

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 13 JULY 2015

HOUR CALLED: 7.30pm

The General Manager advised those present in the meeting chamber of the need for Council to appoint a Chairperson before the meeting can commence, as both the Mayor and Deputy Mayor would not be attending the meeting.

The General Manager then invited nominations for Chairperson.

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

“That as provided for under Regulation 10 of the Local Government (Meeting Procedures) Regulations 2015 Alderman James be nominated to act as Chair for the Meeting”.

There being no further **nominations** Ald James was deemed elected as Chairperson for the Meeting.

PRESENT: The meeting commenced at 7.32pm with Ald R H James in the Chair and with Aldermen:

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

1. APOLOGIES

N M Campbell (Leave of Absence)
J Peers (Leave of Absence)
D C Chipman
P Cusick

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)

Corporate Treasurer
(Mr F Barta)

Manager City Planning
(Mr R Lovell)

Manager Health and Community Development
(Mr J Toohey)

The Meeting closed at 9.43pm.

COUNCIL MEETING
MONDAY 13 JULY 2015

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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 22 June 2015, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 22 June 2015, 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
Presentation by Cycling South – Regional Cycling Strategy	
Presentation – Community Grants Program	
Possible Land Acquisitions	
Masterplan – Cambridge Road/Richmond Road	
Bellerive Oval Noise Report	29 June
Major Road Priorities	
State Fire Management Council Representation	
Local Government Act (Meeting Procedure) Regulations	
Introduction of new Planning Scheme	
Draft Policy for Audio Visual for Council Meetings	6 July

/ contd on Page 5...

COUNCIL WORKSHOPS /contd...

RECOMMENDATION:

That Council notes the workshops conducted.

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

“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.

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

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

The General Manager provided the following answer to Question taken on Notice from member of the public at previous Council Meeting.

FORESHORE TRAIL BETWEEN OAKDOWNS AND LAUDERDALE

At Council's Meeting of 22 June 2015 Mrs Gertrud Baierl sought clarification from Ald von Bertouch as to the basis of her statements made at Council's Meeting of 11 May 2015 that negotiations to secure a foreshore trail between Oakdowns and Lauderdale have been going on for a period 20 years and latter, at Council's Meeting of I June 2015, when Ald von Bertouch stated that these negotiations had been on-going for 10 years.

ANSWER

Alderman von Bertouch's response is that she did not make either of these statements. Both timeframes detailed by Mrs. Baierl are not familiar to Alderman von Bertouch, and she is not, and has never been, a member of Council's Tracks and Trails Committee, which has had carriage of this project.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

Questions without notice and their answers will not be recorded.

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)

DEVELOPMENT APPLICATION D-2015/198 – 9 TALUNE STREET, LINDISFARNE – DWELLING
(REFER ITEM 11.3.2)

Mr James Bonham addressed the Meeting regarding the above Development Application.

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION – ALD MCFARLANE TRANS PACIFIC PARTNERSHIP AGREEMENT (File No 10-03-05)

In accordance with Notice given Ald McFarlane intended to move the following Motion.

“That Council request the Australian Government to release the Trans Pacific Partnership Agreement for public consultation and parliamentary consideration prior to it being agreed to by the Government”.

With the Leave of the Meeting Ald McFarlane amended her Motion and it was:

Decision:	MOVED Ald McFarlane SECONDED Ald von Bertouch	
	<p>“A. That Council request the Australian Government to release the Trans Pacific Partnership Agreement for public consultation and parliamentary consideration prior to it being agreed to by the Government.</p> <p>B. That this matter also be referred by Council to the Local Government Association of Tasmania and the Australian Local Government Association for their formal consideration”.</p>	
	CARRIED	
	<p>FOR Ald Chong Ald Hulme Ald McFarlane Ald Thurley Ald von Bertouch</p>	<p>AGAINST Ald Doust Ald Walker Ald James (abstained)</p>

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

Not required.

Representative Reporting

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

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**
Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

The Southern Waste Strategy Authority has distributed its Quarterly Report for the period 1 January to 31 March 2015.

RECOMMENDATION:

That the Quarterly Report of the Southern Waste Strategy Authority for the Quarter ending 31 March 2015 be received.

/ Refer to Page 12 for Decision on this Item...

REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...

<p>Decision: MOVED Ald von Bertouch SECONDED Ald McFarlane</p> <p> That the Quarterly Report of the Southern Waste Strategy Authority for the Quarter ending 31 March 2015 be received.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**BICYCLE STEERING COMMITTEE – QUARTERLY REPORT**

(File No 04-03-02)

Chairperson's Report – Alderman S von Bertouch

Report to Council for the 3 month period 1 April 2015 to 30 June 2015.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

- advise Council on the identification, development and maintenance of cycling routes and infrastructure along roads and other easements throughout the City;
- facilitate and provide guidance for the implementation of Council's adopted Bicycle Strategy;
- be actively involved in providing design advice relating to cycling infrastructure projects undertaken by Council;
- be actively involved in providing advice to CyclingSouth on matters relating to regional cycling infrastructure; and
- promote information sharing of cycling related matters affecting the City.

In working towards these goals the Committee arranged and implemented a range of activities, which are set out below.

2. CAPITAL WORKS PROJECTS**2.1. Cambridge Road – Cambridge Village to Roundabout**

Project is on hold until the completion of the Cambridge Village Master Plan.

2.2. Cambridge Road, Mornington – Painted Bike Lines

Investigation and design has commenced.

2.3. Tranmere Road – Missing Section of Foreshore Trail

Work has commenced on the construction of a concrete multi-user pathway.

2.4. Acton Road to Cambridge Village – 1.5m Gravel Pathway

Work has commenced on the construction of the gravel pathway.

