

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 14 SEPTEMBER 2015**

**HOUR CALLED:** 7.30pm

**PRESENT:** The meeting commenced at 7.31pm with the Acting Mayor (Ald N M Campbell) in the Chair and with Aldermen:

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

**1. APOLOGIES** D C Chipman (Leave of Absence)

**ORDER OF BUSINESS** Items 1 – 11.2; 11.7.2; 11.3 – 11.7.1; 11.7.3 - 13

**IN ATTENDANCE** General Manager  
(Mr A Paul)  
Acting Group Manager Asset Management  
(Mr R Graham)  
Corporate Secretary  
(Mr A van der Hek)  
Corporate Treasurer  
(Mr F Barta)  
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 9.27pm.

**COUNCIL MEETING**  
**MONDAY 14 SEPTEMBER 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 24 August 2015, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 24 August 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:

<b>PURPOSE</b>	<b>DATE</b>
Dog Management Policy Flagstaff Gully Road Land Kangaroo Bay Breakwater/Pier Rokeby/Lauderdale Trail	31 August
Dog Policy Kangaroo Bay Precinct – Update Interim Car Parking Plans EOI Process for Voluntary Amalgamations	7 September

**RECOMMENDATION:**

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

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

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

**INTEREST DECLARED**

**Alderman Chong**                      **Item No. 11.3.2**

**Alderman Peers**                      **Item No. 11.5.3**

**6. TABLING OF PETITIONS**

(File No 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) days after receiving the petition.

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager tabled the following petition which complies with the Act requirements:

- Received from 238 signatories in support of the creation of a multi-use foreshore trail to provide a safe, attractive walking and cycling route between Rokeby and Lauderdale.

## **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.

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)

(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)

**PATHWAY AT 351 TRANMERE ROAD**

Mr Mark Broadley addressed the Meeting regarding the above matter.

**DOG MANAGEMENT POLICY REVIEW**

(REFER ITEM 11.7.4)

Mr David Carr addressed the Meeting regarding the above matter.

## 9. MOTIONS ON NOTICE

### 9.1 NOTICE OF MOTION – ALD MCFARLANE MULTI-USER PATHWAY - ROKEBY

(File No 10-03-05)

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

“That Council is provided with a design plan and costings for a multi-user pathway from:

- 1 The round-a-bout at the Rokeby Police Academy to approximately 309 Rokeby Road.
- 2 A costing for acquisition of land for the Rokeby Highway to the foreshore.
- 3 Investigate the best position for its location and include land outside of the road reserve to maintain and create a permanent access route for the multi-user pathway along the road.
- 4 Costings for continuation for 309 Rokeby Road to the Lauderdale School intersection”.

**Decision:**

**PROCEDURAL MOTION**

**MOVED** Ald McFarlane **SECONDED** Ald James

“That this Item lay on the Table for relisting in 2 meetings time”.

**CARRIED**

**FOR**

Ald Campbell  
Ald Chong  
Ald Cusick  
Ald Doust  
Ald Hulme  
Ald James  
Ald McFarlane  
Ald Peers  
Ald von Bertouch

**AGAINST**

Ald Thurley (abstained)  
Ald Walker (abstained)

**9.2 NOTICE OF MOTION – ALD WALKER**  
**LOCAL GOVERNMENT CANDIDATE ELECTORAL EXPENDITURE**  
(File No 10-03-05)

In accordance with Notice it was:

<p><b>Decision:</b>      <b>MOVED</b> Ald Walker    <b>SECONDED</b> Ald Thurley</p> <p>“A. That Council request the State Government to amend the Local Government Act and Regulations, consistent with legislation associated with the Legislative Council (Section 162 of the Electoral Act 2004), to prevent donations to or expenditure by Local Government election candidates involving political parties which endorse and/or support that candidate.</p> <p>B. That Council submit this motion to the Local Government Association of Tasmania for consideration at their next General Meeting”.</p> <p style="text-align: right;"><b>CARRIED</b></p> <table><tr><td><b>FOR</b></td><td><b>AGAINST</b></td></tr><tr><td>Ald Campbell</td><td>Ald McFarlane</td></tr><tr><td>Ald Chong</td><td>Ald von Bertouch</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 Walker</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Ald Campbell	Ald McFarlane	Ald Chong	Ald von Bertouch	Ald Cusick		Ald Doust		Ald Hulme		Ald James		Ald Peers		Ald Thurley		Ald Walker		
<b>FOR</b>	<b>AGAINST</b>																				
Ald Campbell	Ald McFarlane																				
Ald Chong	Ald von Bertouch																				
Ald Cusick																					
Ald Doust																					
Ald Hulme																					
Ald James																					
Ald Peers																					
Ald Thurley																					
Ald Walker																					

