

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON TUESDAY 13 JUNE 2017**

**HOUR CALLED:** 7.30pm

**PRESENT:** The meeting commenced at 7.32pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

N M Campbell  
H Chong  
P Cusick  
D Doust  
D Hulme  
R H James  
J Peers  
D Thurley  
S von Bertouch  
J Walker; present.

**1. APOLOGIES** P K McFarlane

**ORDER OF BUSINESS** Items 1 – 13

**IN ATTENDANCE**

General Manager  
(Mr A Paul)

Corporate Treasurer  
(Mr F Barta)

Acting Group Manager Asset Management  
(Mr R Graham)

Corporate Secretary  
(Mr A van der Hek)

Acting Manager City Planning  
(Mr B Gibbs)

Manager Health and Community Development  
(Mr J Toohey)

Co-ordinator Council Support  
(Ms J Ellis)

The Meeting closed at 9.54pm.

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.

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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 May 2017 and the Special Council Meeting held on 5 June 2017, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 22 May 2017 and the Special Council Meeting held on 5 June 2017, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

## 3. MAYOR’S COMMUNICATION

The Mayor invited Ald von Bertouch to present to Council the 2017 Australian Coastal Award in the Annual Achievement Category for Council’s Adaptation Pathway Sharing Lessons Learnt.

## 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:

<b>PURPOSE</b>	<b>DATE</b>
Budget Deliberations Airport and Rating LED Lighting on Roads Begonia Street	29 May
Smart Cities Funding Kangaroo Bluff Battery Hobart City Council LGAT Motion Date of Australia Day Draft Report Voluntary Amalgamation Feasibility Study	5 June

**COUNCIL WORKSHOPS /contd...**

**RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:**                    **MOVED** Ald Chong **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

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

(File No)

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

Nil.

**7.4 QUESTIONS WITHOUT NOTICE**

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

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

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

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

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**  
(File No 10/03/04)

Nil.

## 9. MOTIONS ON NOTICE

### 9.1 NOTICE OF MOTION - ALD JAMES TREE REMOVAL

(File Nos 10-03-05; T004)

In accordance with Notice given it was:

**Decision:** **MOVED** Ald James **SECONDED** Ald Peers

“That Council approve the removal of the tree on Council’s nature strip adjacent to the dwelling at 1 Tanundal Street, Howrah”.

At this stage Ald Hulme became aware that the resident was a person known to him and as such, declared an Interest in this Item and left the Meeting prior to discussion (7.40pm).

The **MOTION** was **put** and **LOST**

**FOR**

Ald Doust  
Ald James  
Ald Peers

**AGAINST**

Ald Campbell  
Ald Chipman  
Ald Chong  
Ald Cusick  
Ald Thurley  
Ald von Bertouch  
Ald Walker

Ald Hulme returned to the Meeting at this stage (7.51pm).

## 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 1 January to 31 March 2017.

#### RECOMMENDATION:

That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 31 March 2017 be received.

**Decision:** **MOVED** Ald Chong **SECONDED** Ald Cusick

“That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 31 March 2017 be received”.

**CARRIED UNANIMOUSLY**

#### Representative Reporting

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

#### Quarterly Reports

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summary of its Meetings for the period ending 31 May 2017.

**Decision:** **MOVED** Ald Campbell **SECONDED** Ald Chong

“That the Quarterly Summary of the Copping Refuse Disposal Site Joint Authority for the period ending 31 May 2017 be received”.

**CARRIED UNANIMOUSLY**

/ contd on Page 12...

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

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period 1 January to 31 March 2017.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

**Representative Reporting**

- **TASWATER CORPORATION**

**10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**
**Richmond Advisory Committee**

- Ald Chong tabled the Agenda for the Meeting held on 16 May 2017 and the Minutes of a Meeting held on 18 April 2017.

**Committee of Management of Business East Inc**

- Ald Hulme tabled Minutes of Meetings held on 11 April and 9 May 2017.

