

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 20 AUGUST 2018

HOUR CALLED: 7.30pm

PRESENT: The meeting commenced at 7.31pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

H Chong
P Cusick
D Doust
D Hulme
R H James
P K McFarlane
J Peers
D Thurley
S von Bertouch
J Walker; present.

1. APOLOGIES N M Campbell (Leave of Absence)

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr A Paul)

Chief Financial Officer
(Ms Miriam Coleman)

Group Manager Engineering Services
(Mr R Graham)

Corporate Secretary
(Mr I Nelson)

Manager Health and Community Development
(Mr J Toohey)

Manager City Planning
(Mr R Lovell)

Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 9.47pm.

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

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

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

COUNCIL MEETING
MONDAY, 20 AUGUST 2018

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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 30 July 2018, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 30 July 2018, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

Nil.

4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Sporting Facility Begonia Street Property Matters – Clarendon Vale and Cambridge	6 August
Recreational Needs Analysis Cambridge Primary School Master Plan Traffic Matters – Holyman Avenue and Surrounds Financial Assistance Request	13 August

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Chong **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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

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

INTEREST DECLARED: NIL

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

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE**Election Signage**

Mr Michael Figg of Lauderdale asked whether banners/cars, advertising Aldermen, and one Alderman in particular, are authorised or paid for by Council in any way.

Answer

The General Manager advised that these signs were not authorised or paid for by Council in any way.

Mr Figg further asked where Council stands with the authorisation of those signs and locations during an election period.

The General Manager advised that authorisation of signage is controlled by the Tasmanian Electoral Commission. Further, the size of signs referred to was controlled by the previous Local Government (General) Regulations, which were amended as of 1 August 2018 to remove the size limitations of signs. The only control in relation to size of signs at the moment is the Clarence Interim Planning Scheme 2015.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

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

**SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/2) AND
CONSTRUCTION OF 6 MULTIPLE DWELLINGS (D-2018/326) – 151 MOCKRIDGE ROAD,
CLARENDON VALE**

(REFER ITEM 11.3.4)

Mr Frazer Reid addressed the Meeting regarding the above Amendment Application.

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: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period ending 30 June 2018.

Decision: **MOVED** Ald Peers **SECONDED** Ald McFarlane

“That the Southern Tasmanian Councils Authority Quarterly Report for the period ending 30 June 2018 be received”.

CARRIED UNANIMOUSLY

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**
Representatives: Ald Jock Campbell
(Ald James Walker, Deputy Representative)

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

Ald Walker noted the supplementary AGM to be held on 30 August 2018.

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report for the period ending 30 June 2018. Also attached is the Briefing for Councils – TasWater and Government MOU Implementation document.

Decision: **MOVED** Ald Chong **SECONDED** Ald Hulme

“That the TasWater Corporation Quarterly Report for the period ending 30 June 2018 and the MOU Implementation document be received”.

CARRIED UNANIMOUSLY

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Richmond Advisory Committee

- Ald Chong tabled the Minutes of a Meeting held on 11 July 2018.

Business East

- Ald Hulme tabled the Minutes of a Meeting held on 10 July 2018.

Tracks and Trails Advisory Committee

- Ald James tabled the Minutes of a Meeting held on 14 June 2018.

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

(File No 10/02/02)

The Weekly Briefing Reports of 30 July and 6 and 13 August 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 30 July and 6 and 13 August 2018 be noted.

Decision: **MOVED** Ald Peers **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 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

**11.3.1 DEVELOPMENT APPLICATION D-2018/376 - 92 CAMBRIDGE ROAD,
BELLERIVE - DEMOLITION OF DWELLING**
(File No D-2018/376)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the demolition of dwelling (and 2 outbuildings) at 92 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Inner Residential and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

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

Council is required to exercise discretion within the statutory 42 day period which expires with the written consent of the applicant on 22 August 2018.

CONSULTATION

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

- lack of consultation regarding hotel development; and
- retention of fencing and landscaping.