**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**

June Quarterly Report pending.

**Representative Reporting**

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

**Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly summary of its Meetings.

March and June Quarterly Reports pending.

**Representative Reporting**

Ald Campbell tabled the Minutes of Meetings held on 20 and 27 August 2015.

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

**Quarterly Reports**

June Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

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

- Ald Doust tabled the Minutes of a Meeting held on 26 August 2015.

**Committee of Management of Business East**

- Ald Hulme tabled the Minutes of a Meeting held on 14 July 2015.

**Tracks and Trails Committee**

- Ald James table the Minutes of Meetings held on 13 August and 10 September 2015.

**Clarence Bicycle Steering Committee**

- Ald von Bertouch tabled the Minutes of a Meeting held on 1 June 2015.

**Clarence Senior Citizens Centre Management Committee**

- Ald von Bertouch tabled the Minutes of a Meeting held on 11 August 2015 and the Balance Sheet for period ending 30 August 2015.

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

(File No 10/02/02)

The Weekly Briefing Reports of 24 and 31 August and 7 September 2015 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 24 and 31 August and 7 September 2015 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

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

Nil.

**CHANGE TO ORDER OF BUSINESS**

<b>Decision:</b>	<b>PROCEDURAL MOTION</b> <b>MOVED</b> Ald Peers <b>SECONDED</b> Ald James  “That Leave of the Meeting be granted to amend the Order of Business to allow Item 11.7.2 to be dealt with at this stage of the Meeting”.  <b>CARRIED UNANIMOUSLY</b>
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Refer to Page 34 for Decision in respect to Item 11.7.2.

**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-2015/251 - 151 MORNINGTON ROAD,  
MORNINGTON - LANDSCAPING BUSINESS**  
(File No D-2015/251)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a landscaping supplies business at 151 Mornington Road.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Industry under the Clarence Planning Scheme 2007 (the Scheme) and is subject to the Mount Canopus Overlay. The proposed use is defined as a Plant Nursery/Garden Centre which is a permitted use in the zone, however, the proposal requires a variation to the car parking requirements which requires a discretion.

**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 16 September 2015.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 10 representations were received raising the following issues:

- increase in noise to adjacent residential area, particularly if a rock crushing machine is installed;
- longer operating hours compared to the operating hours of the Waste Transfer Station and other Landscaping supplies business in the area;
- impact on residential amenity from dust, noise, air pollution and odours;
- not enough screening or landscaping between the site and the adjacent residential properties;
- contamination from tyres and oil being buried on-site; and
- the business will include a wood yard which has not been included on the application.

**RECOMMENDATION:**

A. That the Development Application for Landscaping Business at 151 Mornington Road, Mornington (CI Ref D-2015/251) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN C1 – ON-SITE CAR PARKING [10]. Delete last sentence.

3. GEN AP3 - AMENDED PLAN [the rock/soil mixing area be moved further south on the site].
4. GEN AM5 - TRADING HOURS  
Monday – Friday 7am to 6pm  
Saturday 9am to 6pm  
Sunday and Public Holidays 10am to 6pm.  
  
The rock/soil mixing area is only to be used on weekdays.
5. LAND 1A – LANDSCAPE PLAN insert dot points “landscaping along the northern boundary of the site of sufficient width to contain a variety of species to provide screening to the residential properties to the north” “additional landscaping along the Mornington Road frontage to provide screening”.
6. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
7. ENG A6 – GRAVELLED CAR PARKING.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG M1 – DESIGNS DA.
10. ENG M5 - EROSION CONTROL.
11. A sprinkler system installed or a water cart arrangement must be installed to minimise dust from the site prior to the commencement of the use, to the satisfaction of Council’s Senior Environmental Health Officer.
12. The development must meet all required Conditions of Approval specified by TasWater notice dated 8 September 2014 (TWDA 01009-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.