**Almas Activities Centre Management Committee**

- Ald von Bertouch tabled the following:
  - Minutes of a Meeting held on 11 April 2017;
  - Statement for period ending 30 April 2017;
  - Balance Sheet for period ending 30 April 2017;
  - Profit and Loss Statement for period ending 30 April 2017 and
  - Statement for period ending 31 May 2017.

**Waste Strategy South**

- Ald von Bertouch tabled the Minutes of a Meeting held on 22 May 2017.

**11. REPORTS OF OFFICERS**

**11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 22 and 29 May and 5 June 2017 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 22 and 29 May and 5 June 2017 be noted.

**Decision:** **MOVED** Ald Hulme **SECONDED** Ald Thurley

“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-2017/166 – 18 SCHOOL ROAD, SANDFORD – CHANGE OF USE TO SPORT AND RECREATION (KARATE TRAINING)**  
(File No D-2017/166)

## **EXECUTIVE SUMMARY**

### **PURPOSE**

The purpose of this report is to consider an application for a change of use to Sport and Recreation (karate training) at 18 School Road, Sandford.

### **RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code and Signs Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme, the proposed change of use is a Discretionary use.

### **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 21 June 2017.

### **CONSULTATION**

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

- insufficient on-site parking;
- precedent to encourage more intensive forms of sport and recreation use; and
- other facilities nearby can be used for the use as opposed to establishing a new site.

### **RECOMMENDATION:**

A. That the Development Application for a change of use to Sport and Recreation (karate training) at 18 School Road, Sandford (CI Ref D-2017/166) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AM5 – TRADING HOURS [Monday – Thursday 10am to 9pm, Friday 9am to 1pm, Saturday 9am to 5pm and Sunday 10am to 2pm.
3. Karate training class sizes must not exceed 15 persons at any time.
4. GEN S2 – SIGN LOCATION.
5. GEN S3 – SIGN MAINTENANCE.
6. ENG A1 – NEW CROSSOVER.
7. ENG A5 – SEALED CONSTRUCTION.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG M1 – DESIGNS DA.

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 Peers

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION D-2017/141 - 30 DUMBARTON DRIVE AND 240 GEILSTON BAY ROAD, GEILSTON BAY (INCLUDING 22, 26, 28A AND 32 DUMBARTON DRIVE, GEILSTON BAY FOR ACCESS) - MULTIPLE DWELLINGS (4)**

(File No D-2017/141)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 4 additional Multiple Dwellings at 30 Dumbarton Drive and 240 Geilston Bay Road, Geilston Bay (including 22, 26, 28A and 32 Dumbarton Drive, Geilston Bay for access).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Bushfire Prone Areas and Waterway, Coastal Protection Areas and Parking and 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 expires on 9 June 2017 but was extended with the consent of the applicant until 15 June 2017.

**CONSULTATION**

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

- survey information;
- Traffic Impact Assessment;
- driveway sightlines;
- driveway slope;
- screening for protection from vehicle lights;
- location of garbage bins;
- upgrading of Geilston Creek Road; and
- lack of disabled parking.

**RECOMMENDATION:**

- A. That the Development Application for 4 Multiple Dwellings at 30 Dumbarton Drive and 240 Geilston Bay Road, Geilston Bay ( including 22, 26, 28A and 32 Dumbarton Drive, Geilston Bay for access) (Cl Ref D-2017/141) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. The titles approved by SD-2013/51 must be sealed prior to the issue of a Building Permit.
  3. ENG A5 – SEALED CAR PARKING.
  4. ENG S1 – INFRASTRUCTURE REPAIR.
  5. ENG M1 – DESIGNS DA.
  6. ENG M5 – EROSION CONTROL.
  7. ENG M3 – GARBAGE FACILITIES.
  8. The development must meet all required Conditions of Approval specified by TasWater notice dated 21 April 2017 (TWDA 2017/00519-CCC).

