Residential Development Strategy (Map 10 and SRD 2.12. and other matters relating to the STRLUS. The deadline for receipt of submissions was 14 April 2023.

Given the closing date for submissions and the timing of Council's meeting, the prepared response to the matters raised was circulated to Councillors for noting prior to forwarding to the Minister. Council's formal endorsement of the response is now sought.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the proposed amendments.

RECOMMENDATION:

That Council endorses the response provided to the Minister regarding proposed amendments to the Southern Tasmanian Land Use Strategy – Draft Amendment to the Regional Settlement and Residential Development Strategy as attached to the Associated Report.

/ Refer to Page 24 for Decision on this Item...

**SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY – DRAFT
AMENDMENT TO THE REGIONAL SETTLEMENT AND RESIDENTIAL
DEVELOPMENT STRATEGY – COUNCIL RESPONSE /contd...****Decision:****MOVED** Cr Mulder **SECONDED** Cr Ritchie

“That the Recommendation be adopted”.

Cr Goyne returned to the Meeting at this stage (8.07pm)

The **MOTION** was **put** and **CARRIED****FOR**Cr Blomeley
Cr Chong
Cr Darko
Cr Goyne
Cr Hunter
Cr James
Cr Mulder
Cr Ritchie
Cr Warren**AGAINST**Cr Hulme
Cr Walker

8.4.5 REVIEW OF COUNCIL SPECIAL COMMITTEES**EXECUTIVE SUMMARY****PURPOSE**

To review the structure and operations of Council's special committees.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021 - 2031 is relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Consultation has been undertaken with internal stakeholders and Council's committees.

FINANCIAL IMPLICATIONS

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

RECOMMENDATION:

That Council:

- A. Adopt the revised Special Committee structure, including:
 - i. disbanding council's:
 - a. Sport and Recreation Committee
 - b. Natural Resource Management and Grants Committee
 - c. Community Health and Wellbeing Committee
 - d. Partnerships Grants Committee
 - e. Events Special Committee
 - f. Cultural History Advisory Committee
 - ii. establishing five new Special Committees under the Local Government Act 1993:
 - a. Active Living Advisory Committee
 - b. Community Wellbeing Advisory Committee
 - c. Cultural Creative Advisory Committee
 - d. City Development Advisory Committee, and
 - e. Sustainability Advisory Committee
 - iii. disbanding Council's Honours and Awards Committee upon conclusion of the current City of Clarence Citizen of the Year Awards ceremony and withdrawing appointments made to this Committee at that time.
 - iv. disbanding Council's Disability Access and Inclusion Advisory Committee and reforming it as a Standing Working Group under the City Development Advisory Committee
 - v. disbanding Council's Bicycle Advisory Committee and reforming it as a Standing Working Group under the City Development Advisory Committee

- vi. disbanding Council's Tracks and Trails Committee and reforming it as a Standing Working Group under the City Development Advisory Committee
 - vii. disbanding Council's Youth Advisory Working Group and reforming it as a Standing Working Group under the Community Wellbeing Advisory Committee
 - viii. disbanding Council's Clarence Positive Ageing Committee and reforming it as a Standing Working Group under the Community Wellbeing Advisory Committee
 - ix. retaining the Reconciliation Action Plan Working Group in its current format, reporting directly to the Council via the working group Chair
 - x. retaining Council's participation on the Richmond Advisory Committee
 - xi. retaining Council's participation on the Bellerive Community Arts Centre Committee, and
 - xii. as approved by Council at its meeting on 20 March 2023, forming a LGBTIQ+ Standing Working Group under the Community Wellbeing Special Committee.
- B. Adopt the Constitution for the:
- a. Active Living Advisory Committee
 - b. Community Wellbeing Advisory Committee
 - c. Cultural Creative Advisory Committee
 - d. City Development Advisory Committee
 - e. Sustainability Advisory Committee
- C. Amend the committee arrangements for Howrah Community Centre by:
- i. The Management Committee ceasing to operate from 30 June 2023 and management and operation of the centre returning to Council from that date.
 - ii. Council retaining all assets, liabilities and debts arising from the Management Committee's operation from 30 June 2023.
 - iii. The Management Committee being formally acknowledged for their commitment and significant effort over many years.
 - iv. Establishing an "Howrah Community Centre Advisory Committee" to support operations of the centre.
 - v. Inviting current members of the Management Committee to sit on the new Advisory Committee and work with Council officers to develop a new constitution based on the Model Constitution.
 - vi. The revised Howrah Community Centre Advisory Committee reporting to Council through the Manager Governance.
 - vii. Confirming Cr Goyne as Council's nominated representative on the Advisory Committee.
- D. Lindisfarne Community Activities Centre - Noting that the Committee disbanded in 2021, that the Centre continue to be managed and operated by Council.
- E. Risdon Vale Hall - Noting that the Committee disbanded in 2021, that the Hall continue to be managed and operated by Council.

