

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 9 NOVEMBER 2009**

**HOURLY CALLED:** 7.30pm

**PRESENT:** The meeting commenced at 7.30pm with the Mayor (Ald N M Campbell) in the Chair and with Aldermen:

D C Chipman (Deputy Mayor)  
H Chong  
P Cooper  
D Cusick  
R H James  
P K McFarlane  
M McManus  
T Mulder  
J P Peers  
D J Traynor  
S von Bertouch, present.

**1. APOLOGIES** Nil

**ORDER OF BUSINESS** Items 1 – 13

**IN ATTENDANCE** General Manager  
(Mr A Paul)  
Group Manager Asset Management  
(Mr J Stevens)  
Corporate Secretary  
(Mr A van der Hek)  
Manager Integrated Assessment  
(Mr R Lovell)  
Manager Customer Service  
(Mr J Toohey)  
Co-ordinator Council Support  
(Ms J Ellis)

The Meeting closed at 10.11pm

**COUNCIL MEETING**  
**MONDAY 9 NOVEMBER 2009**

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## 1. ATTENDANCE AND APOLOGIES

Refer to cover page.

## 2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

### RECOMMENDATION:

That the Minutes of the Council Meeting held on 12 October 2009, as circulated, be taken as read and confirmed.

**Decision:** **MOVED** Ald Traynor **SECONDED** Ald Cooper

“That the Minutes of the Council Meeting held on 12 October 2009, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

## 3. MAYOR’S COMMUNICATION

The Mayor tabled the following Certificate of Excellence Awards:

- Presented to Richmond – 2009 Tidy Towns Award – Overall Winner and National Finalist 2010; and
- Presented to Clarence City Council – 2009 Tidy Towns Award – Grundfos Pumps Water Conservation Category – Richmond Waste Water Re-use Scheme.

## 4. COUNCIL WORKSHOPS

The following workshops were conducted by Council since its last ordinary Council Meeting:

### PURPOSE

### DATE

Review of Aldermen’s Allowances and Entitlements Policy  
Regional and Local Community Infrastructure Project  
Appointment of Code of Conduct Panel  
Lauderdale Quay Draft Integrated Assessment Report

4 November

### RECOMMENDATION:

That Council notes the workshops conducted.

**Decision:** **MOVED** Ald Peers **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**

File No

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005 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**

**Alderman Peers**                      **Item No. 11.3.2**

**Alderman Mulder**                      **Item No. 11.3.2**

**6. TABLING OF PETITIONS**

File No. 10/03/12

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

Mr R Hill of Geilston Bay has given notice of the following questions:

#### **RATING MATTERS**

Now that Clarence Council are no longer in charge of Water and Sewerage:

What is the total projected revenue from rates gathered by Council for 2009/2010 and are rates different for homes and business?

What is the total number of ratepayers across the Clarence City Council, broken up into rural, residential and business?

### 7.2 ANSWERS TO QUESTIONS ON NOTICE

The General Manager provided the following answers to the Question at 7.1.

#### **RATING MATTERS**

*Now that Clarence Council are no longer in charge of Water and Sewerage:*

*What is the total projected revenue from rates gathered by Council for 2009/2010?*  
\$34,746,636.20

*Are rates different for homes and business?*

- Assumption business = commercial/industrial and public (Land use codes as provided by Valuer General).
- Business attracts a higher general and stormwater rate only.
- General rate = 8.4814 cents in the dollar (AAV) for land use codes C, I or P. The rate is then varied down to 6.7549 cents in the dollar for all other properties.
- Stormwater rate = 0.5628 cents in the dollar (AAV) for land use codes C, I or P. The rate is then varied down to 0.3269 cents in the dollar for all other properties.

*What is the total number of ratepayers across the Clarence City Council, broken up into rural, residential and business?*

Residential:	22201
Business (Land use code C, I or P):	<u>690</u>
Total:	<u>22,891</u>

Note: Unable to determine which are rural properties based on current property rate coding.

**7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

**7.4 QUESTIONS WITHOUT NOTICE**

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

(File No.10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2005 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

**DEVELOPMENT APPLICATION D-2009/350 – 1 BAYFIELD STREET, ROSNY PARK – CHANGE OF USE TO OFFICE**

(REFER ITEM 11.3.2)

Mr Philip Turner addressed the Meeting regarding the above Development Application.

**DEVELOPMENT APPLICATION D-2009/263 – 946 (FORMALLY 948) CAMBRIDGE ROAD, CAMBRIDGE – 4 MULTIPLE DWELLINGS**

(REFER ITEM 11.3.7)

M/s Jean Symes addressed the Meeting regarding the above Development Application.

It was **RESOLVED** that Mrs Symes be granted an extension of time for 2 minutes.

Mr Malcolm How addressed the Meeting regarding the above Development Application.

Mr Harry Chugg addressed the Meeting regarding the above Development Application.

Mr Tony De Cesare addressed the Meeting regarding the above Development Application.

**Decision:** **MOVED** Ald Mulder **SECONDED** Ald McManus

“That Mr De Cesare be granted an extension of time for 2 minutes”.

**CARRIED UNANIMOUSLY**

**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.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Mayor or nominee

**Quarterly Reports**

September Quarterly Report pending.

**Representative Reporting**

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representative:

**Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority has distributed its Quarterly Report for the period July to September 2009.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005 the Report will be tabled in Closed Meeting.

**Representative Reporting**

Ald Cusick advised that the Annual General Meeting of the Authority will be held on 26 November 2009.

- **SOUTHERN WASTE STRATEGY AUTHORITY**

Representative:

**Quarterly Reports**

The Southern Waste Strategy Authority has distributed its Quarterly Report for the period July to September 2009 and its Annual Business Plan for 2009/10.