**ADVICE:**

The location of the garbage bin storage for Units 1 – 3 and 8 – 10 has not been approved and may require an amendment to the permit for D-2015/108.

- 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**

**11.3.3 AMENDMENT APPLICATION A-2016/2 - INTRODUCTION OF E8.0  
ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE**  
(File No A-2016/2)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council's decision of 10 April 2017, in light of the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to a planning scheme amendment that, if ultimately approved, will introduce the E8.0 Electricity Transmission Infrastructure Protection Code. The draft Amendment was initiated by Council under Section 34(b) of LUPAA pursuant to a direction of the Tasmanian Planning Commission.

**RELATION TO PLANNING PROVISIONS**

The proposed Amendment is for the inclusion of an additional Code which prescribes new planning controls that would apply in addition to underlying zone/s standards and any other applicable Codes or Specific Area Plans that may be relevant to a particular parcel of land.

**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 (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.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and also referred to TasWater, the Department of State Growth and TasNetworks. In total 10 submissions were received.

TasWater and the Department of State Growth advised that they did not wish to provide further comment; TasNetworks supported the amendment and provided commentary about application requirements and current practice. A copy of the TasNetworks submission is attached the Associated Report.

The remaining representations and 1 late submission were opposed to the Amendment and raised the following issues:

- complication of the planning approvals process;
- property values, resale and compensation;
- impact on existing development potential;
- spatial accuracy/interpretation and inability to establish the location of the buffers on site;
- capacity to rebuild a property in the event of destruction;
- opposition to performance criteria needing to meet the requirements of the electricity transmission entity;
- standards relating to Noise, Contaminants and Subdivision;
- easements; and
- communication facilities not being regulated by TasNetworks.

**RECOMMENDATION:**

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Commission that it considers the merits of the representations received warrant the following modifications to draft Amendment A-2016/2:
1. Amend Footnotes at R1(c) and R2(d) respectively to ensure that Underground Electricity Transmission Corridor (ETC) buffer width is specified as 15m from centreline and the Underground Inner Protection Area (IPA) buffer width is specified as 11m from the centreline.
  2. Amend Clause E8.5.1 to read as follows:  
*“Where performance criteria require the planning authority to have regard to any written advice or requirements of the electricity transmission entity:*
    1. *the applicant must provide the written advice of the electricity transmission entity setting out the entity's views of the proposed use or development; or alternatively*
    2. *where the application is not accompanied by the written advice of the electricity transmission entity, the Planning Authority must refer the proposal to the electricity transmission entity during the exhibition period”.*
  3. Amend all performance criteria referring to “written advice or requirements of the electricity transmission entity” to:  
*“any written advice or requirements of the electricity transmission entity”.*
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

/ Refer to Page 22 for Decision on this Item...

**MENDMENT APPLICATION A-2016/2 - INTRODUCTION OF E8.0 ELECTRICITY TRANSMISSION INFRASTRUCTURE PROTECTION CODE /contd...**

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

**11.3.4 SECTION 37 AMENDMENT APPLICATION A-2017/1 - YACHTSMANS WAY ZONE BOUNDARY ADJUSTMENT**  
(File No A-2017/1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a proposed Planning Scheme Amendment under the provisions of Section 37 of the Land Use Planning and Approvals Act, 1993 (LUPAA). The Amendment is to correct a zoning alignment anomaly introduced during the assessment and determination of Section 43A Application A-2010/12, D-2011/140, D-2010/291 and SD-2010/63 at the land that can be broadly described as 939 Oceana Drive Tranmere.

**RELATION TO PLANNING PROVISIONS**

It is proposed to amend the Clarence Interim Planning Scheme 2015 (the Scheme) Zoning pursuant to Section 37 of the Land Use Planning and Approvals Act, 1993.

If certified and approved the Amendment will re-establish the proposed area of the Local Business zone required to support the Café and Dwelling development (D-2011/140) considered by Council and ultimately approved by the Tasmanian Planning Commission (TPC) on 4 June 2012.