2.5. Flagstaff Gully Road – Fairway Rise to Flagstaff Gully Road

Design is complete and work is scheduled.

3. RECURRENT INITIATIVES

Further locations for bike parking facilities are being investigated.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**Clarence Street Safety Assessment Report**

Council considered the recommendations of the Collaborative Reference Group at its Workshop on 19 January 2015 and expressed interest in assessing the feasibility and desirability of design options based on the 8 recommendations. On that basis, Council indicated a need to engage technical experts and representatives from key interest/technical groups, ie the Road Safety Council, Metro, RACT, Department of State Growth and Bicycle Network Tasmania to assist with the design options. Council's decision of 2 February 2015 authorised the General Manager to arrange for the assessment of the desirability and feasibility of design options for Clarence Street with key interest and technical groups based on the 8 recommendations of the consultant's report.

In accordance with Council's decision invitations have been sent to the Department of State Growth, RACT, Metro, Road Safety Advisory Council and Bicycle Network Tasmania to have a representative sit on a technical advisory group to assess the desirability and feasibility of these recommendations and how they will impact the design and function of Clarence Street.

5. GOVERNANCE MATTERS**Committee Meetings**

The Committee held 2 meetings during the quarter on 13 April and 1 June 2015.

6. EXTERNAL LIAISON

CyclingSouth Meeting held on 22 April 2015.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

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

“That the Chairperson's Report be received by Council”.

CARRIED UNANIMOUSLY

TRACKS AND TRAILS ADVISORY COMMITTEE

(File No 07-06-09)

Chairperson's Report – Alderman R James

Report to Council for the 3 month period for 1 April 2015 to 30 June 2015.

1. PRINCIPAL OBJECTIVES AND GOALS

The Tracks and Trails Advisory Committee (Committee) has the following prime objectives to:

- provide advice and make recommendations, including policy, to assist Council in the development of tracks and trails in the City;
- assist in the development and periodic review of Council's Tracks and Trails Strategy;
- develop and maintain a Tracks and Trails Register which captures all existing and possible future trail and track networks (including multi-user pathways) in Clarence;
- develop and review (on a rolling basis) the Tracks and Trails Action Plan for endorsement by Council that articulates the development initiatives prioritised and proposed to be conducted over a 5 year programme, which recognises the access and needs of all users eg: walkers, horse riders, mountain bikers, etc;
- monitor progress and work to address the actions of the plan according to their level of priority; and
- as part of internal referral process to provide input and advice on the provision and requirements for trail networks and the provision of trail linkages as part of new subdivisions.

In working towards these goals, the Committee undertook a range of activities, which are set out below.

2. CAPITAL WORKS PROJECT**Risdon Vale Dirt Jumps**

A new mountain bike dirt jump area has been constructed in Risdon Vale Park as part of a youth volunteer program run by Third Place Communities; it was officially opened on Friday, 26 June 2015.

Clarence Coastal Trail - Tranmere Foreshore

A new stone bridge was constructed on the Tranmere foreshore to provide a safe crossing point across a small gully.

Tangara Trail – Mortimer Bay Coastal Trail

A new extension of the trail has been constructed between Palana Court and Baragoola Lane near Gellibrand Drive. This will help protect bird nesting areas in the South Arm Conservation Area by providing an alternative route and offer improved access to the trail from the southern end.

Clarence Popular Tracks Book

A new version of the book has been printed which includes 11 new tracks.

3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES**3.1 Tracks and Trails Action Plan 2015**

The draft Tracks and Trails Action Plan 2015 has been approved for consultation and public feedback and is open until 10 July 2015.

3.2 Tangara Trail – Hidden Valley Track and Silver Peppermint Track

Work was carried out to address erosion and improve the track alignment on steep sections of the trails.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**4.1 Kangaroo Bay Rivulet Track**

Quotes are being sought for installing safety fencing for the 1st and 7th tees. A design has been prepared for the section of track through Rosny Barn and a corridor has been cleared in preparation for the track. Track construction on the golf course side of the rivulet will be undertaken separately once the fencing is in place.

4.2 Lauderdale Primary School to Roscommon Reserve link

As part of the Roscommon Master Plan, which was adopted by Council at its Meeting on 18 August 2014, there was a recommendation “*to investigate options to establish linkages between Roches Beach Road and Roscommon and Lauderdale Primary School and Roscommon to give more direct and safer access to users of Roscommon*”.

Discussions are underway with landowners regarding obtaining a connection between Lauderdale Primary School and Roscommon Reserve.

4.3 Seven Mile Beach and Five Mile Beach

A network of trails has been identified by the Committee which will be considered for inclusion of the proposed golf course.

4.4 Meehan Skyline Trail – Caves Hill Track

Hanson's Quarries have signed a licence agreement which gives permission to Council to construct and manage agreed tracks on its land. This includes a new track to Caves Hill. A natural values assessment has been completed and work is expected to commence next month. Track construction work is being donated by Dirt Art and the Meehan Range Trail Groomers at no cost to Council.

5. GOVERNANCE MATTERS.

Committee Meeting

The Committee held 1 General Meeting during the quarter on 9 April 2015 and 2 special meetings on 7 May 2015 and 21 May 2015.

Constitution

The Committee has reviewed a revised constitution.

6. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Chong

“That the Chairperson's Report be received by Council”.

CARRIED UNANIMOUSLY

AUDIT COMMITTEE

(File No 07/02/12)

Chairperson's Report 37 – June 2015

The Audit Committee met on 23 June 2015 and attached was a copy of the draft Minutes of the Meeting for tabling at Council's Meeting.