**RECOMMENDATION:**

That the Report of the Southern Waste Strategy Authority for the quarter ending 30 September 2009 and the Annual Business Plan for 2009/10 be received by Council.

/Refer to Page 9 for Decision...

**REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...**

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

“That the Report of the Southern Waste Strategy Authority for the quarter ending 30 September 2009 and the Annual Business Plan for 2009/10 be received by Council”.

**CARRIED UNANIMOUSLY**

**Representative Reporting****10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****Hobart Regional Water Authority**

- Ald James tabled the following:
  - Agenda for the Final General Meeting of Members held on 19 October 2009; and
  - Minutes of the Annual General Meeting held on 27 November 2009.

**Committee of Management of Business East Inc**

- Ald James table the Minutes of a Special General Meeting held on 6 October 2009.

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

(File No. 10/02/02)

The Weekly Briefing Reports of 12, 19 and 30 October and 2 November 2009 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 12, 19 and 30 October and 2 November 2009 be noted.

**Decision:** **MOVED** Ald Mulder **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**

Nil.

**11.3 PLANNING AUTHORITY MATTERS**

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2005, 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 D-2009/279 - 1 SAMS COURT, HOWRAH -  
2 MULTIPLE DWELLINGS**  
(File No S85-1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 1 Sams Court, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential and subject to the Glebe Hill Site Development Plan Overlay under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 11 November 2009.

**CONSULTATION**

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

- inappropriate use of proposed landscaping;
- access, driveways and visitor car parking does not comply and is inappropriate;
- increased traffic, people using site and noise will cause a detriment to the amenity of the area and the adjoining property at 3 Sams Court.

**RECOMMENDATION:**

- A. That the Development Application for 2 multiple dwellings at 1 Sams Court, Howrah (Cl Ref D-2009/279) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AM3 – EXTERNAL COLOURS.
  3. GEN C1 – ONSITE CAR PARKING.

4. GEN AP3 – AMENDED PLANS  
Amended plans showing the designated 1m landscaping strip adjacent to the driveway and turning area provided along the entire front boundary of the property. This plan must be submitted to and approved by Council’s Manager Integrated Assessment prior to the commencement of works. When approved, the plans will form part of the permit.
5. GEN MD2 – MULTIPLE DWELLING PRIVATE OPEN SPACE.
6. ENG A3 – COMBINED ACCESS.
7. ENG M1 – DESIGNS DA.
8. ENG S1 – INFRASTRUCTURE.
9. LAND 1 – LANDSCAPE PLAN.
10. LAND 2 – LANDSCAPE BOND (RESIDENTIAL).

#### **Southern Water Conditions**

1. The developer shall be responsible for locating existing service connections on-site. Where existing service connections cannot be found or existing service connections require upgrading for the development, new connections must be provided by Southern Water at the developer’s cost.
2. Alterations and additions to existing services are to be undertaken by Southern Water at the developer’s cost to Southern Water’s requirements.
3. The water services must be DN32 with a 25mm diameter meter with an integral dual check valve installed just inside the property boundary. Any upgrade to the water service shall be undertaken by Southern Water at the developer’s cost. The meter shall be supplied and installed by Southern Water at the developer’s cost.
4. Prior to lodging an application for a Certificate for Certifiable Work, the applicant must pay Southern Water a Water Headworks Charge (Passmere Service Zone), in respect of 1 x 2 bedroom units for the assessed number of Equivalent Tenements (ET) = 0.56 ETs. The total amount of the charge at the date of payment is \$873.00 plus an adjustment for CPI in accordance with Southern Water policy at the time of payment.
5. Prior to lodging an application for a Certificate for Certifiable Work, the applicant must pay Southern Water a Sewer Headworks Charge (Rokeby Service Zone, Rivulet Sub-catchment), for the assessed number of Equivalent Tenements (ET) = 0.84 ETs. The total amount of the charge at the date of payment is \$2,047.00 plus an adjustment for CPI in accordance with Southern Water policy at the time of payment.

- 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 Peers  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION D-2009/350 - 1 BAYFIELD STREET,  
ROSNY PARK - CHANGE OF USE TO OFFICE**  
(File Nos D-2009/350; B029-1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a change of use from a shop to an office at 1 Bayfield Street, Rosny Park.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Commercial under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 9 November 2009.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of impact on car parking.

**RECOMMENDATION:**

- A. That the Development Application for Change of Use to Office at 1 Bayfield Street, Rosny Park (CI Ref D-2009/350) be approved subject to the following conditions and advice.
  - 1. GEN AP1 – ENDORSED PLANS.
  - 2. GEN S7 – SIGN MAINTENANCE.
- B. That the details and conclusions included in the associated report be recorded as the reasons for Council's decision in respect of this matter.

Ald Peers and Ald Mulder declared an Interest in this Item and left the Meeting prior to discussion (8.14pm).

/Refer to Page 17 for Decision...

**DEVELOPMENT APPLICATION D-2009/350 - 1 BAYFIELD STREET, ROSNY PARK - CHANGE OF USE TO OFFICE /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Cooper <b>SECONDED</b> Ald Cusick																				
	“That the Recommendation be adopted”.																				
	<b>CARRIED</b>																				
	<table><tr><td><b>FOR</b></td><td><b>AGAINST</b></td></tr><tr><td>Ald Campbell</td><td>Ald James</td></tr><tr><td>Ald Chipman</td><td></td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Cooper</td><td></td></tr><tr><td>Ald Cusick</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald McManus</td><td></td></tr><tr><td>Ald Traynor</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Ald Campbell	Ald James	Ald Chipman		Ald Chong		Ald Cooper		Ald Cusick		Ald McFarlane		Ald McManus		Ald Traynor		Ald von Bertouch	
<b>FOR</b>	<b>AGAINST</b>																				
Ald Campbell	Ald James																				
Ald Chipman																					
Ald Chong																					
Ald Cooper																					
Ald Cusick																					
Ald McFarlane																					
Ald McManus																					
Ald Traynor																					
Ald von Bertouch																					

Ald Peers and Ald Mulder returned to the Meeting at this stage (8.23pm).