<b>Decision:</b>	<b>MOVED</b> Ald McFarlane <b>SECONDED</b> Ald Cusick  “That the Recommendation be adopted”.  <b>CARRIED UNANIMOUSLY</b>
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**11.3.2 SUBDIVISION APPLICATION SD-2015/29 - 26 WHITE KANGAROO ROAD,  
CAMPANIA - 6 LOT SUBDIVISION**  
(File No SD-2015/29)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 6 lot subdivision at 26 White Kangaroo Road, Campania.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Intensive Agriculture and subject to the 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 was extended with the consent of the applicant until 16 September 2015.

**CONSULTATION**

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

- inconsistent with the purpose of the Significant Agriculture zone in the Interim Planning Scheme; and
- increase in anti-social and criminal activity as a result of the subdivision, including trespassing on neighbouring properties.

A representation was also received from the Department of State Growth, however, following discussions and the applicant's submission of a Traffic Impact Assessment, the representation was withdrawn.

**RECOMMENDATION:**

A. That the application for a 6 lot subdivision at 26 White Kangaroo Road, Campania (Cl Ref SD-2015/29) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [
  - the access to Lot 6 removed and relocated to White Kangaroo Road; and
  - a road and turning head off Fingerpost Road, which has a minimum length of 30m, to provide access for Lots 1 – 5].

3. GEN F3 – ENDORSEMENTS.
  4. GEN F2 – COVENANTS [No lot is to have direct access from Fingerpost Road].
  5. ENG M2 – DESIGNS SD.
  6. ENG A1 – NEW CROSSOVER [TSD – R03].
  7. ENG A3 – COMBINED ACCESSES replace “sealed” with “gravel”, [TSD – R03], remove second last sentence.
  8. ENG A7 – REDUNDANT CROSSOVER.
  9. ENG A8 – DISTANCE WORK [in accordance with the Traffic Impact Assessment, Keith Midson, August 2015].
  10. ENG A4 – DIER ACCESS.
  11. ENG R1 – ROAD NAMES.
  12. ENG R3 – RURAL ROAD.
  13. ENG R4 – ROAD WIDENING [9m].
  14. ADVICE - The applicant be advised that future residential use of all lots is 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 necessary to support agricultural use on the property*”. Consequently, approval of the subdivision should not be deemed to imply a permit can or will be granted for future residential use.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

Ald Chong declared an Interest in this Item and left the Meeting prior to discussion (8.10pm).

/ Refer to Page 20 for Decision on this Item...

**SUBDIVISION APPLICATION SD-2015/29 - 26 WHITE KANGAROO ROAD,  
CAMPANIA - 6 LOT SUBDIVISION /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Thurley																				
	“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 McFarlane</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><tr><td>Ald Walker</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Ald Campbell	Ald McFarlane	Ald Cusick		Ald Doust		Ald Hulme		Ald James		Ald Peers		Ald Thurley		Ald von Bertouch		Ald Walker	
<b>FOR</b>	<b>AGAINST</b>																				
Ald Campbell	Ald McFarlane																				
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Ald Doust																					
Ald Hulme																					
Ald James																					
Ald Peers																					
Ald Thurley																					
Ald von Bertouch																					
Ald Walker																					

Ald Chong returned to the Meeting at this stage (8.12pm).

**11.3.3 SUBDIVISION APPLICATION SD-2015/35 - 50 MINNO STREET (AND 17 WATTON PLACE), HOWRAH - 98 LOT SUBDIVISION AND BOUNDARY ADJUSTMENT**

(File No SD-2015/35)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 98 lot subdivision at 50 Minno Street, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential and Landscape and Skyline Conservation and is subject to the Vegetation Management and Development Plan 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 to expire on 14 September 2015.