**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.

**CONSULTATION**

Provided that the TPC is satisfied that the proposed Amendments are in accordance with Section 37 of LUPAA, the TPC may approve or modify the Amendments without the need for public consultation.

Notwithstanding, the proposal was referred to TasWater who advised that they had no comments or objections to the draft Amendment.



**RECOMMENDATION:**

- A. That Council resolves, under Section 34(b) of the Land Use Planning and Approvals Act, 1993 to initiate draft Amendment A-2017/1.
- B. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify the draft Amendment A-2017/1 and sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- C. That Council request the Tasmanian Planning Commission to consider the draft Amendment A-2017/1 pursuant to Section 37 dispensing with the requirement for Public Exhibition.
- 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 James **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.5 DEVELOPMENT APPLICATION D-2017/34 - 67 MALUNNA ROAD, LINDISFARNE - 2 MULTIPLE DWELLINGS (1 EXISTING AND 1 NEW)**  
(File No D-2017/34)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider an agreement, drafted in relation to a planning appeal made through the Resource Management and Planning Appeal Tribunal against Council's refusal of Multiple Dwellings (1 existing and 1 new) at 67 Malunna Road, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015. 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.

**CONSULTATION**

One representation, lodged on behalf of 7 property owners, was received during the original exhibition of the application. Three of those representors have joined as parties to the appeal. Mediation between all parties has been undertaken as part of the appeal process.

**RECOMMENDATION:**

- A. That Council signs the Consent Agreement stating that a permit be granted for Multiple Dwellings (1 existing and 1 new) at 67 Malunna Road, Lindisfarne (CI Ref D-2017/34) subject to conditions, noting that the other parties to the planning appeal have already signed the agreement.
- 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 26 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2017/34 - 67 MALUNNA ROAD, LINDISFARNE  
- 2 MULTIPLE DWELLINGS (1 EXISTING AND 1 NEW) /contd...**

**Decision:**

**MOVED** Ald Walker **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 RISDON VALE RECREATION AND COMMUNITY FACILITIES PLAN**

(File No Q1127-16)

**EXECUTIVE SUMMARY****PURPOSE**

To seek Council endorsement to release the draft Risdon Vale Recreation and Community Facilities Plan for public consultation in order to obtain feedback on the Risdon Vale Recreation and Community Facilities Plan from the broader community.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 and Community Participation Policy are relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Consultation to form the draft Risdon Vale Recreation and Community Facilities Plan has been undertaken with Aldermen, Council officers, community groups and other key stakeholders.

**FINANCIAL IMPLICATIONS**

The adoption of the Risdon Vale Recreation and Community Facilities Plan has no direct financial impact. The implementation of the Risdon Vale Recreation and Community Facilities Plan is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

**RECOMMENDATION:**

- A. That Council authorise the General Manager to undertake community consultation on the draft Risdon Vale Recreation and Community Facilities Plan as outlined in the Associated report.
- B. That the results of the community consultation be reported back to Council.

**Decision:** **MOVED** Ald Campbell **SECONDED** Ald Peers

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.5.2 RICHMOND RECREATION RESERVES ACTIVITY PLAN – 2017-2021**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the adoption of the Richmond Recreation Reserve Activity Plan 2017-2021 following community consultation.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 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 Richmond Recreation Reserve Activity Plan 2017-2021 has no direct financial impact. The implementation of the Richmond Recreation Reserve Activity Plan 2017-2021 is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