**11.3.3 DEVELOPMENT APPLICATION D-2009/311 - 28 VICTORIA ESPLANADE,  
BELLERIVE - ADDITIONS TO DWELLING**  
(File No V005-28)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions to the dwelling at 28 Victoria Esplanade, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential and subject to the Bellerive Bluff Overlay under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 11 November 2009.

**CONSULTATION**

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

- setback to Abbott Street;
- accuracy of advertising;
- accuracy of plans;
- site analysis plan; and
- Scheme requirements.

**RECOMMENDATION:**

- A. That the Development Application for additions to dwelling at 28 Victoria Esplanade, Bellerive (CI Ref D-2009/311) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [the entrance area adjacent to Abbott Street being reduced in size not to protrude any further into the front setback than the existing building].
- 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...

**DEVELOPMENT APPLICATION D-2009/311 - 28 VICTORIA ESPLANADE,  
BELLERIVE - ADDITIONS TO DWELLING /contd...**

**Decision:**

**MOVED** Ald James **SECONDED** Ald Chong

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.4 DEVELOPMENT APPLICATION D-2009/14 - 10 DONA ROAD, LAUDERDALE - UPGRADE OF THE LAUDERDALE SPORTS OVAL PRECINCT**

(File No D026-10)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for upgrades of the sports oval precinct at 10 Dona Road, Lauderdale, comprising car parking, netball and tennis courts, fencing, amenities block, change rooms, concrete terrace seating, members' bar, grandstand and new junior oval.

The proposed upgrade is estimated to cost \$2,000,000. The upgrade will provide recreation facilities to the Lauderdale, Rokeby and South Arm Peninsula.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Recreation and is subject to the Subject to Inundation, Vegetation Management and Sea Level Rise and Storm Surge Overlays under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 11 November 2009.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 4 representations were received including 1 from the Department of Infrastructure, Energy and Resources, raising the following issues:

- residential safety;
- noise;
- drainage;
- location of toilet block;
- pedestrian access to Bayview Road;
- traffic and access; and
- water cartage.

**RECOMMENDATION:**

- A. That the Development Application for Upgrade of the Lauderdale Sports Oval Precinct at 10 Dona Road, Lauderdale (Cl Ref D-2009/14) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [design of the relocatable stage].
3. GEN AM3 – EXTERNAL COLOURS.
4. GEN AM4 – CONSTRUCTION HOURS.
5. GEN AM6 – PA SYSTEM.
6. PROP 1 – LICENCE AGREEMENT.
7. ENG A4 – DIER ACCESS.
8. ENG A6 –GRAVELLED CARPARKING.
9. ENG M1 –DESIGNS DA.
10. ENG M9 –FILLING OF LAND.
11. ENG S1 –INFRASTRUCTURE REPAIR.
12. ENG S5 –STORMWATER PRINCIPLES.
13. LAND 1 – LANDSCAPE PLAN.
14. Stormwater and drainage designs must be submitted to and approved by Council’s Group Manager Asset Management prior to construction commencing. These designs are to be prepared by a suitably qualified person and must include measures to mitigate the impact upon the hydrological and ecological functioning of the existing succulent saltmarsh wetland. The designs must also include measures to minimise the impact of stormwater run-off particularly from the gravel car parking areas.

ADVICE 3 – SPECIAL PLUMBING ADVICE.

ADVICE 16 – THREATENED SPECIES ADVICE.

- 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 22 for Decision...

**DEVELOPMENT APPLICATION D-2009/14 - 10 DONA ROAD, LAUDERDALE -  
UPGRADE OF THE LAUDERDALE SPORTS OVAL PRECINCT /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Traynor <b>SECONDED</b> Ald Cooper
	“A. That Council adopts the officer’s recommendation further including the additional condition:  All buildings are to have finished floor levels of at least 3.2m AHD.
	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 and further including that this condition is necessary arising from the recommendations of Council’s Climate Change Study and is consistent with the overlays affecting the land”.
	<b>CARRIED UNANIMOUSLY</b>

**11.3.5 SECTION 43A COMBINED PLANNING SCHEME AMENDMENT  
A-2009/16 CLARENCE PLANNING SCHEME 2007 AND DEVELOPMENT/  
SUBDIVISION APPLICATION SD-2009/47 - CHANGE TO GLEBE HILL  
SITE DEVELOPMENT PLAN OVERLAY AND SUBDIVISION**  
(File Nos 20-24-47; SD-2009/47)

## **EXECUTIVE SUMMARY**

### **PURPOSE**

The purpose of this report is to consider a proposed combination Amendment to the Clarence Planning Scheme 2007 (the Scheme) and subdivision application to alter Zone Sheet 16 and the provisions of the Glebe Hill Site Development Plan to provide for and incorporate an additional 3 lots in the approved Glebe Hill subdivision and to allow for the development of an existing anomalous lot.

### **RELATION TO PLANNING PROVISIONS**

The site is zoned Residential, Recreation and Landscape and Skyline Conservation under the Clarence Planning Scheme 2007. The proposal is submitted to Council in accordance with Section 43A of the Land Use Planning and Approvals Act, 1993 (LUPAA) and seeks a combined Planning Scheme Amendment and subdivision approval.