**CONSULTATION**

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

- road construction;
- staging; and
- fencing.

The proposal was considered by the Tracks and Trails Committee who were generally supportive of the proposed connections resulting from the application.

**RECOMMENDATION:**

A. That the application for a 98 lot subdivision and boundary adjustment at 50 Minno Street, Howrah (Cl Ref SD-2015/35) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP2 – STAGING.  
[Stage 1:  
1A – Lots 1, 96-97;  
1B – Lots 2-22.

**Stage 2:**

2A – Lots 28-45 and the POS lot;  
2B – 48-58.

**Stage 3:**

3A – Lots 23-27, 46-47, 75 and 95;  
3B – Lots 86-94;  
3C – Lots 69-74 and 76-82;  
3D – Lots 59-68 and 83-85].

## 3. GEN AP3 – AMENDED PLANS

- [• The protrusion from Lot 97 to road “B” (which is shown as having car parking and stormwater infrastructure on Plan CD02) forming part of road lot “B” and accordingly being transferred to Council in Stage 2.
  - The road lot which connects to 102 Pass Road is to have a full width pavement constructed to terminate at the boundary of 102 Pass Road. The water sensitive urban design sediment bay and the access to Lot 96 (proposed Council Reserve) is to be modified and relocated to be clear of the road pavement and any footpath that may be required within this road reserve.
  - The protrusion from Lot 97 to road “B” is to be created as a road lot as part of Stage 2B of the subdivision. The water sensitive urban design sediment bay is to be modified and relocated to ensure that a full width road pavement can be constructed should a road be located in this lot in the future without the need to modify Council’s stormwater system. The vehicle parking and manoeuvring demonstrated on Plan CD02 is to be designed and constructed to the satisfaction of Councils Group Manager Asset Management prior to the transfer of the lot.]
4. A suitable right-of-way is to be created at Stage 1A to provide access to the proposed Council drainage reserve through the application site.
  5. A public right-of-way over Lot 1 is to be created at Stage 1A to provide a connection from the existing Council land at 17 Watton Place to the proposed Council POS at the western end of the application site, as shown on the approved plans.
  6. GEN F4 – BUILDING ENVELOPE. [1] [the dimension shown on the endorsed plan].
  7. GEN F5 – PART 5 AGREEMENT [requiring the retention and maintenance of the vegetated buffer until such time as the adjacent land to the north is no longer zoned and used for rural purposes, in accordance with Clause AS 5.4 of the Part 50 Minno Street Development Plan].
  8. PROP 2 – POS FENCING.

9. PROP 3 – TRANSFER.
10. GEN V7 – CLEANING OF MACHINERY.
11. ENG A1 – NEW CROSSOVER.
12. ENG M4 – POS ACCESS.
13. ENG M5 – EROSION CONTROL.
14. ENG M6 – CONSTRUCTION FENCING.
15. ENG M7 – WEED MANAGEMENT PLAN.
16. ENG M8 – EASEMENTS.
17. ENG R1 – ROAD NAMES.
18. ENG R2 – URBAN ROADS.
19. All proposed landscaping and park infrastructure within the POS lot, demonstrated on Plan CD02, is to be approved by Council's Group Manager Asset Management prior to any works being undertaken. All works are to be completed in accordance with the approved plans prior to the transfer of the lot to Council.
20. ENG R5 – ROAD EXTENSION.
21. ENG R6 – VEHICLE BARRIERS.
22. ENG S1 – INFRASTRUCTURE REPAIR.
23. ENG S2 – SERVICES.
24. ENG S4 – STORMWATER CONNECTION.
25. ENG S5 – STORMWATER PRINCIPLES.
26. ENG S10 – UNDERGROUND SERVICES.
27. EHO 4 – NO BURNING.
28. LAND 4 – LANDSCAPE BOND (SUBDIVISION).
29. LAND 5 – SUBDIVISION LANDSCAPING.
30. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 September 2015 (TWDA 2015/00992-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 Cusick  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

**11.3.4 DEVELOPMENT APPLICATION D-2015/237 - 38 AND 38A CAMBRIDGE ROAD, BELLERIVE - ADDITION TO EXISTING RESTAURANT (TAKEAWAY)**