**RECOMMENDATIONS:**

- A. Amend existing recommendations namely, C1, RF2, TL6, AM2, S2, RV1, by adding the following text:
1. Actively involve the local primary school children in the land care group decisions and activities (C1).
  2. Ensure the trial 6 hole disc golf course is planned to provide good visibility of walking tracks so no conflicts occur (RF2).
  3. Consider incorporating information about the local reserves and their connectivity into the draft Strategy for Coal Valley Tourist Trail thus linking wineries with local activity areas (TL6).
  4. Include additional dog refuse bin near the proposed seat within Area 1 (AM2).
  5. Consider incorporating information signage on disc golf holes (S2).
  6. Consider the inclusion non-native plants to promote English ambiance of the community. The selected plants must not have propensity to compete or become weeds (RV1).
- B. Add the following recommendations into the Plan:
1. Consider installation of outdoor gym equipment (RF3).
  2. Develop a feasibility study to consider the potential for a walk/bike track and kayak trail from the Craighourne Dam to the Richmond Recreation Reserve and onward linkages into Richmond. (TL8).

3. Consider installation of a fenced dog exercise area within the Richmond Recreation Reserve (FH3).
4. Undertake an assessment of the functionality of the pump station and the potential options for use of the 5ML water entitlement. The assessment to include consideration of irrigation areas within the Richmond Recreation Reserve that has the potential to enhance the area's natural and recreational values. (WM1).

**C.** That Council adopts the Richmond Recreation Reserve Activity Plan 2017-2021 including the modifications in “A” and “B” of the Recommendation.

**Decision:** **MOVED** Ald Chong **SECONDED** Ald Peers

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.5.3 BEDLAM WALLS BUSHLAND RESERVE ACTIVITY PLAN 2017-2021**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the adoption of the Bedlam Walls Bushland Reserve Activity Plan 2017-2021 following community consultation.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 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 Bedlam Walls Bushland Reserve Activity Plan 2017-2021 has no direct financial impact. The implementation of the Bedlam Walls Bushland Reserve Activity Plan 2017-2021 is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

**RECOMMENDATION**

- A. Amend Table 1 on Page 15 to include 2 new recommendations.
  - 1. Identifying the source of the permanent seepage along a section of the main Bedlam Walls track, and resurfacing the track in areas that become boggy after rain.
  - 2. Maintain the undeveloped coastal track that branches off the main track to the grove of quince trees then back via the cave entrance onto the main track.
- B. Amend Recommendation 16 by adding the following – “and install a directional sign from the East Derwent Highway”.
- C. That Council adopts the Bedlam Walls Bushland Reserve Activity Plan 2017-2021 including the modifications in “A” and “B” of the Recommendation.

/ Refer to 32 for Decision on this Item...



**BEDLAM WALLS BUSHLAND RESERVE ACTIVITY PLAN 2017-2021 /contd...**

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

**11.5.4 SECONDARY COLLEGE - POTENTIAL MEMORANDUM OF UNDERSTANDING**  
(File No M026-170)

**EXECUTIVE SUMMARY**

**PURPOSE**

To consider a request from Bayview Secondary College to enter a Memorandum of Understanding with the Department of Education and Bayview Secondary College to lease and manage the school sports facilities/grounds.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

No community consultation has occurred. Discussions have taken place between Council officers, Aldermen and Department of Education officers.

**FINANCIAL IMPLICATIONS**

There are no financial implications inherent in adopting in principle support for negotiating a draft Memorandum of Understanding, as the adoption of the Memorandum of Understanding will be subject to a further Council decision. Should Council proceed with the lease and associated future development there will be capital and recurrent costs to be considered as part of future Annual Plans.

**RECOMMENDATION:**

That Council authorises the General Manager to negotiate a draft Memorandum of Understanding subject to:

- the Memorandum of Understanding to be developed with not only the Department of Education and Bayview Secondary College but also with State Sporting Organisations and major sports clubs identified as part of the community engagement process;
- Council's involvement in the Memorandum of Understanding being contingent on State Sporting Organisations and major sports clubs involved committing to relocate, committing to the development in terms of scheduling at the facility and committing to the provision of funds for the development;
- the draft Memorandum of Understanding be reported back to Council for adoption at a future Council Meeting.