### **LEGISLATIVE REQUIREMENTS**

The proposal is submitted to Council in accordance with Section 43A of the Land Use Planning and Approvals Act, 1993 (LUPAA).

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 2005.

### **CONSULTATION**

Should the Amendment, subdivision and subsequent development be initiated and certified by Council it will be advertised for public comment.

However, due to potential concerns associated with traffic, access and environmental impacts the proposal was referred to the Department of Infrastructure, Energy and Resources (DIER) and the Department of Primary Industries and Water (DPIW) for their comments prior to Council's consideration. Both of these submissions are discussed in detail within the body of this report.

### **RECOMMENDATION:**

- A. That Council resolves, under Section 34(1) (a) of the Land Use Planning and Approvals Act, 1993 to initiate draft Amendment (CI Ref A-2009/16) at 40 Pass Road, Howrah.
- B. That Council resolves, under Section 35(1) of the Land Use Planning and Approvals Act, 1993 that draft Amendment A-2009/16, satisfies the provisions of Section 32 of the Land Use Planning and Approvals Act, 1993.

- C. That the applicant is to provide electronic and paper copies of the amended copies of the Glebe Hill Site Development Plan to Council prior to public advertising.
- D. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify draft Amendment A-2009/16 and sign the instrument as required.
- E. That Council approves, under Section 43C(1) of the Land Use Planning and Approvals Act, 1993 the subdivision at 40 Pass Road, Howrah (Cl Ref SD-2009/47) subject to the following conditions.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AM4 - CONSTRUCTION HOURS.
  3. EHO 4 – NO BURNING.
  4. GEN M2 – NO WORKS.
  5. Machinery involved in the construction of the subdivision must be thoroughly cleaned in order to reduce the spread of weeds and fungi prior to entry/exit of the site.
  6. PROP 2 – POS FENCING.
  7. PROP 3 – TRANSFER.
  8. ENG A1 – NEW CROSSOVER [MSD1-07].
  9. ENG A3 - COMBINED ACCESSES [MSD1-07].
  10. ENG M2 – DESIGNS SD.
  11. ENG M5 – EROSION CONTROL.
  12. ENG M6 – CONSTRUCTION FENCING.
  13. ENG M7 – WEED MANAGEMENT PLAN.
  14. ENG M8 – EASEMENTS.
  15. ENG R2 – URBAN ROAD.
  16. ENG S1 – INFRASTRUCTURE REPAIR.
  17. ENG S2 – SERVICES.
  18. ENG S4 – STORMWATER CONNECTION.

19. ENG S5 – STORMWATER PRINCIPLES.

20. ENG S10 – UNDERGROUND SERVICES.

**Southern Water Conditions**

21. Each lot must be provided with a DN 100 sewerage connection. An extension to Southern Water’s sewer main will be required at the owner’s expense.

22. A DN 20mm diameter standard water connection must be provided to the boundary of each lot from Southern Water’s infrastructure at the applicant’s cost.

23. Prior to the issue of a Certificate of compliance, the applicant is to pay Southern Water developer charges applicable for each of the 3 additional lots created by the permit. The current charges per lot are:  
Water supply - \$1.617;  
Sewerage - \$2332.  
Headworks charges must be paid prior to the issue of Certificate of Compliance for the subdivision.

F. 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 James **SECONDED** Ald Peers

“That the Recommendation be adopted”.

**CARRIED**

**FOR**

Ald Campbell  
Ald Chipman  
Ald Chong  
Ald Cooper  
Ald Cusick  
Ald James  
Ald McManus  
Ald Mulder  
Ald Peers  
Ald Traynor  
Ald von Bertouch

**AGAINST**

Ald McFarlane

**11.3.6 DEVELOPMENT APPLICATION D-2009/129 - 85 SPIT FARM ROAD,  
OPOSSUM BAY - DWELLING**  
(File No S036-85)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 85 Spit Farm Road, Opossum Bay.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Coastal Management Overlay under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 5 November 2009. An extension of time has been granted until 11 November 2009.

**CONSULTATION**

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

- overall height excessively large for the area;
- southern boundary setback too close to boundary;
- overdevelopment of the site;
- detrimental impact on the amenity and views of adjoining properties caused by overdevelopment and excessive height, no adequate setbacks and overshadowing;
- proposal not in character with the area due to height, sighting and form;
- loss of privacy to adjoining property from southern windows;
- no provision for adequate private open space in accordance with the Scheme; and
- waste water system inappropriately located.

**RECOMMENDATION:**

- A. That the Development Application for a dwelling at 85 Spit Farm Road, Opossum Bay (CI Ref D-2009/129) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN.

[INSERT]:

- The windows on the south elevation reduced in size to a minimum dimension of 1.5m x 1.2m for each or alternatively a highlight window replacing each.
  - A boundary identification and detail survey undertaken by a registered surveyor.
3. GEN M4 – HEIGHT CONFIRMATION.
  4. ENG A1 – NEW CROSSOVER.
  5. ENG A7 – REDUNDANT CROSSOVER.
  6. ADVICE 3 – SPECIAL PLUMBING ADVICE.
- 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 Traynor **SECONDED** Ald Cooper

“That the Recommendation be adopted”.

**CARRIED**

**FOR**

Ald Campbell  
Ald Chipman  
Ald Chong  
Ald Cooper  
Ald Cusick  
Ald McManus  
Ald Mulder  
Ald Peers  
Ald Traynor

**AGAINST**

Ald McFarlane  
Ald von Bertouch  
Ald James (abstained)

**11.3.7 DEVELOPMENT APPLICATION D-2009/263 – 946 (FORMERLY 948)  
CAMBRIDGE ROAD, CAMBRIDGE - 4 MULTIPLE DWELLINGS**  
(File No C004-948)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application to construct 4 multiple dwellings at 946 Cambridge Road, Cambridge.