RECOMMENDATION:

A. That the Development Application for demolition of dwelling (and 2 outbuildings) at 92 Cambridge Road, Bellerive (Cl Ref D-2018/376) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. A demolition plan documenting the proposed rehabilitation of the subject site must be submitted to and approved by Council's Manager City Planning prior to the commencement of the works. The rehabilitation works are to include removal of all debris, and levelling and sow grass in the affected area. The works are to be undertaken within 30 days of the completion of the demolition works, to ensure the site is left in a clean and tidy state, in accordance with the approved demolition plan.
 3. ENG S1 – INFRASTRUCTURE REPAIR.
 4. ENG S11 – SEALING OF SERVICES.
- 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 Cusick **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.2 DEVELOPMENT APPLICATION D-2018/351 - 10 KYTHERA PLACE,
ACTON PARK - ADDITION TO DWELLING**
(File No D-2018/351)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to a dwelling at 10 Kythera Place, Acton Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Parking and Access, Stormwater and On-Site Wastewater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 22 August 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 4 representations (2 from the same author) were received raising the following issues:

- stormwater drainage;
- wastewater management;
- setback requirements of Planning Scheme not met;
- impact upon character of area;
- temporary dwelling used as permanent dwelling without approval;
- possible future enclosure of addition as living area; and
- original subdivision approval.

RECOMMENDATION:

- A. That the Development Application for an addition to dwelling at 10 Kythera Place, Acton Park (Cl Ref D-2018/351) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.3 SUBDIVISION APPLICATION SD-2018/4 - 8 BLAIR STREET, RICHMOND -
1 LOT SUBDIVISION**
(File No SD-2018/4)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 8 Blair Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Historic Heritage, Stormwater Management and Bushfire Prone Areas Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until the 21 August 2018.

CONSULTATION

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

- impact on streetscape;
- interim Planning Scheme is inadequate;
- loss of vegetation; and
- suggestions for mitigation of impact.

RECOMMENDATION:

- A. That the application for a 1 lot subdivision at 8 Blair Street, Richmond (CI Ref SD-2018/4) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [a single access to service both Lot 1 and the Balance lot and rights-of-way as necessary].

3. The established trees and vegetation located within 5m of the front boundary must not be removed without Council approval.
 4. GEN POS 4 – POS CONTRIBUTION [5%][Lot 1].
 5. ENG A3 – COMBINED ACCESSES [TSD-R03] add “and the Richmond Townscape Study” after “(copy available from Council)”.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. ENG S2 – SERVICES.
 8. ENG S4 – STORMWATER CONNECTION add after last sentence “The Balance lot must retain its stormwater on-site and a new connection to Council’s stormwater system must be provided to Lot 1”.
 9. ENG M2 – DESIGNS SD delete dot points “road design”, “road stormwater drainage”.
 10. ENG M8 – EASEMENTS.
 11. GEN F3 – ENDORSEMENTS.
 12. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 July 2018 (TWDA 2018/00123-CCC).
 13. **ADVICE:** An application for works in Council’s road reserve must be submitted and approved by Council’s Group Manager Engineering Services prior to the commencement of any works and must have regard to the Richmond Townscape Study.
- 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 Peers SECONDED Ald Chong “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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11.3.4 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/2) AND CONSTRUCTION OF 6 MULTIPLE DWELLINGS (D-2018/326) - 151 MOCKRIDGE ROAD, CLARENDON VALE
(File No A-2018/2)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a combined Section 43A application comprising of a planning scheme amendment to rezone the land at 151 Mockridge Road, Clarendon Vale (A-2018/2) and the construction of 6 Multiple Dwellings (D-2018/326).

RELATION TO PLANNING PROVISIONS

The land is zoned Open Space and subject to the Electricity Transmission Infrastructure Protection and Waterway and Coastal Protection Areas Code under the Clarence Interim Planning Scheme 2015 (the Scheme).

The proposed Multiple Dwelling development is currently prohibited under the Scheme.