**Decision:** **MOVED** Ald Hulme **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE****11.7.1 PROPOSED LAND EXCHANGE – SEVEN MILE BEACH SPORTS AND ACTIVE RECREATION PRECINCT**

(File No S048-74)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a request from the Royal Hobart Golf Club to exchange land at the Seven Mile Beach Sports and Active Recreation Precinct (Precinct land).

**RELATION TO EXISTING POLICY/PLANS**

The City of Clarence 2016 -2026 Strategic Plan is relevant to this matter. Specifically the following strategies are identified:

- Develop and implement a public open space network including quality public spaces, parks, reserves, and tracks and trails;
- Create safe, well connected and high quality public open spaces that meet the needs of the community and visitors, with a focus on accessibility and safe design principles: and
- Market and communicate our City positioning and benefits through the promotion of the City's attributes, opportunities and visitor attractions, highlighting in particular sport/recreation/leisure opportunities and lifestyle/living options (urban, rural, coastal, village).

Other related plans include:

- Tracks and Trails Network Strategy;
- Tracks and Trails Action Plan; and
- Seven Mile Beach Sport and Active Recreation Precinct Master Plan.

**LEGISLATIVE REQUIREMENTS**

The capacity for Council to openly transact with other parties in respect to its Precinct land is governed by the reversionary conditions on the transfer of ownership in the land from the Crown to Council. Specific Crown/Ministerial approvals are required to support any land dealing.

**CONSULTATION**

There has been direct consultation between Council officers and representatives from the Royal Hobart Golf Club and with the relevant State Government agency in regard to the merits and the requirements to give effect to the proposal

**FINANCIAL IMPLICATIONS**

As the subject land is classified as "Public Land" a valuation is required to be obtained by Council. Other than land transaction costs it is not anticipated that there will be any further capital cost in respect to this proposed land transaction for Council. The sum of costs will become more apparent once the method of land transaction becomes clearer.

**RECOMMENDATION:**

- A. That Council notes the mutually beneficial outcomes of the exchange of land proposal put forward by the Royal Hobart Golf Club that could result in:
- Council gaining an important final linkage of the Tangara Trail and thereby provide additional access to the Precinct land; and
  - that the area of land being sought by the Club will not have a material impact on Council's planned future development of its Seven Mile Beach Sport and Active Recreation Precinct; and additionally
  - that there are some transaction complexities (due to the provisions of the Crown Land Act, 1976 and the terms of transfer of the Precinct land) that may render difficult the simple effecting of the proposal.
- B. That Council agree in principle to the proposed exchange of land with the Royal Hobart Golf Club for the purposes outlined above subject to:
- gaining the support and facilitation of the exchange by the Minister for Primary Industries and Water; and
  - there being no financial or other detriment to Council.
- C. That the Corporate Secretary be authorised to enter into dialogue with the State Government to canvass what processes are involved in effecting the exchange as proposed and that the outcome of this dialogue be the subject of a further report to Council.

The General Manager declared an Interest in this Item and left the Meeting prior to discussion (8.35pm).

<b>Decision:</b>	<b>MOVED</b> Ald Cusick <b>SECONDED</b> Ald Thurley  "That the Recommendation be adopted".  <b>CARRIED UNANIMOUSLY</b>
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The General Manager returned to the Meeting at this stage (8.37pm).

**11.7.2 RESPONSE TO LGAT – LED STREET LIGHT BULK REPLACEMENT**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a request received from the Local Government Association of Tasmania (LGAT) who has engaged an energy consulting firm, Ironbark Sustainability, to prepare a business case on LED Street Light bulk replacement on behalf of the 7 Southern Tasmanian Councils and for Council to provide in principle support for bulk LED street light replacement.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 in "an environmentally responsible city" is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

No consultation has been undertaken by Council on this proposal.

**FINANCIAL IMPLICATIONS**

There are no immediate financial implications arising from adopting in principle support for the bulk replacement of street lights to LED. Should Council proceed with the replacement of the street lights, the capital and recurrent costs will be considered as part of future Annual Plans.