At the time the application was lodged the property was known as Lot 2 of 948 Cambridge Road, Cambridge. Prior to the expiry of the statutory advertising period the property was given a new address, identifying it as 946 Cambridge Road. This does not affect a decision with respect to the proposal being considered.

**RELATION TO PLANNING PROVISIONS**

Approximately 52.5m<sup>2</sup> of the land situated at the extreme north end of the property is zoned Rural. The remaining balance of 1973m<sup>2</sup> of the property is zoned Residential. The whole of the proposed development is contained within the portion of the land zoned Residential. The land is also subject to the Mount Canopus Overlay under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory period, which expires on 13 November 2009.

**CONSULTATION**

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

- compliance with the Mt. Canopus Overlay;
- subject to flooding from Barilla Rivulet;
- units may be occupied by socially undesirable people;
- sewage disposal;
- burning of rubbish;
- the dwellings will have minimal solar access;
- increased traffic congestion and lack of infrastructure;
- overshadowing and loss of privacy;
- the development will create a “ghetto” and lower the standard of living and decrease property values;
- will compromise the semi-rural character of the area; and
- compromises native riparian habitat along the rivulet.

**RECOMMENDATION:**

- A. That the Development Application for 4 multiple dwellings at Lot 2, 948 (now 946 Cambridge Road), Cambridge (CI Ref D-2009/263) be approved subject to the following conditions and advice.
1. GEN AM2 - METAL SURFACES.
  2. GEN AM3 - EXTERNAL COLOURS.
  3. GEN AM4 - CONSTRUCTION HOURS.
  4. GEN AM7 - OUTDOOR LIGHTING.
  5. GEN AP1 – ENDORSED PLANS.
  6. GEN AP3 – AMENDED PLAN [the deck attached to Unit 4 setback in accordance with the Clarence Planning Scheme 2007].
  7. GEN C3 - PARKING DURING CONSTRUCTION Delete “[number]” and insert “all” before construction.
  8. GEN MD1 – MULTIPLE DWELLING STORAGE.
  9. ENG A3 – COMBINED ACCESSES [MSD1-07].
  10. ENG A4 – DIER ACCESS.
  11. ENG A5 – SEALED CAR PARKING.
  12. ENG M1 – DESIGNS DA.
  13. ENG S1 – INFRASTRUCTURE REPAIR.
  14. ENG S2 – SERVICES.
  15. ENG S10 – UNDERGROUND SERVICES.
  16. An Engineering analysis must be provided to demonstrate that the habitable floor area of Units 3 and 4 will not be subject to any form of inundation from Barilla Rivulet. The analysis should be based on a 1:100 year storm event, to the satisfaction of Council’s Group Manager Asset Management.
  17. LAND 1 – LANDSCAPE PLAN.
  18. LAND 2 – LANDSCAPE BOND (RESIDENTIAL).
  19. LAND 7 – WATERING.

## 20. EHO 4 – NO BURNING.

**Southern Water Conditions**

1. Proposed water and sewer service lines within the block to each unit shall be shown on the final plans prior to obtaining a Certificate of Certifiable Works (Building) from Southern Water.
  2. A new 63mm OD PE water connection with approved meter shall be installed by Southern Water at the developer's cost for the proposed development at the existing water main connection point on Cambridge Road. Contact EB Daniels, Manager Urban Water, Southern Water on 6233 6230 to organise a cost for this work, payment and construction timing.
  3. Only 1 connection is allowed into Southern Water's existing sewer main that runs through the property. The location of this connection shall be at the same location as the connection point from the existing house. If this existing connection requires upsizing or replacing, the new connection into the sewer main shall be installed by Southern Water at the developer's cost. Contact Len Bester, Manager Urban Wastewater, Southern Water on 0408 122 359 to organise a cost for this work, payment and construction timing.
- C. 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 James **SECONDED** Ald Cusick

“A. That the application be refused for the following reasons:

1. The proposal will adversely affect the amenity of the area and will conflict with the density of development on adjacent land, in particular the adjacent rural residential land.
2. There is potential for flooding of Barilla Rivulet to impact upon the units and associated car parking.
3. **REFUSAL 4 – REPRESENTATIONS** [the impact on the existing character of the area].

/Decision contd on Page 31...

**DEVELOPMENT APPLICATION D-2009/263 – 946 (FORMERLY 948)  
CAMBRIDGE ROAD, CAMBRIDGE - 4 MULTIPLE DWELLINGS /Decision  
contd...**

B. That the reasons for Council's decision in respect of this matter be recorded as follows.

1. This side of Cambridge Road is characterised by established homes on large lot sizes, such that the area has a no-urban character and this is reinforced by the adjacent rural residential land.
2. The amenity of adjacent residents will be unfairly affected by the change to the character of the area that this development would produce.
3. According to local knowledge, there is a history of flooding of Barilla Rivulet and this development would be affected detrimentally by such an event".

**CARRIED**

**FOR**

Ald Chipman  
Ald Chong  
Ald Cooper  
Ald Cusick  
Ald James  
Ald McFarlane  
Ald Mulder  
Ald von Bertouch

**AGAINST**

Ald McManus  
Ald Peers  
Ald Traynor  
Ald Campbell (abstained)

**11.3.8 AMENDMENT APPLICATION A-2009/11 - 127 CANOPUS ROAD, MOUNT RUMNEY – REZONE TO PART RURAL RESIDENTIAL**  
(File No 20-24-48)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a proposed rezoning Amendment to the Clarence Planning Scheme 2007 (Recreation to Rural Residential).