- F. Geilston Bay Community Centre:
- i. The Centre continue to be managed and operated by the volunteer committee until determined otherwise by Council.
 - ii. The Geilston Bay Community Centre Committee report to Council on its activities through the Manager Governance.
 - iii. Confirm Cr Ritchie as Council's nominated representative.
- G. Clarence City Band Committee:
- i. That the current Committee (established as a committee of council) be disbanded with effect from 30 June 2023. This date may be extended at the discretion of the Chief Executive Officer to provide the Band sufficient time to enable transition to an appropriate structure independent of Council.
 - ii. That Council enter into a sponsorship agreement, terms to be agreed with the Band, including:
 - a. in-kind support of waiver of venue hire fees at the Lindisfarne Community Activities Centre at current agreed level of usage
 - b. financial support provided by Council to cover public liability insurance expenses
 - c. a performance commitment to Council
 - d. other terms as may be agreed.
- H. Endorse the Chief Executive Officer to proceed with the restructure arrangements as outlined in Recommendations A to G in this report.
- I. Confirm Cr Chong as Council's nominated representative on the Richmond Advisory Committee.
- J. Confirm Cr Kennedy as Council's nominated representative on the Bellerive Community Arts Centre.
- K. Confirm Council's withdrawal from participation on the National Fitness Recreation Association.
- L. Cycling South Committee:
- i. confirm Council's continued participation, and
 - ii. nominations be sought from Councillors for appointment to the committee as Council's nominated representative.
- M. Appointment made at Council on 19 December 2022 to the Events Special Committee be withdrawn.

NOTE A report will be provided to the next council meeting seeking nominations for appointment of councillor representatives on Advisory Committees.

/ Refer to Page 28 for Decision on this Item...

REVIEW OF COUNCIL SPECIAL COMMITTEES /contd...

Decision:	MOVED Cr Ritchie SECONDED Cr Darko	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Cr Blomeley	Cr James
	Cr Chong	Cr Walker
	Cr Darko	
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr Mulder	
	Cr Ritchie	
	Cr Warren	

9. MOTIONS ON NOTICE

Nil Items.

10. COUNCILLORS' QUESTION TIME

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

10.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a Councillor may give written notice to the Chief Executive Officer of a question in respect of which the Councillor seeks an answer at the meeting).

Cr Hulme has given notice of the following question:

MORNINGTON ROUNDABOUT UPGRADE

Has Council received any advice from the Tasmanian Government about the progress of the Mornington Roundabout upgrade?

10.2 ANSWERS TO QUESTIONS ON NOTICE

The Group Manager Engineering Services provided the following Answer to Question listed at Item 10.1.

MORNINGTON ROUNDABOUT UPGRADE

The Department commenced examining options for improving safety and congestion issues at the Mornington Roundabout and the highway interchange in mid-2021. The work has included:

- Gathering community feedback in October 2021 identifying issues with the existing intersection.
- Extensive traffic modelling, validated by a detailed traffic survey and origin-destination study, to analyse upgrade options for the intersection.
- Looking at whether introducing additional accesses to the Tasman Highway corridor would assist in relieving roundabout congestion.

The traffic environment at the site is highly complex, with substantial implications for the surrounding road network, including the Tasman Highway, South Arm Highway, Mornington Road, as well as adjacent homes and businesses. Minimising the disruption of future construction works will also present a major challenge given the highly constrained area around the roundabout and nearby Tasman Highway / South Arm Highway interchange.