The Committee welcomed Mr Richard Bevan's appointment to fill the vacancy on the Committee. Mr Bevan brings a wealth of experience, especially in large scale infrastructure asset management, to the Committee and is appointed for a period of 3 years.

The Committee gave consideration to the Auditor General's Draft Annual Financial Audit Strategy 2014/15. This presentation was delivered to the Committee by the Deputy Auditor General Mr Ric De Santi who was accompanied by Tasmanian Audit Officer Mr Andrew Eiszelle.

The Committee endorsed the commencement of Project 41 - Parks and Recreation Facilities Safety and Risk Assessments which had previously been deferred and noted that this review would be conducted in house utilising Corporate Support Staff and that some preliminary work had commenced on this project.

A key focus of the June 2015 meeting was to give consideration to possible projects for the 2015/16 Annual Audit Plan. Projects identified and recommended by the Committee to form the Annual Audit Plan for 2015/16 are listed below:

Audit Projects for cConsideration 2015/16**1. Management Letter received from Auditor General**

This is a standing audit project to deal with matters arising from Council's External Audit report. **(Priority: Mandatory)**

2. Workplace Health and Safety Accreditation Project

Council has a commitment to achieving a “best practice” work environment in accordance with AS8401 and has been working towards Level 2 Accreditation of its WH&S management and framework. This level of accreditation has recently been attained. It is proposed that the Committee continue to have an on-going overview of this project. **(Priority: Medium)**

3. Council Business Continuity Plan

Review of Council’s Business Continuity arrangements including consideration of alternate site facilities and shared arrangements with other Councils/authorities.

Council has developed Business Continuity and Recovery Plan that details key responsibilities and actions that are to be carried out in the event of an incident occurring requiring response. This document has had a number of refinements and amendments and now requires an external review of its effectiveness and suitability.

It is envisaged that any review would test Council’s capacity to operate for a limited time without live computer production systems and the recovery of captured data during the system down time and its input when the live systems. In addition test Council’s ability to manage a recovery from a significant event (eg loss of premises). **(Priority: Medium)**

4. Staff Corporate Conduct and Controls:**a. Corporate Induction Programme**

Council currently conducts induction training for all new staff members as well refresher training for existing employees. This system has been in place for a number of years and is constantly evolving as to its content and scope.

A review would seek to establish the appropriateness of the induction content and structure and determine the effectiveness of these sessions in assimilating new employees into Council work practices and corporate culture. In addition, the review would look at the need for refresher information sessions for existing staff. **(Priority: Medium)**

b. Staff Exit Controls

Good controls over the departure of employees or contractors (regardless of reasons of departure) help to protect the confidentiality of Council information, prevent financial loss and reduce the risk that assets are misused or stolen.

The objective of audit is to assess whether Council has implemented proper policies and procedures for exiting employees. In particular, it will examine the final payment process and whether access to IT systems and physical access to buildings is being revoked on or before departure. It will also assess whether assets (such as laptops, mobile telephones, iPads etc) and purchasing cards issued to employees are being returned prior to departure. Where necessary, the audit will review whether Council has taken appropriate action to retrieve issued items and collect overpayments etc. **(Priority: High/Medium)**

5. Appropriate Use of Delegations

Council operates under a raft of legislation which provide for the exercise of powers and the following of prescribed procedures. In order to effectively exercise these powers the Council, General Manager and Permit Authority have issued a range of delegations.

The Review would look at those delegations as issued and consider the manner and effectiveness in which those delegations are being implemented and those delegations are being exercised in compliance with relevant statutory and in house procedural obligations and guidelines. **(Priority: High)**

Basis for Internal Audit Activity Focus

In consideration of these projects the Committee has also sought the development of a 3 year forward programme that will assist the Committee in the development, scoping and scheduling of future audit projects. It is intended that this programme take into account both current risk assessments and historic project activity previously conducted by the Committee.

Pending review of current risk assessments, the historic project summary and drafting of a 3 year forward program the Committee resolved to initiate Projects 1, 3 and 4(a) and (b) and 5 as listed above. Further internal audit activities to be determined at the next Committee meeting once the risk, historic project activity and forward program have been reviewed.

The Committee is now seeking Council's endorsement of the above approach for its proposed Audit Programme for 2015/16.

The Committee is next due to meet in September 2015 with the view to appointing service providers to undertake audit projects. It is anticipated that work on the programme could commence before the end of the calendar year.

RECOMMENDATION:

- A. That the Chairperson's Report be received by Council.
- B. That Council endorses the following matters as the basis of the Audit Committee's Audit Programme for 2015/2016.
 - 1. Council Business Continuity Plan;
 - 2. Appropriate Use of Delegations;
 - 3. Staff Corporate Conduct and Controls:
 - Corporate Induction Programme; and
 - Staff Exit Controls.

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

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

Committee of Management of Business East

- Ald Hulme tabled the Minutes of a Meeting held on 12 May 2015.

Clarence Senior Citizens Centre Management Committee

- Ald von Bertouch tabled Minutes of Meetings held on 12 March and 12 May 2015.

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

(File No 10/02/02)

The Weekly Briefing Reports of 22 and 29 June and 6 July 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 22 and 29 June and 6 July 2015 be noted.

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

“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-2015/203 - 13, 19 AND 21 KENT STREET, LINDISFARNE - DWELLING, STUDIO AND CARPORT
(File No D-2015/203)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 21 Kent Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development relating to a proposed boundary setback variation.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period, which has been extended to 15 July 2015 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 9 representations were received raising the following issues:

- boundary setback variation;
- development on skyline;
- layout of proposed development;
- right-of-way access;
- location of existing driveway and right-of-way;
- suitability of the land for development;
- bushfire management;
- ancillary dwelling;
- traffic impact on 148 Begonia Street and use of access track at 20 Kent Street;
- on-site stormwater disposal;
- services; and
- vegetation removal.