The Amendment proceeding is dependent upon the outcome of sale of public land process under the Local Government Act, 1993.

**RELATION TO EXISTING POLICY/PLANS**

The portion of Council land which is required for access to Canopus Road is zoned Recreation. The adjoining property, which has a permit for 3 lots which require access over the Council land are zoned Rural Residential under the Clarence Planning Scheme 2007 (the Scheme). These 3 lots were a subdivision (SD-2008/91) which was approved on 17 November 2009. The 3 Rural Residential lots and the Council land are subject to the Vegetation Management Overlay and the Mount Canopus Overlay. None of the Overlays are being altered as a result of this proposal.

**LEGISLATIVE REQUIREMENTS**

The proposal is submitted to Council in accordance with the Land Use Planning and Approvals Act, 1993 (LUPAA) and seeks an amendment to the Scheme for part of Council's land at 127 Canopus Road.

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 2005.

**CONSULTATION**

Should the Amendment be initiated and certified by Council it will be advertised for public comment.

**FINANCIAL IMPLICATIONS**

No significant implications.

**RECOMMENDATION:**

- A. That Council resolves, upon completion of the statutory process associated with the sale of public land from Council to the applicant, to initiate draft Amendment A-2009/11 under Section 34(1) (a) of the Land Use Planning and Approvals Act, 1993.
- B. That Council resolves, under Section 35(1) of the Land Use Planning and Approvals Act 1993, that draft Amendment A-2009/11 satisfies the provisions of Section 32 of the Land Use Planning and Approvals Act, 1993.

- C. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify the draft Amendment A-2009/11 and sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- D. 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 Traynor **SECONDED** Ald James

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.9 POSSIBLE LAND USE ZONINGS FOR GORDONS HILL ROAD PROPERTIES ADJACENT TO ROSNY PARK CBD**

(File No. C640-05)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a report, Requested by Council on 12 October 2009, into possible land use zonings for Gordons Hill Road properties adjacent to the Rosny Park CBD.

The 3 options identified for the possible zoning of the land are as follows.

- Option 1: Resubmit the previous application to the Tasmanian Planning Commission (TPC) with further detail and investigation into the grounds for refusal of the previous application.
- Option 2: Refine the previous rezoning proposal to incorporate only no 19 Gordons Hill Road (as all others from the previous proposal are currently residentially occupied).
- Option 3: A site specific departure from the provisions for the Residential zoning of the land.

**RELATION TO EXISTING POLICY/PLANS**

Undertaking strategies to guide the future planning and development of communities is consistent with Council's adopted Strategic Plan 2006-2011.

**LEGISLATIVE REQUIREMENTS**

Should Council determine that an alternative control to the current Residential zoning of the land is appropriate it will need to initiate an Amendment under the provisions of Section 34 of the Land Use Planning and Approvals Act, 1993.

Should Council determine that it is inappropriate to alter the planning controls applying to the subject land, it may be bound to take enforcement action for non-compliance with the Scheme in accordance with Section 64 of the Land Use Planning and Approvals Act 1993.

**CONSULTATION**

Should Council determine to amend the Planning Scheme, consultation would occur as part of that process. However, there has been substantial consultation as part of the previous applications.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

That Council receive the report and determine whether to proceed with Option 1, 2 or 3 by requesting a further report to initiate and certify any Planning Scheme Amendment proposal.

/Refer to Page 35 for Decision...

**POSSIBLE LAND USE ZONINGS FOR GORDONS HILL ROAD PROPERTIES  
ADJACENT TO ROSNY PARK CBD /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Cooper <b>SECONDED</b> Ald McFarlane																				
	“That Council receives the report and proceeds with Option 3 by requesting a further report to initiate and certify any Planning Scheme Amendment proposal”.																				
	Ald McManus left the Meeting at this stage (9.31pm).																				
	The <b>MOTION</b> was <b>put</b> and <b>CARRIED</b>																				
	<table><tr><td><b>FOR</b></td><td><b>AGAINST</b></td></tr><tr><td>Ald Campbell</td><td>Ald James</td></tr><tr><td>Ald Chipman</td><td>Ald von Bertouch</td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Cooper</td><td></td></tr><tr><td>Ald Cusick</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Mulder</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Traynor</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Ald Campbell	Ald James	Ald Chipman	Ald von Bertouch	Ald Chong		Ald Cooper		Ald Cusick		Ald McFarlane		Ald Mulder		Ald Peers		Ald Traynor	
<b>FOR</b>	<b>AGAINST</b>																				
Ald Campbell	Ald James																				
Ald Chipman	Ald von Bertouch																				
Ald Chong																					
Ald Cooper																					
Ald Cusick																					
Ald McFarlane																					
Ald Mulder																					
Ald Peers																					
Ald Traynor																					

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

**11.4 CUSTOMER SERVICE**

Nil Items.

**11.5 ASSET MANAGEMENT****11.5.1 OCEANA DRIVE, HOWRAH – SPEED LIMIT**

(File No O002)

**EXECUTIVE SUMMARY****PURPOSE**

To consider whether to support the Department of Infrastructure, Energy and Resources (DIER) proposal to retain the speed limit of 50km/h on Oceana Drive, following the connection of Oceana Drive and South Arm Highway.

**RELATION TO EXISTING POLICY/PLANS**

Consistent with Council's Strategic Plan 2006–2011.

**LEGISLATIVE REQUIREMENTS**

DIER is the approval agency for all speed zones.

Speed limits are set out and signed in accordance with the Australian Standard AS1742.2.