There is an Australian Government commitment of \$30 million to upgrade the roundabout.

The Department has recommended a package of upgrade options to the Government. In discussions of the options with State and Federal Ministers, the Department was requested to conduct further investigations and cost estimates. This work is expected to be completed in May 2023 and the results will then be discussed with the State and Federal Ministers.

The Council will be briefed once there is agreement on the upgrades that should be delivered with the available funding.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Mulder

1. Recently Council approved an amended plan relating to the subdivision and rezoning of 50 Holland Court. That plan was amended but I understand that the plan that was put out for community consultation as Council's policy requires was actually the developer's plan and not the one council had amended. Could I have that clarified?

ANSWER

Taken on notice.

(Further advice) Application PDPSPAMEND-2021/019004 concerning 30 Holland Court, seeks an LPS amendment and combined permit. Discrepancies in advertised documentation has resulted in the application being readvertised. Representors are notified in that process.

2. Under the planning legislation the Council has a power to amend a previously approved subdivision plan. That has happened on a number of occasions, and I would like to ask what is the process where a subsequent minor amendment is made to a plan? Does that come back to Council or is that something which is delegated to an officer which I suspect is the case and is that appropriate considering that the amendment might be minor but some of the considerations are that it doesn't have a detrimental effect on neighbours so is an officer the best person to judge what is detrimental or not?

ANSWER

(Mr Lovell) I believe we are referring to amending plans associated with a planning permit rather than a subdivision, a sealed plan. They are dealt with in the same way as requests for minor amendments under section 56 of the Land Use Planning and Approvals Act 1993 in relation to any planning permits whether they be for a house or units etc. Subdivision is just another form of development. Those powers are delegated to the officers to deal with. We deal with a large number of amendments each year. The tests we use are the tests that are in the Act. It boils down to whether for example the minor amendment would introduce a new discretion and, in those cases, if it does introduce a new discretion, it would not be a minor amendment. We are talking about things that are generally minor and because they are not introducing a new discretion would not be the sort of things that are an advertised matter, so that is the current situation.

(Updated answer) The following updated, more detailed answer to the above question is provided.

Section 56 of the Land Use Planning and Approvals Act provides for applications to be made to approve minor amendments to permits. The process is set out in sub sections (1A), (2) and (4) of the Act. In summary these provide that an application must be determined within 28 days and all relevant parties, including adjoining owners, must be notified of any approval. This is followed by a 14-day appeal period.

For over 25 years, these applications have been determined under delegation.

To ensure amendments are minor, sub section (2) of the Act sets out the following tests to determine whether a proposal is indeed minor:

“...the amendment –

- (aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (b) will not cause an increase in detriment to any person; and*
- (c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.”*

When considering (b) above, the delegated officer is chiefly concerned with whether the change would introduce a new discretion, or quantitatively increase an existing discretion.

It is of course a matter for Council if it wishes to remove the delegation and determine these applications itself. But before doing so, Council should consider the practical implications including:

- In 2022, there were 127 minor amendment applications, concerning all forms of planning permits.
- The 28 statutory timeline would be unachievable in perhaps 50% of occasions, if required to be referred to Council meetings for decision.
- Many applications involve buildings in progress and lengthy delay in seeking minor amendment approval, may cause unwarranted increased costs for property owners and reputational damage to council.
- Agenda report writing is a substantially larger time commitment than delegated reporting. Considering the number of annual applications, additional professional staffing would be required to deal with the additional workload.
- To date there have been no appeals against a decision on a minor amendment application. This may be considered an indicator of the reliability of decision making over many years.

Cr James

1. What is the current situation in relation to the sublease arrangement with the proposed hotel development on Rosny Hill?

ANSWER

(Mr Paske) As councillors would be aware we are still in the process of negotiating terms of the sub lease with the proponent. We will bring it back to Council at a workshop and then the intention is to bring it to an open council meeting for consideration. Currently we are still working with the proponents and hope to have an update soon.