RECOMMENDATION:

- A. That the Development Application for Dwelling, Studio and Carport at 13, 19 and 21 Kent Street, Lindisfarne (CI Ref D-2015/203) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M8 – SINGLE DWELLING (replace “building” with “studio”).

3. The use or development must only be undertaken and maintained in accordance with the endorsed Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan prepared by Michael Eastwood or an alternative Bushfire Hazard Management Plan prepared by an accredited bushfire assessor.
- 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 von Bertouch SECONDED Ald Hulme														
	“That the Recommendation be adopted”.														
	CARRIED														
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Chong</td><td>Ald James</td></tr><tr><td>Ald Doust</td><td>Ald Walker</td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr></table>	FOR	AGAINST	Ald Chong	Ald James	Ald Doust	Ald Walker	Ald Hulme		Ald McFarlane		Ald Thurley		Ald von Bertouch	
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Ald Doust	Ald Walker														
Ald Hulme															
Ald McFarlane															
Ald Thurley															
Ald von Bertouch															

**11.3.2 DEVELOPMENT APPLICATION D-2015/198 - 9 TALUNE STREET,
LINDISFARNE - DWELLING**
(File No D-2015/198)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 9 Talune Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development due to a requested variation to the building height requirement of Clause 6.1.3(i)(i) of the Scheme.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 16 July 2015.

CONSULTATION

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

- overshadowing;
- overlooking/loss of privacy;
- character/building design; and
- clarification of proposal plan issues.

RECOMMENDATION:

- A. That the Development Application for a Dwelling at 9 Talune Street, Lindisfarne (CI Ref D-2015/198) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 June 2015 (TWDA 2015/00829-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

/ Refer to Page 29 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2015/198 - 9 TALUNE STREET, LINDISFARNE
– DWELLING /contd...**

Decision:

MOVED Ald Walker **SECONDED** Ald Hulme

Ald McFarlane left the Meeting at this stage (8.31pm).

“That the Recommendation be adopted”.

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

FOR

Ald Chong

Ald Hulme

Ald Thurley

Ald von Bertouch

Ald Walker

AGAINST

Ald Doust

Ald James

**11.3.3 DEVELOPMENT APPLICATION D-2015/202 - 52 KYTHERA PLACE,
ACTON PARK - GARAGE (UNDEFINED USE)**
(File No D-2015/202)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Garage (Undefined Use) at 52 Kythera Place, Acton Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential and is not subject to any 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the applicants written consent and now expires on 15 July 2015.

CONSULTATION

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

- excavations causing the surrounding area to be water logged;
- loss of amenity due to loss of views and loss of winter sunlight;
- size of the garage;
- not complying with the Rural Residential zone requirements; and
- alternative location.

RECOMMENDATION:

- A. That the Development Application for Garage (Undefined Use) at 52 Kythera Place, Acton Park (C1 Ref D-2015/202) be approved subject to the following condition and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M7 – DOMESTIC USE.
 3. Prior to the commencement of the use, the 2 shipping containers must be removed from the site.
- 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 31 for Decision on this Item...

DEVELOPMENT APPLICATION D-2015/202 - 52 KYTHERA PLACE, ACTON PARK - GARAGE (UNDEFINED USE) /contd...

Decision:	MOVED Ald Chong SECONDED Ald von Bertouch																
	“That the Recommendation be adopted”.																
	Ald McFarlane returned to the Meeting at this stage (8.36pm).																
	CARRIED																
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Chong</td><td>Ald McFarlane (abstained)</td></tr><tr><td>Ald Doust</td><td></td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald James</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 Chong	Ald McFarlane (abstained)	Ald Doust		Ald Hulme		Ald James		Ald Thurley		Ald von Bertouch		Ald Walker	
FOR	AGAINST																
Ald Chong	Ald McFarlane (abstained)																
Ald Doust																	
Ald Hulme																	
Ald James																	
Ald Thurley																	
Ald von Bertouch																	
Ald Walker																	

**11.3.4 DEVELOPMENT APPLICATION D-2015/174 - 566 OCEANA DRIVE,
HOWRAH - DWELLING REQUIRING DISCRETION UNDER PD4**
(File No D-2015/174)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 566 Oceana Drive, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme and Planning Directive 4, the proposal is a Discretionary development due to a requested variation to the building envelope and privacy requirements of PD4.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the applicants written consent and now expires on 15 July 2015.

CONSULTATION

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

- overshadowing;
- height of the proposed dwelling;
- building setback; and
- alternative location.

RECOMMENDATION:

- A. That the Development Application for a new Dwelling requiring discretion under PD4 at 566 Oceana Drive, Howrah (C1 Ref D-2015/174) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLANS [the side windows in Bedrooms 1 and 2 having a minimum sill height of 1.7m].
 3. The dwelling is to be constructed in accordance with the Bushfire Risk Assessment (Lark & Creese, 13 April 2015), or in accordance with any further assessment by an accredited person.

- 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 Hulme
“That the Recommendation be adopted”.
CARRIED UNANIMOUSLY

**11.3.5 DEVELOPMENT APPLICATION D-2015/151 - 33 NORFOLK DRIVE,
HOWRAH - DWELLING REQUIRING DISCRETION UNDER PD4**
(File No D-2015/151)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a new dwelling at 33 Norfolk Drive, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and is subject to the Development Plan (DPO5) under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme and Planning Directive 4, the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 15 July 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of impact on view due to the building envelope standard being varied.