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

Essentially, the savings and transitional provisions apply to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule and include the Clarence Interim Planning Scheme 2015.

Section 43A(1) of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

CONSULTATION

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment (rezoning) and development of the site.

RECOMMENDATION:

- A. That Council resolves, under Section 300 (1) of the Land Use Planning and Approvals Act, 1993 that draft Amendment A-2018/2 at 151 Mockridge Road, Clarendon Vale (and the adjoining road reservation) is:
- (i) limited to a local provision;
 - (ii) practical; and
 - (iii) consistent with the Southern Tasmanian Regional Land Use Strategy 2010-2035.
- B. That Council resolves, under Section 34(1) (a) of the Land Use Planning and Approvals Act, 1993 to initiate draft Amendment A-2018/2 at 151 Mockridge Road, Clarendon Vale (and the adjoining road reservation).
- C. That Council resolves, under Section 35(1) of the Land Use Planning and Approvals Act, 1993 that draft Amendment A-2018/2 meets the requirements specified under Section 32.
- D. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify draft Amendment A-2018/2, sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- E. That the application for 6 Multiple Dwellings (D-2018/326) at 151 Mockridge Road, Clarendon Vale be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. All fences within 4.5m of the Marston Street and Mockridge Road frontages must be at least 30% transparent above 1.2m.
 3. ENG A1 – NEW CROSSOVER [5.5m].
 4. ENG A5 – SEALED CAR PARKING.
 5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. ENG M1 – DESIGNS DA [access, car parking and driveways, service upgrades or relocations].
 7. ENG M3 – GARBAGE FACILITIES.
 8. ENG M5 – EROSION CONTROL.

9. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
10. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must be to scale and show:
- a north point;
 - proposed driveways, paths, buildings, car parking, retaining walls and fencing;
 - any proposed rearrangement of ground levels;
 - the landscaping of the car parking and circulation areas to an amount of no less than 5% of the area of the carparks;
 - details of proposed plantings including botanical names and the height and spread of canopy at maturity; and
 - estimated cost of the landscaping works.

The landscaping works must be completed prior to the commencement of the use.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or which was removed.

- 11. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
- 12. As a consequence of the development, the street numbering allocated to each lot/unit will be as set out in the following table.

Lot/Unit	Address
Unit 1	1/10 Willoughby Court
Unit 2	2/10 Willoughby Court
Unit 3	3/10 Willoughby Court
Unit 4	4/10 Willoughby Court
Unit 5	5/10 Willoughby Court
Unit 6	6/10 Willoughby Court

- 13. A TW COND – [30-7-2018][TWDA 2018/00949-CCC].
- F. That in accordance with Council’s adopted Waiving or Reducing Fees for Planning And Building Permits - 15 December 2003 Policy, Council resolves to reimburse the applicant \$1500 representing the maximum value that can be waived for planning and building permit fees for a not for profit organisation.
- G. 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 McFarlane **SECONDED** Ald Cusick

“A. That Council adopts the Officer’s recommendation subject to the following additional permit condition in Part E.

14. A 3.2m public right-of-footway is to be provided over the approximate course of the existing bitumen pathway. This would allow Council to construct a standard width multi-user path through the site in future if necessary.

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:

- the existing walkway provides an important link to an underpass; and

/ Decision contd on Page 26...

SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/2) AND CONSTRUCTION OF 6 MULTIPLE DWELLINGS (D-2018/326) - 151 MOCKRIDGE ROAD, CLARENDON VALE /Decision contd...

- the applicant is agreeable to the condition and advises that ‘This would allow Council to construct a standard width multi-user path through the site in future if necessary’”.