**CONSULTATION**

DIER has consulted with local residents as part of the recent South Arm Highway duplication and connection of Oceana Drive/South Arm Highway project. No consultation has been undertaken for the proposal for the 50km/h speed limit to remain on Oceana Drive.

**FINANCIAL IMPLICATIONS**

Nil.

**RECOMMENDATION:**

That Council advises the Department of Infrastructure, Energy and Resources that in application of the Technical Advice Sheet No 6 – 60km/h Speed Limits in Built up Areas published by the Department of Infrastructure, Energy and Resources, Council considers that the appropriate speed limit zoning for Oceana Drive is 60km/h.

**Decision:** **MOVED** Ald Traynor **SECONDED** Ald Cooper

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.5.2 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM**

(File No. 15/15/06)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to assist Council in determining a nominated project for the funds provided under the Regional and Local Community Infrastructure Program.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2006-2011 is applicable.

**LEGISLATIVE REQUIREMENTS**

Council will be required to enter into an agreement with the Australian Government to complete the project within the prescribed project parameters.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

Under the Regional and Local Community Infrastructure Program Council has been granted \$241,000 to implement investment in accordance with the Australian Government guidelines.

**RECOMMENDATION:**

That Council uses its \$241,000 grant under the Regional and Local Community Infrastructure Program for the (insert name of project).

**Decision:**

**MOVED** Ald Traynor **SECONDED** Ald James

“That Council applies its \$241,000 grant under the Regional and Local Community Infrastructure Program for the following projects in priority order:

1. further extension to the Kangaroo Bay Boardwalk; or
2. refurbishment of the original section of the Kangaroo Bay Boardwalk and upgrading of the Montagu Bay public jetty; or
3. staged implementation of the Conservation Management Plan for the Old Courthouse/Richmond Hall”.

**CARRIED UNANIMOUSLY**

**11.5.3 DRAINAGE CHANNEL BETWEEN 66 MANNATA ROAD AND 526 SOUTH ARM ROAD – AMENDING THE ANNUAL OPERATING PLAN**

(File Nos 15-02-05; 32-01-00)

**EXECUTIVE SUMMARY****PURPOSE**

To amend the 2009/2010 Annual Plan to include a project for the clearing and some regrading of the drainage channel between 66 Mannata Road and 526 South Arm Road.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2006-2011 is relevant.

**LEGISLATIVE REQUIREMENTS**

In accordance with the Drains Act 1954, Council has the responsibility to maintain drains in good working order for the purposes of their clearing, maintenance and repair.

**CONSULTATION**

Consultation with some affected local residents has been undertaken.

**FINANCIAL IMPLICATIONS**

Funds are available from within the Drainage Program of the Capital Works Program of the 2009/2010 Annual Plan.

**RECOMMENDATION:**

- A. That Council approves a project for the clearing and some regrading of the drainage channel between 66 Mannata Road and 526 South Arm Road for an approximate cost of \$65,000 (GST exclusive) from funds currently allocated in the Drainage Program of the 2009/2010 Annual Plan.
- B. That Council amends the 2009/2010 Annual Plan to include the project for the drainage channel upgrade between 66 Mannata Road and 526 South Arm Road.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.6 FINANCIAL MANAGEMENT**

In accordance with Section 84 of the Local Government Act, the General Manager tabled the Financial Statements for 2008/09, together with the Auditor General's Unqualified Audit Certificate and advised that given the timing of receipt, the accounts will be subsequently looked at by the Audit Committee.

**11.7 GOVERNANCE****11.7.1 QUARTERLY REPORT TO 30 SEPTEMBER 2009**

(File No 10/02/05)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period July to September 2009.

**RELATION TO EXISTING POLICY/PLANS**

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's adopted Strategic Plan 2006-2011.

**LEGISLATIVE REQUIREMENTS**

There is no specific legislative requirement associated with regular internal reporting.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

The Quarterly Report provides details of Council's financial performance for the period.

**RECOMMENDATION:**

That the Quarterly Report to 30 September 2009 be received.

**Decision:** **MOVED** Ald Cooper **SECONDED** Ald Peers

"That the Recommendation be adopted".

Ald McManus returned to the Meeting at this stage (9.44pm).

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

**11.7.2 FINANCIAL ASSISTANCE TO SPORTING AND COMMUNITY GROUPS**

(File No 15-05-00)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the provision of financial assistance to sporting and community groups.

**RELATION TO EXISTING POLICY/PLANS**

The recommendation is in accordance with Council's Policy.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

No issues to be addressed.

**FINANCIAL IMPLICATIONS**

Proposed grants are within the budget allocation as detailed in the schedule to the report. A grant up to \$4,200 could be made to the City of Clarence Eisteddfod Society within the budget allocation. A higher grant would require authorisation of an over-expenditure.

**RECOMMENDATION:**

- A. That financial assistance to sporting and community groups for 2009/10, as detailed in the attached schedule amounting to \$10,800.00 be approved.
- B. That Council considers the amount of grant to be provided to the City of Clarence Eisteddfod Society.

**Decision:**

**MOVED** Ald Peers **SECONDED** Ald McManus

“That financial assistance to sporting and community groups for 2009/10, as detailed in the attached schedule amounting to \$10,800.00 be approved”.

**CARRIED UNANIMOUSLY**

**MOVED** Ald Chipman **SECONDED** Ald Cooper

“That Council seeks a further report from the General Manager in regard to the application made by the City of Clarence Eisteddfod Society”.

**CARRIED UNANIMOUSLY**

**11.7.3 APPOINTMENT OF CODE OF CONDUCT PANEL**

(File No 10-01-07)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider Council's appointments to the Code of Conduct Panel which must be established under Section 28G of the Local Government Act, 1993.