2. Following Council's decision on Chambroad in relation to initiating the buy back is the Chief Executive Officer in a position to make a strike of the pen and initiate the process at opening of business tomorrow or the earliest possible opportunity sometime this week?

ANSWER

(Chief Executive Officer) My intention is to exercise the buy back in accordance with the Sale and Development Agreement as soon as is reasonably possible.

Cr Hulme

I had a stall at the Tasmanian Produce Market at the weekend and a resident approached me and pointed out a couple of streetlights in the area which I understand are operated by Council. She said she put in a request to have them fixed in June last year and my understanding is they still haven't been repaired. Could I have an update please?

ANSWER

(Mr Graham) We investigated the matter this morning and were advised that they are our lights. The contractor took a bit of time to get to it but found that they were infested with ants. They have been repaired. We understand that there are some more lights out and will continue our investigation.

(Further information) As a further update, an investigation of the recent outage has found an infestation of ants within the switchboard. A pest controller has now been engaged to treat the switchboard to prevent further infestations and resultant damage.

Cr Walker

1. I took a weekend constitutional to Bedlam Walls on Saturday and was struck by not only the state of disrepair but the time the boardwalk outside the Geilston Bay Boat Club has been the way it has. Could we have an update on how we are progressing with our role with this? I don't want to load up too many sub parts to this question, but I think it might have even been Deputy Mayor Ritchie who helped facilitate a grant for some assistance with this matter. Is there a timeline in that we may be at risk of losing that state funding and can you shed some light on when this process of the repair might be undertaken or advertised for tender?

ANSWER

(Mr Graham) The State Government provided grant funding to Council to undertake removal of the boardwalk. Council officers over the last 18 months have been obtaining the necessary approvals as it is not our land or our structure. We have been assisting with the project and are hoping to advertise for contractors in the next month or two for the removal.

2. I put forward a notice of motion last year in relation to better co-ordination and Council extending its role in graffiti removal on state utilities' properties. Could we have an update on where this is at and how it is going?

ANSWER

Taken on Notice

The Notice of Motion was: "That council request the General Manager to seek service level agreements with other government utilities enabling council to remove graffiti on their infrastructure within Clarence."

The Chief Executive Officer made written approaches to TasWater, TasNetworks, Department State Growth (DSG) and NBN Co. seeking to initiate discussions on proposed service agreements on a cost recovery basis for Council to remove graffiti from infrastructure across the city.

In January 2023 officers met with representatives from TasWater, Department State Growth (DSG), Metro Tas and NBN Co. seeking to initiate discussions on proposed service agreements on a cost recovery basis for Council. Tas Networks declined the offer to participate in a Service Agreement noting that their current policy position is to only actively remove graffiti of a personal, political, racial, or offensive nature. They have provided permission for Council to clean or paint over graffiti on some assets but with the condition that a licensed electrical contractor must inspect their assets to ensure safety prior to any work. Given the added considerable expense this has previously made the costs prohibitive.

Preliminary discussions with NBN Co revealed that in the state of Victoria a 2-year trial MoU has been reached with several Councils through which the councils remove graffiti with costs recovered from the Victorian Government. This model may warrant further investigation in a Greater Hobart context.

From discussions it became apparent that a one-size fits all approach to a service agreement will prove challenging due to specific requirements and conditions for each provider and more likely individual agreements will be required. In addition, to establish such a framework will require significant allocation of council resources.

Officers are proposing that a model based on a collaborative approach across Greater Hobart councils may be worth investigating. The CEO will raise this with other Greater Hobart CEO's / General Managers for consideration.

Cr Goyne

My question is regarding a councillor request that I made in November regarding stormwater drains particularly in the Roches Beach area that were going to be cleared. I was speaking to a ratepayer today who believes they have not been cleared and we are coming up to the wet season and would expect inundation of that area and the State Equestrian Centre again and I hope not to have another season's worth of competitions cancelled. Could we have an update on when that is expected that to be addressed?

ANSWER

Taken on Notice

The request was related to stormwater drains within the Roscommon area reserve. Works in the reserve have been planned to be undertaken in two phases:

- Fire safety works including maintenance of vegetation along the boundary of properties on Roches Beach Road was carried out in January 2023.
- Council's open space crew are currently conducting further maintenance tasks in and around the Roscommon Reserve and the drain maintenance tasks are scheduled to commence from 19 April 2023.