CARRIED

FOR

Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald Hulme
Ald McFarlane
Ald Peers
Ald Thurley
Ald von Bertouch
Ald Walker

AGAINST

Ald James (abstained)

11.3.5 DEVELOPMENT APPLICATION D-2017/520 - 13 CAMBRIDGE ROAD, BELLERIVE (WITH ACCESS OVER 17 CAMBRIDGE ROAD) - ALTERATIONS, FRONT FENCE AND CHANGE OF USE TO VISITOR ACCOMMODATION

(File No D-2017/520)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for alterations, front fence and change of use to visitor accommodation at 13 Cambridge Road, Bellerive (with access over 17 Cambridge Road).

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and is subject to the Road and Rail Assets Code, Parking and Access Code and Historic Heritage Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

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

Council is required to exercise a discretion within the statutory 42 day period which expires on the 22 August 2018 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the issue of parking impacts.

RECOMMENDATION:

- A. That the Development Application for alterations, front fence and change of use to visitor accommodation at 13 Cambridge Road, Bellerive (with access over 17 Cambridge Road) (CI Ref D-2017/520) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The maximum guest occupancy at any given time is 12 persons.

3. Three on-site car parking spaces must be made available to guests for parking at all times.
4. Signs must not be displayed on the site without further approval from Council.
5. A sign must be provided at the entrance to the right-of-way servicing the site to direct visitors to the rear car parking area and to identify the right-of-way limitations (speed limit, width and height). The sign must not be fixed to any part of the exterior building fabric of 17 Cambridge Road, Bellerive.
6. GEN C1 – ON-SITE CAR PARKING [3] Delete last sentence.
7. GEN C2 – CASH-IN-LIEU [\$30,000] [3].
8. Prior to the commencement of the use, bollards must be installed on either side of the entrance to the right-of-way from the edge of the adjacent carpark. Details of the location of the bollards must be shown on the car parking plan required by Condition 6.
9. Extant records of the demolished portions of the building (both internally and externally) must be submitted to Council prior to the issue of a certificate of likely compliance (CLC) for building works.
10. Amended plans showing the reconfiguration of the rear first floor ensuite windows to vertically proportioned elements similar to the existing fenestration patterns of the existing building must be submitted to Council for approval by Council's Manager City Planning prior to the issue of a certificate of likely compliance (CLC) for building works. When approved, the plans will form part of the permit.
11. GEN EX1 – TASMANIAN HERITAGE COUNCIL.
12. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 November 2017 (TWDA 2017/01801-CCC).

ADVICE:

1. The developer engages the services of a Building Surveyor to determine the building classification of the proposed change of use and their obligations in relation to compliance with the Disability (Access to Premises-Buildings) Standards 2010.
2. It is advised that the developer consider the retention of the fireplace elements ought to be retained where impact upon the room configuration is less crucial in order to preserve the heritage significance of the 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.

Decision: **MOVED** Ald Walker **SECONDED** Ald Cusick
“That the Recommendation be adopted”.
CARRIED UNANIMOUSLY

11.3.6 DEVELOPMENT APPLICATION D-2017/505 - 15 DERWENT STREET, BELLERIVE - EXTENSION AND CONSOLIDATION OF USE AND OPERATIONAL RESTRICTIONS AT BELLERIVE OVAL (OVER-RIDING PREVIOUS PERMITS)

(File No D-2017/505)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for an extension and consolidation of use and operational restrictions at Bellerive Oval (over-riding previous permits) at 15 Derwent Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Recreation and subject to the Coastal Erosion Hazard Area and Parking & Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the agreement of the applicant to expire on 22 August 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 37 representations were received raising the following issues:

- lighting;
- extension of hours/increased usage;
- noise from the PA system/potential concerts systems/Nitro Circus;
- noise from crowd dispersion/traffic/buses/taxis etc;
- parking and traffic;
- BOTP;
- extraneous activity;
- litter and servicing;
- proximity to a large amount of residential homes;
- reduction in residential values;
- crowd/patron behaviour;
- availability of more suitable venues;

- support for a single permit/management plan;
- impact on park;
- the EPN measures should form the basis for the planning permit;
- location clarification required;
- justification of the PC required;
- better notification to residents;
- lack of compliance for non-sporting events;
- lack of operator consultation;
- what funds are being contributed by Council?;
- object to a jetty at Bellerive Beach;
- disagree with disabled car parking in South Street;
- lack of consultation by Council;
- withdraw of venue passes by TCA; and
- support for the proposal.