(File No D-2015/237)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to an existing restaurant to create a takeaway at 38 and 38A Cambridge Road, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Particular Purpose Zone 4 – Kangaroo Bay under the Clarence Interim Planning Scheme 2015 (the Scheme) and is also subject to the Inundation Prone Areas, Waterway and Coastal Protection, Parking and Access Code and Signage Codes. The development site is not located on that part of the site subject to the Inundation Prone Areas and Waterway and Coastal Protection and therefore these Codes are not relevant to this application. The use is permitted in the zone, however, the proposal requires a Discretionary application as it requires a variation to car parking requirements under the Parking and Access Code.

**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 16 September 2015 with the written agreement of the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and no representations were received.

**RECOMMENDATION:**

- A. That the Development Application for an addition to an existing restaurant to create a takeaway at 38 and 38A Cambridge Road, Bellerive (CI Ref D-2015/237) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN C2 – CASH-IN-LIEU [\$10 000] [1].
  3. The development must meet all required Conditions of Approval specified by TasWater notice dated 8 July 2015 (TWDA 2015/01080-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.

<b>Decision:</b>	<b>MOVED</b> Ald Thurley <b>SECONDED</b> Ald McFarlane		
	<p>“A. That Council adopts the officer’s recommendation, subject to deletion of Condition 2, being cash-in-lieu for 1 car parking space at \$10,000.</p> <p>B. That the reasons recorded for Council’s decision in respect of this matter further include:</p> <ol style="list-style-type: none"> <li>1. the proposal will not increase car parking demand sufficiently enough to warrant any additional requirement; and</li> <li>2. a financial contribution in-lieu is not appropriate at this time as no future car parking project in the area has been endorsed by Council”. </li></ol>		
	<p>The <b>MOTION</b> was <b>put</b> and <b>LOST</b></p>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>FOR</b></p> <p>Ald McFarlane Ald Thurley</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>AGAINST</b></p> <p>Ald Campbell Ald Chong Ald Cusick Ald Doust Ald Hulme Ald James Ald Peers Ald von Bertouch Ald Walker</p> </td> </tr> </table>	<p><b>FOR</b></p> <p>Ald McFarlane Ald Thurley</p>	<p><b>AGAINST</b></p> <p>Ald Campbell Ald Chong Ald Cusick Ald Doust Ald Hulme Ald James Ald Peers Ald von Bertouch Ald Walker</p>
<p><b>FOR</b></p> <p>Ald McFarlane Ald Thurley</p>	<p><b>AGAINST</b></p> <p>Ald Campbell Ald Chong Ald Cusick Ald Doust Ald Hulme Ald James Ald Peers Ald von Bertouch Ald Walker</p>		
	<p><b>MOVED</b> Ald Hulme <b>SECONDED</b> Ald Cusick</p>		
	<p>“That the Recommendation be adopted”.</p>		
	<b>CARRIED</b>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>FOR</b></p> <p>Ald Campbell Ald Chong Ald Cusick Ald Doust Ald Hulme Ald James Ald Peers Ald von Bertouch Ald Walker</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>AGAINST</b></p> <p>Ald McFarlane Ald Thurley</p> </td> </tr> </table>	<p><b>FOR</b></p> <p>Ald Campbell Ald Chong Ald Cusick Ald Doust Ald Hulme Ald James Ald Peers Ald von Bertouch Ald Walker</p>	<p><b>AGAINST</b></p> <p>Ald McFarlane Ald Thurley</p>
<p><b>FOR</b></p> <p>Ald Campbell Ald Chong Ald Cusick Ald Doust Ald Hulme Ald James Ald Peers Ald von Bertouch Ald Walker</p>	<p><b>AGAINST</b></p> <p>Ald McFarlane Ald Thurley</p>		

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 RICHMOND BRIDGE VEGETATION MANAGEMENT PLAN**

(File No B088-70)

**EXECUTIVE SUMMARY****PURPOSE**

To seek Council endorsement to release the draft Richmond Bridge Vegetation Management Plan for public consultation in order to obtain feedback on the Vegetation Management Plan from the broader community.