**RELATION TO EXISTING POLICY/PLANS**

Council has not established any policies in respect to the Code of Conduct Panel at this stage.

**LEGISLATIVE REQUIREMENTS**

Council is required under Section 28G of the Local Government Act, 1993 to establish a Code of Conduct Panel to hear and determine complaints in respect to alleged breaches of Council's adopted Code of Conduct. The appointment of 3 Aldermen to be representatives on the Council's Code of Conduct Panel is to be conducted at "*the first ordinary meeting after an ordinary election*".

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the nomination of Aldermen to the Code of Conduct Panel.

**RECOMMENDATION:**

That Council considers the appointment of 3 Aldermen to be represented on Council's Code of Conduct Panel.

**Decision:**

**MOVED** Ald Traynor **SECONDED** Ald Peers

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

Ald Peers **nominated** Ald von Bertouch

Ald James **nominated** Ald Cusick

Ald McFarlane **nominated** Ald Chong

There being no further nominations, Ald von Bertouch, Ald Cusick and Ald Chong were duly appointed.

**11.7.4 CANOPUS ROAD, MT RUMNEY – DISPOSAL OF PUBLIC LAND**

(File Nos C057/127; C057/137)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a request from the property owner at 137 Canopus Road to gain permanent access over the adjacent area of Council land at 127 Canopus Road.

**RELATION TO EXISTING POLICY/PLANS**

The disposal of public land is in accordance with previous decisions of Council.

**LEGISLATIVE REQUIREMENTS**

Sections 177 and 178 of the Local Government Act, 1993 are applicable.

**CONSULTATION**

Consultation has occurred between Council officers, the property owner of 137 Canopus Road and the Valuer-General.

**FINANCIAL IMPLICATIONS**

Should Council resolve to sell and the owner agree to purchase then there will be additional income that has not been previously identified within the current Annual Plan.

It is considered that all costs associated with the legal transfer of ownership should be at no cost to the community.

**RECOMMENDATION:**

- A. That in accordance with Section 178 of the Local Government Act 1993, Council resolves to dispose of a section of public land at 127 Canopus Road, Mount Rumney by private treaty to the adjoining property owner at 137 Canopus Road, Mount Rumney.
- B. That in accordance with Section 177 and Section 178 of the Local Government Act 1993, Council authorises the General Manager to commence the process of disposal of public land and publish a notice of intention to sell public land situated at 127 Canopus Road, Mount Rumney.
- C. That subject to approval being obtained in accordance with the Local Government Act for the disposal of a section of public land at 127 Canopus Road the owner of 137 Canopus Road be responsible for all associated costs including administrative, legal, survey fees, the purchase price as assessed by the Valuer-General at \$16,000 and all costs associated with fencing the area of land.
- D. That subject to no objections to the sale of public land at 127 Canopus Road being received the General Manager be authorised to sell the section of public land to the adjacent property owner at 137 Canopus Road by private treaty.

/Refer to Page 45 for Decision...



**11.7.5 LAUDERDALE QUAY – DRAFT INTEGRATED ASSESSMENT REPORT**

(File No 20-25-01)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to enable Council to determine whether or not to make a representation in response to the Draft Integrated Assessment Report – Lauderdale Quay Development Proposal. Should Council decide to make a response it is required to be submitted by 24 November 2009.

**RELATION TO EXISTING POLICY/PLANS**

Council made an initial submission and a supplementary submission in relation to the Draft Integrated Impact Statement lodged with the Tasmanian Planning Commission by the development proponents.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

The Tasmanian Planning Commission, following consideration of the Draft Integrated Impact Statement submissions and extensive hearings has produced the Draft Integrated Assessment Report – Lauderdale Quay Development Proposal. The Draft Report recommends that the development not proceed. Submissions in relation to the Draft Report are invited until 24 November 2009.

**FINANCIAL IMPLICATIONS**

Nil.

**RECOMMENDATION:**

- A. That Council notes the Draft Integrated Assessment Report.
- B. That Council notes that the Report does not resolve or identify solutions to allay Council's concerns in relation to the matters identified in Council's submissions.
- C. That Council reaffirms its previous submissions to the Commission.
- D. That Council supports the recommendations of the Independent Panel and advises the Tasmanian Planning Commission accordingly.

/Refer to Page 47 for Decision...

**LAUDERDALE QUAY – DRAFT INTEGRATED ASSESSMENT REPORT /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Mulder <b>SECONDED</b> Ald McFarlane
	“A. That Council notes the Draft Integrated Assessment Report.
	B. That Council notes that the Report does not resolve or identify solutions to allay Council’s concerns in relation to the matters identified in Council’s submissions.
	C. That Council reaffirms its previous submissions to the Commission.
	D. That Council supports the recommendation of the Independent Panel and advises the Tasmanian Planning Commission accordingly”.
	<b>CARRIED</b>
	<b>FOR</b>
	Ald Campbell
	Ald Chipman
	Ald Chong
	Ald Cooper
	Ald Cusick
	Ald McFarlane
	Ald McManus
	Ald Mulder
	Ald Peers
	Ald Traynor
	Ald von Bertouch
	<b>AGAINST</b>
	Ald James (abstained)

**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 PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**12.4 QUESTIONS WITHOUT NOTICE**

### 13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2005 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 REPORTS FROM SINGLE AND JOINT AUTHORITIES

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005 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:

- information provided to the Council on the condition it is kept confidential;
- applications by Aldermen for Leave of Absence.

**Decision:**

**PROCEDURAL MOTION**

**MOVED** Ald Peers **SECONDED** Ald Cusick

“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”.

Ald Mulder left the Meeting at this stage and did not return (10.10pm).

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

The Meeting closed at 10.11pm.