RECOMMENDATION:

- A. That the Development Application for addition to Dwelling requiring discretion under PD4 at 33 Norfolk Drive, Howrah (CI Ref D-2015/151) be approved subject to the following condition 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 Chong **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.6 DEVELOPMENT APPLICATION D-2014/309 - 3 MALCOLMS HUT ROAD,
RICHMOND - RURAL INDUSTRY**
(File No D-2014/309)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Rural Industry at 3 Malcolms Hut Road, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural and Intensive Agriculture 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 15 July 2015.

CONSULTATION

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

- concerns with access and driveway;
- impact on drainage along driveway;
- wastewater;
- increased noise; and
- no disabled toilet facilities.

RECOMMENDATION:

A. That the Development Application for Rural Industry at 3 Malcolms Hut Road, Richmond (C1 Ref D-2014/309) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN C1 – ON-SITE CAR PARKING [4] Remove last sentence.
3. ENG A6 – GRAVELLED CAR PARKING.
4. ENG M1 – DESIGNS DA.
5. 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 Chong **SECONDED** Ald McFarlane
“That the Recommendation be adopted”.
CARRIED UNANIMOUSLY

11.3.7 DEVELOPMENT APPLICATION D-2015/196 - 10 INTRIGUE COURT, TRANMERE - DWELLING AND OUTBUILDING REQUIRING DISCRETION UNDER PD4

(File No D-2015/196)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a dwelling and outbuilding requiring discretion under PD4 at 10 Intrigue Court, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 22 July 2015.

CONSULTATION

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

- dwelling proposed is outside of the permitted building envelope;
- overshadowing;
- impacts on view;
- error in shadow diagrams submitted;
- site works already undertaken will alter the height of the proposed outbuilding;
- visual impacts and bulk of the building when viewed from adjoining lots;
- overlooking and loss of privacy;
- height of building;
- setback to northern boundary;
- height and scale of windows on northern elevation; and
- roof pitch.

RECOMMENDATION:

A. That the Development Application for a Dwelling and Outbuilding requiring discretion under PD4 at 10 Intrigue Court, Tranmere (Cl Ref D-2015/196) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The development must meet all required Conditions of Approval specified by TasWater notice dated 30 May 2015 (TWDA 2015/00768-CCC).

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

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.8 SUBDIVISION APPLICATION SD-2015/20 - 91 COLD BLOW ROAD,
RICHMOND - 1 LOT SUBDIVISION**
(File No SD-2015/20)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 91 Cold Blow Road, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned Intensive Agriculture 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 14 July 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of non-compliance with 6.9.4(b) of the Scheme and does not meet the intent of the Intensive Agricultural zone.

RECOMMENDATION:

- A. That the application for a 1 lot Subdivision at 91 Cold Blow Road, Richmond (CI Ref SD-2015/20) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A1 – NEW CROSSOVER [MSD-02].
 3. ENG S1 – INFRASTRUCTURE REPAIR.
 4. EHO 4 – NO BURNING.
 5. ADVICE - The applicant be advised that future residential use of Lot 1 is severely constrained by the Use Table of the Significant Agricultural zone under the Clarence Interim Planning Scheme 2015 in which a Residential use is Discretionary in the zone “*only if a single dwelling is necessary to support agricultural use on the property*”.

11.3.9 SUBDIVISION APPLICATION SD-2014/44 - 28 AND 30 KING STREET AND 181 MOCKRIDGE ROAD, ROKEBY - 180 LOT SUBDIVISION
(File Nos K012-28; M026-181)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 180 lot subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Heritage and Vegetation Management 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the written consent of the applicant to expire on 15 July 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 4 representations were received raising the following issues:

- walkway (between Lots 156 and 157);
- public open space;
- internal access;
- access to Lot 117; and
- location of easements.

Council officers have raised a number of concerns about the layout of the subdivision with the applicant and suggested alternative design options to address these concerns. However, the applicant asks Council to consider the attached plan of subdivision.

RECOMMENDATION:

- A. That the application for a 180 lot Subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby (Ref SD-2014/44) be refused in accordance with Section 85(a) and (d)(iii) of the Local Government (Building & Miscellaneous Provisions) Act, 1993 (LGBMPA) in that the roads will not suit the public convenience by providing satisfactory internal connection to the inhabitants both of the subdivision or the wider area and the layout should be altered so as to omit the proposed open space given its poor location on the plan and that public open space is to be included in a more acceptable centralised location on any revised application for a plan of subdivision.

- B. That the application for a 180 lot Subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby (Ref SD-2014/44) be refused under the Clarence Planning Scheme 2007 for the following reasons:
- the unsatisfactory layout of roads having regard to their function and relationship to existing roads [Clause 3.3.1(f)(vi)];
 - the unsatisfactory movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots [Clause 3.3.1(f)(vii)];
 - the unsatisfactory location of public open space [Clause 3.3.1(f)(viii)]; and
 - the street design does not comply with Council’s By-law [Clause 6.1.3(e)].
- C. That the applicant be advised that they should contact Council’s Manager City Planning to discuss Council’s internal roads and public open space requirement.
- 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 McFarlane SECONDED Ald Hulme	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Ald Chong	Ald Doust
	Ald Hulme	Ald Thurley
	Ald James	Ald Walker
	Ald McFarlane	
	Ald von Bertouch	

11.3.10 DECLARATION OF CLARENCE INTERIM PLANNING SCHEME 2015

(File No 20-10-21)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Minister for Planning's declaration of the Draft Clarence Interim Planning Scheme 2015 (CIPS).

RELATION TO EXISTING POLICY/PLANS

The declaration of the CIPS supersedes the Clarence Planning Scheme 2007.