**RELATION TO EXISTING POLICY/PLANS**

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

**LEGISLATIVE REQUIREMENTS**

The Richmond Bridge Vegetation Management Plan will need to consider the requirements of the Heritage Tasmania Practice Notes – Historic Plantings and Landscapes (Heritage Tasmania 2015). Richmond Bridge is included on the National Heritage List and Tasmanian Heritage Register and any works will require approval by Heritage Tasmania.

**CONSULTATION**

Heritage Tasmania, Department of State Growth, Department of Primary Industries, Parks, Water and Environment, Crown Land Services, Richmond Advisory Committee and local residents have provided extensive input and feedback on the document in preparation for seeking approval to carry out broader community consultation.

**FINANCIAL IMPLICATIONS**

A small funding allocation is likely to be required for the public consultation process. Funding is not available for implementation of the Richmond Bridge Vegetation Management Plan and will therefore need to be considered in future Operating Plans.

**RECOMMENDATION:**

- A. That Council approve community consultation in relation to the draft Richmond Bridge Vegetation Management Plan as outlined in the Associated Report.
- B That the results of the community consultation be presented to Council at a future workshop.

The General Manager sought to withdraw this Item due to the printing of the incorrect report in the Agenda and further advised that the matter would be relisted for consideration at the next Meeting of Council.

## 11.5.2 BELLERIVE BEACH PARK - ADOPTION OF ALL ABILITIES PLAY SPACE CONCEPT DESIGN

(File No D006-3)

### EXECUTIVE SUMMARY

#### PURPOSE

To consider the adoption of the All Abilities Play Space Concept Design at Bellerive Beach Park.

#### RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

#### LEGISLATIVE REQUIREMENTS

Nil.

#### CONSULTATION

Council engaged Child Friendly by Design consultant to engage with children across a wide range of ages, abilities and backgrounds with a view to seeking their ideas, creativity and aspirations for the play space.

#### FINANCIAL IMPLICATIONS

The adoption of the Bellerive Beach Park All Abilities Play Space Concept Design is included as part of Stage 2 of the Revised Bellerive Beach Park Master Plan and is estimated to cost \$900,000. Council has approved funding allocation of \$1.13M for Stage 2 of the Revised Bellerive Beach Master Plan.

#### RECOMMENDATION:

That Council adopts the Bellerive Beach Park All Abilities Playspace Concept Plan, as set out in Attachment 1 of the Associated Report, with the inclusion of additional tables adjacent to the seating as part of the playspace.

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

“That the Recommendation be adopted”.

**CARRIED**

#### FOR

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

#### AGAINST

Ald James

**11.5.3 BAYFIELD STREET STREETScape RENEWAL**

(File No 20-09-37)

**EXECUTIVE SUMMARY****PURPOSE**

This report provides for the consideration the consultation process on the Bayfield Street project, appropriate revisions and adoption of the concept plan, as well as the next stage of implementation.

**RELATION TO EXISTING POLICY/PLANS**

Undertaking plans and strategies to guide the future planning and economic development of the City is consistent with Council's adopted Strategic Plan 2010-2015.

**LEGISLATIVE REQUIREMENTS**

There is no legislative requirement associated with consideration of this plan.

**CONSULTATION**

This report considers the outcomes of a staged public consultation process seeking input from all parties with an interest in the future development of this streetscape.

**FINANCIAL IMPLICATIONS**

Funding has been set aside for the development of the redevelopment of the streetscape.

**RECOMMENDATION:**

- A. That the concept plan be adopted with modifications outlined in Attachment 1 to the Associated Report.
- B. That the project proceeds to the Design Tender phase.
- C. That submitters be thanked for their input and be kept informed of the progress of the project.

Ald Peers declared an Interest in this Item and left the Meeting prior to discussion (8.43pm).

**Decision:**

**MOVED** Ald Chong **SECONDED** Ald McFarlane

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

Ald Peers returned to the Meeting at this stage (8.47pm).

**11.6 FINANCIAL MANAGEMENT**

Nil Items.