**RECOMMENDATION:**

That Council authorises the General Manager to:

- A. Advise LGAT that Council provides in principle support to Stage 1 of advising TasNetworks to halt their LED street light replacement program to the 7 Southern Councils, including Clarence.
- B. Advise LGAT that subject to a satisfactory conclusion of Item "C", Council provides in principle support to the strategy of bulk replacement of street lights to LED within Clarence.
- C. Investigate the specifications for new LED Lights, consider smart controls, locations, and liaise with key stakeholders including TasNetworks in relation to maintenance and replacement, funding opportunities for the bulk LED lighting replacement program and report back to Council.

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

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**11.7.3 ROAD CLOSURE – CLARENDON VALE – RESTRICT ACCESS TO STOKELL CREEK**

(File No)

**EXECUTIVE SUMMARY**

**PURPOSE**

To consider a report on a proposal to restrict vehicle access to Breedon Way, part of Holmfield Avenue and Mosman Road in Clarendon Vale to mitigate the dumping of vehicles and tyres in Stokell Creek.

**RELATION TO EXISTING POLICY/PLANS**

Council's adopted Strategic Plan 2016-2026 is relevant.

**LEGISLATIVE REQUIREMENTS**

Section 31 of the Local Government (Highways) Act 1982 sets out the statutory requirements for Council to be able to construct or place obstructions in a local highway for the purpose of preventing or restricting the movement of vehicular traffic.

**CONSULTATION**

Consultation has been undertaken with Mission Australia and Tasmania Police on this proposal.

**FINANCIAL IMPLICATIONS**

There will be costs to undertake consultation on the proposed road restrictions. The costs to install the vehicle restrictions are intended to be contributed by Council and Mission Australia.

**RECOMMENDATION:**

- A. That Council authorises the General Manager to undertake preliminary consultation with the local residents seeking their views on the proposal to restrict vehicle access to Breedon Way, part of Holmfield Avenue and Mosman Road within Clarendon Vale for the purpose of mitigating dumping in Stokell Creek.
- B. That the General Manager report back to Council outlining the results of the consultation undertaken.

**Decision:** **MOVED** Ald Chong **SECONDED** Ald Campbell

“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 REPORTS FROM SINGLE AND JOINT AUTHORITIES

13.3 TENDER T1139-16 – SEVEN MILE BEACH ROAD – ACTON ROAD INTERSECTION UPGRADE

13.4 TENDER T1118-16 – KANGAROO BAY FORESHORE PROMENADE STAGE 2

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

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- 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 Cusick

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

**CARRIED UNANIMOUSLY**

**CLOSED MEETING /contd...**

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

**13.3 TENDER T1139-16 – SEVEN MILE BEACH ROAD – ACTON ROAD INTERSECTION UPGRADE**  
(File No T1139-16)

<b>Decision:</b>	<b>MOVED</b> Ald Campbell <b>SECONDED</b> Ald Chong
	“A. That the Tender from Batchelor Construction Pty Ltd for \$353,531.55, excluding GST, be accepted for the intersection upgrade at the Seven Mile Beach Road/Acton Road Intersection.
	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 Council publish its decision only in regard to this matter in the open Minutes of this Meeting”.
	<b>CARRIED UNANIMOUSLY</b>

**13.4 TENDER T1118-16 – KANGAROO BAY FORESHORE PROMENADE  
STAGE 2**  
(File No T1118-16)**Decision:****MOVED** Ald Peers **SECONDED** Ald Doust

- “A. That Council accepts the Tender of DCS Civil Tas Pty Ltd for the sum of \$775,816.79, excluding GST, for the construction of the Kangaroo Bay Foreshore Promenade Stage 2.
- 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 Council publish its decision only in regard to this matter in the open Minutes of this Meeting”.

**CARRIED UNANIMOUSLY**

The Meeting closed at 9.54pm.