LEGISLATIVE REQUIREMENTS

Section 30F of the Land Use Planning and Approval Act, 1993 (LUPAA) provides that the Minister, by notice in the "Gazette", may declare a submitted draft interim planning scheme to be an interim planning scheme.

CONSULTATION

The then draft CIPS was informally exhibited in June and July 2013. Following a review of the submissions received, in March 2014 Council submitted a modified CIPS to the Minister for Planning for declaration. No further public consultation has occurred since the informal exhibition in 2013.

FINANCIAL IMPLICATIONS

There are no significant implications associated with the declaration of the CIPS. However, it is anticipated that the implementation of CIPS will have resourcing implications for a number of reasons, including the fact that it is a more complex scheme to satisfy.

RECOMMENDATION:

- A. That Council notes the Minister for Planning and Local Government's declaration of Clarence Interim Planning Scheme 2015 and resolves to commence its statutory exhibition as directed.
- 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 Chong **SECONDED** Ald von Bertouch

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.3.11 BELLERIVE BLUFF PLANNING CONTROLS

(File No 20-10-21)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider whether to pursue an amendment to the planning scheme controls to reintroduce specific area planning controls for the Bellerive Bluff area.

RELATION TO PLANNING PROVISIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015.

LEGISLATIVE REQUIREMENTS

Not Applicable.

CONSULTATION

Any proposal to reintroduce controls would be accompanied by a consultation process.

FINANCIAL IMPLICATIONS

Financial costs for appropriate external expert support would be in the order of \$25,000, excluding any panel hearing costs, which could be minimal through to a further \$20,000 depending on the need for or complexity of any panel hearing.

RECOMMENDATION:

- A. That Council decides if it wishes to undertake an Urban Design Study and Associated Planning Scheme Amendment aimed at conserving and enhancing the character of the Bellerive Bluff precinct.
- 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 45 for Decision on this Item...

BELLERIVE BLUFF PLANNING CONTROLS /contd...

Decision:	<p>MOVED Ald McFarlane SECONDED Ald Hulme</p> <p>“A. That Council decides to undertake an Urban Design Study and Associated Planning Scheme Amendment aimed at conserving and enhancing the character of the Bellerive Bluff Precinct.</p> <p>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”.</p> <p style="text-align: right;">CARRIED</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">FOR</td> <td style="width: 50%; vertical-align: top;">AGAINST</td> </tr> <tr> <td style="vertical-align: top;"> Ald Chong Ald Doust Ald Hulme Ald James Ald McFarlane Ald Thurley Ald von Bertouch </td> <td style="vertical-align: top;"> Ald Walker (abstained) </td> </tr> </table> <p>MOVED Ald McFarlane SECONDED Ald Hulme</p> <p>“B. That in the event that ‘A’ above is determined affirmatively, the adopted Estimates for 2015/2016 be amended to meet the cost of the project by increasing the Recurrent Budget for City Future by \$45,000”.</p> <p style="text-align: right;">CARRIED</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">FOR</td> <td style="width: 50%; vertical-align: top;">AGAINST</td> </tr> <tr> <td style="vertical-align: top;"> Ald Chong Ald Doust Ald Hulme Ald James Ald McFarlane Ald Thurley Ald von Bertouch </td> <td style="vertical-align: top;"> Ald Walker (abstained) </td> </tr> </table>	FOR	AGAINST	Ald Chong Ald Doust Ald Hulme Ald James Ald McFarlane Ald Thurley Ald von Bertouch	Ald Walker (abstained)	FOR	AGAINST	Ald Chong Ald Doust Ald Hulme Ald James Ald McFarlane Ald Thurley Ald von Bertouch	Ald Walker (abstained)
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FOR	AGAINST								
Ald Chong Ald Doust Ald Hulme Ald James Ald McFarlane Ald Thurley Ald von Bertouch	Ald Walker (abstained)								

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 BELLERIVE-HOWRAH COASTAL RESERVE ACTIVITY PLAN – 2015-2019**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Bellerive-Howrah Coastal Reserve Activity Plan 2015-2019 following community consultation.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 and Community Participation Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation with the community was undertaken in accordance with Council's Community Participation Policy.

FINANCIAL IMPLICATIONS

The adoption of the Bellerive-Howrah Coastal Reserve Activity Plan 2015-2019 has no direct financial impact. The implementation of the Bellerive-Howrah Coastal Reserve Activity Plan 2015-2019 is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

RECOMMENDATION:

- A. That Council incorporates the following additional items in the Bellerive-Howrah Coastal Reserve Activity Plan 2015-2019.
- Restore original dune height and undertake revegetation and dune stabilisation immediately following the installation of the replacement stormwater outfall pipe on Bellerive Beach at Lower River Street.
 - To install artificial nesting burrows for Little Penguins with appropriate plantings of dense shrubs as burrow protectors at suitable locations within the Reserve.
 - Amend Table 3 with the following:
 - dead trees and limbs that have the potential to provide fauna habitat should only be removed where they have been assessed as hazardous to users;
 - lower branches are to be selectively pruned no higher than 2.5m to allow for safe passage by pedestrians.
 - That a feasibility study be undertaken to assess whether or not the proposal for a intertidal walking track from Little Howrah Beach to Trammere Coastal Reserve is viable.
 - To move the track marker further back from the beach or paint with a less obvious colour and the addition of reflective markers on each pole.

- Council to continue to encourage cat owners to meet their obligations under the Cat Management Act, 2009.
- Include historical and cultural use of the area on proposed interpretative signage.
- Amend Table 4 to include beach litter as an issue requiring community education and awareness.