RECOMMENDATION:

- A. That the Development Application for extension and consolidation of use and operational restrictions at Bellerive Oval (over-riding previous permits) at 15 Derwent Street, Bellerive (CI Ref D-2017/505) be refused for the following reasons.
1. The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015, Clause 18.3.1(P1), because it has not been sufficiently demonstrated that the hours of operation of the use within 50m of the adjacent General Residential zone will not have an unreasonable impact upon residential amenity through commercial vehicle movements or noise that is unreasonable in timing, duration or extent.
 2. The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015, Clause 18.3.2(P1), because it has not been sufficiently demonstrated that the noise emissions measured at the boundary of the adjacent General Residential zone will not cause environmental harm within that zone.
 3. The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015, Clause 18.3.2(P2), because it has not been sufficiently demonstrated that external amplified loud speakers or music measured at the boundary of the adjacent General Residential zone will not cause environmental harm within that zone.
 4. The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015, Clause 18.3.3(P1), because it has not been sufficiently demonstrated that external lighting, other than flood lighting of sport and recreation facilities, within 50m of the General Residential zone will not adversely affect the amenity of adjoining residential areas, having regard to all of the following:

- (a) level of illumination and duration of lighting; and
- (b) distance to habitable rooms in an adjacent dwelling.

5. The Proposal is contrary to the provisions of the Clarence Interim Planning Scheme 2015, Clause 18.3.4(P1), because it has not been sufficiently demonstrated that patron vehicles operating after 10.30pm will not unreasonably impact on the residential amenity of nearby land.

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 James **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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 STORMWATER ASSET MANAGEMENT PLAN 2018**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To adopt Council's Stormwater Asset Management Plan 2018.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is applicable with Section 70B being relevant for Council to prepare long-term strategic asset management plans.

CONSULTATION

The Stormwater Asset Management Plans have been developed according to the Institute of Public Works Engineering Australia (IPWEA) template adopted by the Local Government Association of Tasmania for all Tasmanian Councils.

FINANCIAL IMPLICATIONS

The financial implications to Council in adopting the Stormwater Asset Management Plan 2018 are reflected in Council's 10 Year Financial Plan.

RECOMMENDATION:

That Council adopts the Stormwater Asset Management Plan 2018, which is Attachment 1 to the Associated Report.

Decision: **MOVED** Ald Chong **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 ROADS AND TRANSPORT ASSET MANAGEMENT PLAN 2018

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To adopt Council’s Roads and Transport Asset Management Plan 2018.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is applicable with Section 70B being relevant for Council to prepare long-term strategic asset management plans.

CONSULTATION

The Roads and Transport Asset Management Plans have been developed according to the Institute of Public Works Engineering Australia (IPWEA) template adopted by the Local Government Association of Tasmania for all Tasmanian Councils.

FINANCIAL IMPLICATIONS

The financial implications to Council in adopting the Roads and Transport Asset Management Plan 2018 will be reflected in Council’s 10 Year Financial Plan.

RECOMMENDATION:

That Council adopts the Roads and Transport Asset Management Plan 2018, which is Attachment 1 to the Associated Report.

Decision: **MOVED** Ald Thurley **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

On behalf of Council, the Mayor commended the Asset Management Group on their preparation of both the Stormwater Asset Management Plan 2018 and the Roads and Transport Asset Management Plan 2018.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 ROSNY HILL DEVELOPMENT PUBLIC MEETING – FURTHER REPORT**

(File No A008-12A)

EXECUTIVE SUMMARY**PURPOSE**

To provide advice detailing any further actions that could be taken in respect to each motion passed at the Rosny Hill development public meeting held on 17 July 2018 or in respect to the development application more generally.