It is noted while these works should allow water from Roscommon Reserve to be better controlled, this area is naturally very flat and has minimal crossfall between Roches Beach Road properties and the Reserve. For this reason, it is likely some water will continue to pool at times following periods of prolonged rainfall.

Cr Darko

I have been advised by a ratepayer of areas where people are putting out their hardwaste well before it is due and I wonder if we could have an update on whether Council is engaging with the community to reduce that issue?

ANSWER

(Mr Paske) Council's newly appointed Waste Manager has been very pro-active in providing as much up to date information as possible. Mass communication with the city on changes happening daily is very difficult. We are doing as best we can with social media, with information at the front desk and through other channels such as media outlets but it is a challenge. We continue our best efforts to give up to date information as quickly as we can.

Cr Warren

My question relates to the Mayor's meeting on 3 March with the Director of the Department of Defence in relation to disposal of Department of Defence land in Warrane. Could we have update on whether we are making any progress with that?

ANSWER

(Mayor) There is a tour of the site that the Chief Executive Officer and I will be attending with Department of Defence representatives, I believe next week.

(Chief Executive Officer) We sent a detailed submission to the Department of Defence regarding our preference for the site. They have come back with a detailed verbal response, and I will summarise. They have advised that the site is not suitable for a homeless and support facility. They have obviously had some detailed discussion with the State Government regarding affordable and social housing for the site and that seems to be progressing. As the Mayor has indicated they did invite us to inspect the site with them to see why they made their decision and that is scheduled for next week, so that is not finally closed off but at this point it looks like it will be offered to the State for social and affordable housing. We did use the opportunity to have discussions with Federal Government representatives about what our ambitions are for the city and why and they were quite supportive but at this time we do not have a firm pathway forward on those issues.

Question contd

It is good to see social and affordable housing might be an option but if it is not suitable may I ask that we all exercise our minds as to what location in Clarence might be suitable?

Cr Kennedy

Could we have a timeframe so that we can advise people when our elected member requests can be turned around, I know some are a bit more complicated than others, if we could just have a general idea?

ANSWER

(Chief Executive Officer) We aim to turn those around in ten working days but as you point out that might not always be possible due to a range of factors: resources, the availability of people or the complexity of a request. As you are aware we provide councillors with an update every week on Friday in terms of outstanding requests and the purpose of that is two-fold. It should enable you to advise anyone who is seeking an update but also to escalate if that request has become urgent or there are some other factors that you might need to bring to our attention.

10.4 QUESTIONS WITHOUT NOTICE

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, a Councillor or the Chief Executive Officer may decline to answer a question without notice.

11. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters were listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

- 11.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 11.2 FUNDING SUPPORT REQUEST – SPORTING FACILITY
- 11.3 PROPERTY MATTER - RICHMOND
- 11.4 PROPERTY MATTER - ROKEBY

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

- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council; or reveal a trade secret;
- proposals to acquire land or an interest in land or for the disposal of land;
- applications by Councillors for a Leave of Absence;

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

Decision:	PROCEDURAL MOTION MOVED Cr Chong SECONDED Cr Goyne “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
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The Meeting closed at 9.36pm.

CLOSED MEETING /contd...

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

11.2 FUNDING SUPPORT REQUEST – OLYMPIA FOOTBALL CLUB

Decision:	MOVED Cr Mulder SECONDED Cr Ritchie
	“A. Agrees to Olympia Football Club Warriors Incorporated (“Olympia”) request and accepts interest only repayments on their loan for the 2023 calendar year. The term of the loan is not to be extended. B. Authorises the Chief Executive Officer to negotiate a variation to the loan agreement between Council and Olympia, to give effect to the resolution in paragraph “A”, above. C. Advises Olympia to request, in writing by 15 December each year, if any further extension of the interest-only repayment period is required in the following calendar year and authorises the Chief Executive Officer to negotiate and subject to council approval, agree to any further agreements with Olympia. D. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.” CARRIED UNANIMOUSLY

The Meeting closed at 9.36 pm