B. That Council adopts the Bellerive-Howrah Coastal Reserve Activity Plan 2015-2019 including the modifications detailed in 'A' above.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 POTTERS HILL BUSHLAND RESERVE ACTIVITY PLAN – 2015-2019

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Potters Hill Bushland Reserve Activity Plan 2015-2019 following community consultation.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 and Community Participation Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation with the community was undertaken in accordance with Council's Community Participation Policy.

FINANCIAL IMPLICATIONS

The adoption of the Potters Hill Bushland Reserve Activity Plan 2015-2019 has no direct financial impact. The implementation of the Potters Hill Bushland Reserve Activity Plan 2015-2019 is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

RECOMMENDATION:

That Council adopts the Potters Hill Bushland Reserve Activity Plan 2015-2019.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.3 DEFINITION OF URBAN AREAS OF CLARENCE FOR APPLICATION OF THE URBAN DRAINAGE ACT, 2013

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To approve and adopt a map and associated Urban Drainage Areas Policy Statement that defines the urban areas of the City of Clarence where the Urban Drainage Act 2013 shall apply.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 and Urban Drainage Act, 2013 are relevant. Council may set fees for services provided at a person's request under Section 205 of the Local Government Act, 1993.

CONSULTATION

Council has been represented by 2 officers on a state working group investigating the implementation of the Urban Drainage Act, 2013.

FINANCIAL IMPLICATIONS

Council is required to provide stormwater connections to properties within 30m of a Public Stormwater System. Council may set a fee for the cost of providing said stormwater connections; to date Council has not established such a fee in its Fees and Charges as part of the Annual Plan.

RECOMMENDATION:

- A. That Council notes the need to formally adopt a defined "urban" area of the City in order to provide a basis for its responsibilities and to exercise its functional responsibilities under the Urban Drainage Act, 2013.
- B. That Council adopts the Clarence City Council Urban Drainage Areas Policy Statement (incorporating a map of the urban drainage areas of the City).
- C. That Council authorises the General Manager to update the Urban Drainage Area Policy Statement as necessary, where minor amendments to the Policy Statement may be required to maintain currency with changes that have subsequently occurred in relevant legislation or related Council policies.
- D. That further development occurs on the preparation of Council's Stormwater Management Strategy which will prioritise future planning and development of stormwater system management plans for the City.

- E. That effective from 13 July 2015, Council revise the adopted 2015-2016 Fee Schedule by adding fees for:
- Urban Drainage Act Clause 19 Connection Fee of \$1340 (including GST) being for the connection to the Public Stormwater System located in adjacent road reserve.
 - Urban Drainage Act Clause 19 Connection Fee of \$650 (including GST) being for the connection to the Public Stormwater System located in an adjacent property, including public and private land.
 - Urban Drainage Act Clause 19 Extension Fee of \$220/m (including GST) for each metre by which the Public Stormwater System has to be extended to meet the connection point.

Decision: **MOVED** Ald Chong **SECONDED** Ald McFarlane

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 AUSTRALIA DAY AWARDS COMMITTEE REVISED CONSTITUTION**

(File No 22-03-01)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of a revised Australia Day Awards Committee Constitution.

RELATION TO EXISTING POLICY/PLANS

The conduct of Council's community events program, including the organisation of the Australia Day Awards is consistent with Council's adopted Strategic Plan 2010-2015 – Social Inclusion Program.

LEGISLATIVE REQUIREMENTS

Special Committees are created under Section 24 of the Local Government Act, 1993.

CONSULTATION

The current Australia Day Selection Committee was consulted and supports the revisions to the current Constitution.

FINANCIAL IMPLICATIONS

Funds were included in the 2015-2016 budget for the conduct of the Australia Day Awards at the Bellerive Boardwalk.

RECOMMENDATION:

- A. That Council endorses a revised Constitution for the Australia Day Awards Committee.
- B. That in the event Council supports Recommendation "A", Council nominates 2 Aldermen to be members of the Committee.

Decision:

MOVED Ald Walker **SECONDED** Ald Chong

"That Council adopts the revised constitution subject to the words 'and on Council's Social Media Networks' being included after the word nominees on Page 2, Clause 5(3)(a)".

CARRIED UNANIMOUSLY

/ Decision contd on Page 54...

**AUSTRALIA DAY AWARDS COMMITTEE REVISED CONSTITUTION /Decision
contd...**

That Council nominates 2 Aldermen to be members of the Committee.

Ald Hulme **nominated** Ald Chong

Ald von Bertouch **nominated** Ald McFarlane

There being no further **nominations** Ald Chong and Ald McFarlane were deemed elected as Council's members of the Australia Day Awards Committee.

11.7.2 CLIFTON BEACH SURF LIFE SAVING CLUB – VARIATION OF LEASE

(File No C029-465a)

EXECUTIVE SUMMARY**PURPOSE**

To consider a request from Clifton Beach Surf Life Saving Club to extend its lease area to accommodate a disability access ramp.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy is applicable.

LEGISLATIVE REQUIREMENTS

Section 177 of the Local Government Act, 1993 is applicable.

CONSULTATION

Consultation has occurred between Council officers and representatives of the Club. No public consultation has occurred in regard to the proposal.

FINANCIAL IMPLICATIONS

The Recommendation has no direct implications on Council's Annual Plan.

RECOMMENDATION:

- A. That in accordance with Section 177 of the Local Government Act 1993, Council gives notice of intention to extend the Clifton Beach Surf Life Saving Club's lease area to accommodate a disability access ramp.
- B. That provided the notice of intention process to lease is finalised and no objections are received, Council varies the area of the existing lease agreement.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.3 87 SURF ROAD, SEVEN MILE BEACH

(File Nos S048-74 and 87)

EXECUTIVE SUMMARY**PURPOSE**

To consider the transfer of 87 Surf Road, Seven Mile Beach to Council.