RELATION TO EXISTING POLICY/PLANS

The Rosny Hill Nature Recreation Area is subject to the Rosny Hill Nature Recreation Area Management Strategy (August 2011).

LEGISLATIVE REQUIREMENTS

The Rosny Hill Nature Recreation Area (RHNRA) is subject to the requirements of the *National Parks and Reserves Management Act 2002* (Tas).

CONSULTATION

This report arises from the public meeting held on 17 July 2018 and the Council Meeting held on 30 July 2018.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council:

- A. Notes that a review of a revised draft Community Consultation Policy is to be submitted to Council shortly for consideration.
- B. Notes the decision to implement online engagement and consultation tools.
- C. Notes the pending report requested by the Audit Panel reviewing community engagement practices, expected to be circulated to Aldermen following consideration by the Audit Panel in late September 2018.

/ Refer to Page 38 for Decision on this Item...

ROSNY HILL DEVELOPMENT PUBLIC MEETING – FURTHER REPORT /contd...

Decision:	MOVED Ald McFarlane SECONDED Ald Cusick																						
	“That the Recommendation be adopted”.																						
	CARRIED																						
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Chipman</td><td>Ald James</td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Cusick</td><td></td></tr><tr><td>Ald Doust</td><td></td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr><tr><td>Ald Walker</td><td></td></tr></table>	FOR	AGAINST	Ald Chipman	Ald James	Ald Chong		Ald Cusick		Ald Doust		Ald Hulme		Ald McFarlane		Ald Peers		Ald Thurley		Ald von Bertouch		Ald Walker	
FOR	AGAINST																						
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Ald McFarlane																							
Ald Peers																							
Ald Thurley																							
Ald von Bertouch																							
Ald Walker																							

11.7.2 CLARENCE COASTAL POLICY - FUNDING

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To amend the Annual Estimates to reflect expenditure required to prepare a Clarence Coastal Policy, as Council adopted at its Meeting of 18 June 2018.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

There is no Legislative requirement on this matter.

CONSULTATION

Community consultation will be one of the key elements in developing the Coastal Policy.

FINANCIAL IMPLICATIONS

Funds are available from within the Environmental Programme to be transferred from Bambra Reef trial groyne project which is on hold.

RECOMMENDATION:

That Council's adopted Estimates be amended such that an amount of \$35,000 be transferred from the Bambra Reef trial groyne design project and be applied to the proposed development of the draft Clarence Coastal Policy within the Environmental Programme.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

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

Questions without notice and their answers will not be recorded in the minutes.

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

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

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

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

- 13.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 13.2 PROPERTY MATTER – CAMBRIDGE
- 13.3 PROPERTY MATTER – ROSNY PARK
- 13.4 TENDER T1235-18 ANNUAL RESEAL HARDWASTE COLLECTION 2018
- 13.5 APPOINTMENT OF ACTING GENERAL MANAGER

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:

- personnel matters;
- commercial information of a confidential nature;
- contracts and tenders for the supply of goods and services;
- proposals to acquire land or an interest in land or for the disposal of land; and
- applications by Aldermen for a Leave of Absence.

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

Decision:

PROCEDURAL MOTION
MOVED Ald Peers **SECONDED** Ald Hulme

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.

CARRIED UNANIMOUSLY

CLOSED MEETING /contd...

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

13.4 TENDER T1235-18 ANNUAL RESIDENTIAL HARDWASTE COLLECTION 2018
(File No T1235-18)**Decision:****MOVED** Ald Peers **SECONDED** Ald Cusick

- “A. That the non-conforming Tender from Mornington Park Waste Transfer Station Pty Ltd for \$234,170.00, excluding GST, be accepted for the provision of the 2018 Annual Hardwaste Collection Service.
- B. 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 and for communication to relevant parties.
- C. That Council publish its decision only in regard to this matter in the open Minutes of this Meeting”.

CARRIED UNANIMOUSLY

The Meeting closed at 9.47pm.