RELATION TO EXISTING POLICY/PLANS

Council has adopted the Seven Mile Beach Sport and Active Recreation Precinct Master Plan.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred between Council, the Department of Primary Industries, Parks, Water and the Environment and the Department of Education.

FINANCIAL IMPLICATIONS

If the land transfer is accepted by Council there will be capital and annual maintenance costs that have not been considered in the 2015-2016 Annual Plan as detailed in Sections 2.7 and 2.8 of this report.

RECOMMENDATION:

- A. That Council accepts the offer from the State Government to transfer, at no cost, the whole title for 87 Surf Road which includes the coastal reserve.
- B. That the adopted Estimates for 2015-2016 be amended to meet the cost of maintenance associated with the acceptance of the land at 87 Surf Road by increasing the recurrent allocation for:
- Infrastructure Roads and Transport by \$5,000;
 - Natural Environment Programme by \$4,000;
 - Facilities Management Programme by \$16,000.

Decision:

MOVED Ald McFarlane **SECONDED** Ald Thurley

“That Recommendation ‘A’ be adopted”.

CARRIED UNANIMOUSLY

MOVED Ald McFarlane **SECONDED** Ald Walker

“That Recommendation ‘B’ be adopted”.

CARRIED UNANIMOUSLY

11.7.4 ADOPTION OF AUDIO VISUAL RECORDING OF COUNCIL MEETINGS POLICY
(File No)**EXECUTIVE SUMMARY****PURPOSE**

To consider adoption of an Audio Visual Recording of Council Meetings Policy.

RELATION TO EXISTING POLICY/PLANS

The Policy is consistent with Council's existing Privacy Policy, Freedom of Information Policy, Council Information and Records Operational Policy and the Clarence City Council Meeting Procedures Policy.

The Policy is consistent with the Strategic Plan 2010-2015 goal "*To provide consistent, accountable, transparent and effective governance of the City*".

LEGISLATIVE REQUIREMENTS

Council may determine to audio record its open meetings under the Local Government (Meeting Procedures) Regulations 2015. Any determination to audio records open Council Meetings needs to consider the Personal Information Protection Act, 2004.

CONSULTATION

The Policy was presented at Council's Workshop on 6 July 2015 for discussion.

FINANCIAL IMPLICATIONS

No direct financial implications.

RECOMMENDATION:

- A. That Council adopts the draft Audio Visual Recording of Council Meetings Policy as per Attachment 1 of the Associated Report.
- B. That Council authorises the General Manager to update the Audio Visual Recording of Council Meetings Policy as necessary, where minor amendments to the policy may be required to maintain currency with changes that subsequently occur in relevant legislation or related Council policies.

Decision:

MOVED Ald Chong **SECONDED** Ald Hulme

"That the Recommendation be adopted with the following corrections made to the Policy, one typographical error and correction of the web site address".

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 TENDER T1044-15 – FOOTPATH RECONSTRUCTION
- 13.3 TENDER T1038-15 – CAR PARK CONSTRUCTION – BELLERIVE BEACH PARK – STAGE 1
- 13.4 TENDER T1043-15 – SOUTH STREET STORMWATER DRAINAGE UPGRADE – STAGE 2 WORKS

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

- contracts for the supply and purchase of goods and services;
- applications by Aldermen for 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.

Ald Walker left the Meeting at this stage (9.40pm).

Decision:

PROCEDURAL MOTION

MOVED Ald Hulme **SECONDED** Ald Doust

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

CARRIED UNANIMOUSLY

CLOSED MEETING /contd...

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

13.2 TENDER T1044-15 – FOOTPATH RECONSTRUCTION

(File No T1044/15)

Decision:	MOVED Ald Chong SECONDED Ald Hulme
	“A. “That the Schedule of Rates Tender from Earth Innovations Pty Ltd for Footpath Reconstruction works be accepted.
	B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
	C. That the Council decision only be recorded in the public Minutes”.
	CARRIED UNANIMOUSLY

13.3 TENDER T1038/15 – CAR PARK CONSTRUCTION – BELLERIVE BEACH PARK – STAGE 1

(File No T1038/15)

Decision:	MOVED Ald Hulme SECONDED Ald von Bertouch																
	“A. That Council accepts the tender of Hazell Bros Group Pty Ltd for the sum of \$694,987.00, excluding GST, for Car Park Construction, Bellerive Beach Park – Stage 1 works.																
	B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.																
	C. That the Council decision only be recorded in the public Minutes”.																
	CARRIED																
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Chong</td><td>Ald James</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 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 Chong	Ald James	Ald Doust		Ald Hulme		Ald McFarlane		Ald Thurley		Ald von Bertouch		Ald Walker	
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Ald Chong	Ald James																
Ald Doust																	
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Ald McFarlane																	
Ald Thurley																	
Ald von Bertouch																	
Ald Walker																	

13.4 TENDER T1043-15 – SOUTH STREET STORMWATER DRAINAGE UPGRADE – STAGE 2 WORKS

(File No T1043-15)

Decision:**MOVED** Ald Walker **SECONDED** Ald Chong

- “A. That the alternative Tender from DCS Civil Tas Pty Ltd for \$574,608.08, excluding GST, be accepted for the construction of the South Street Stormwater Drainage Upgrade – Stage 2 Works.
- B. That the adopted Estimates for 2015/2016 be amended to meet the cost of the South Street Stormwater Drainage Upgrade – Stage 2 Works by increasing the estimate for this project by \$275,000 to be funded from the Infrastructure Renewal Reserve.
- C. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- D. That the Council decision only be recorded in the public Minutes”.

CARRIED UNANIMOUSLY

The Meeting closed at 9.43pm.