**11.7 GOVERNANCE****11.7.1 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY (AUTHORITY) – AMENDMENT OF RULES**

(File No 30-05-00)

**EXECUTIVE SUMMARY****PURPOSE**

To gain Council endorsement of proposed amendments to the Rules governing the Copping Refuse Disposal Site Joint Authority.

**RELATION TO EXISTING POLICY/PLANS**

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

**LEGISLATIVE REQUIREMENTS**

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

**CONSULTATION**

There has been extensive consultation undertaken regarding the proposed amendments to the Rules. Internal consultation has included regular updates provided at Authority Meetings, a workshop session (attended by Authority members, Board members and General Managers) and circulation of draft versions of the proposed amended Rules. In addition to internal consultation, the proposed amended Rules have been advertised for public review and comment in accordance with the requirements of the Local Government Act, 1993 (Tas) with no submissions received.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from the proposed amended Rules, noting the arrangements related to Proportional Payments approved by the Participating Councils in 2014.

The proposed amended Rules build on the previous version of the Rules approved in 2014 by Participating Councils. The proposed amended Rules address a number of potential compliance issues as well as “future proofing” the Rules by allowing for admission of new Participating Councils (with the Participating Council’s approval), changes in equity and other related matters to occur without the requirement to “formally” amend the Rules when those events occur.

**RECOMMENDATION:**

That Council approve the amended Rules governing the Copping Refuse Disposal Site Joint Authority and authorise the affixing of the Council’s seal to the amended Rules.

/ Refer to Page 33 for Decision on this Item...

**COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY (AUTHORITY) – AMENDMENT OF RULES /contd...**

<b>Decision:</b>	<b>PROCEDURAL MOTION</b> <b>MOVED</b> Ald Walker <b>SECONDED</b> Ald James																		
	“That consideration of this Item be deferred to the next Council Meeting”.																		
	The <b>MOTION</b> was <b>put</b> and <b>LOST</b>																		
	<table><tr><td><b>FOR</b></td><td><b>AGAINST</b></td></tr><tr><td>Ald James</td><td>Ald Campbell</td></tr><tr><td>Ald Thurley</td><td>Ald Chong</td></tr><tr><td>Ald Walker</td><td>Ald Cusick</td></tr><tr><td></td><td>Ald Doust</td></tr><tr><td></td><td>Ald Hulme</td></tr><tr><td></td><td>Ald McFarlane</td></tr><tr><td></td><td>Ald Peers</td></tr><tr><td></td><td>Ald von Bertouch</td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Ald James	Ald Campbell	Ald Thurley	Ald Chong	Ald Walker	Ald Cusick		Ald Doust		Ald Hulme		Ald McFarlane		Ald Peers		Ald von Bertouch
<b>FOR</b>	<b>AGAINST</b>																		
Ald James	Ald Campbell																		
Ald Thurley	Ald Chong																		
Ald Walker	Ald Cusick																		
	Ald Doust																		
	Ald Hulme																		
	Ald McFarlane																		
	Ald Peers																		
	Ald von Bertouch																		
	The General Manager submitted a revised Recommendation for this Item for consideration by Council (refer attached).																		
	<b>MOVED</b> Ald Cusick <b>SECONDED</b> Ald Chong																		
	“A. That Council approve the amended Rules governing the Copping Refuse Disposal Site Joint Authority and authorise the affixing of the Council’s seal to the amended Rules.																		

/ Decision contd on Page 34...

**COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY (AUTHORITY) –  
AMENDMENT OF RULES /Decision contd...**

B. That the Council request the Authority to initiate, as soon as practicable, a further amendment to the Authority Rules that adequately deals with and provides certainty to the participating Councils on the manner in which equity is to be dealt with in the event that the ownership threshold is exceeded due to any changes arising from possible or future local government reform, or the future withdrawal of a participating Council from the Authority”.

**CARRIED**

**FOR**

Ald Campbell  
Ald Chong  
Ald Cusick  
Ald Doust  
Ald Hulme  
Ald McFarlane  
Ald Peers  
Ald Thurley  
Ald von Bertouch

**AGAINST**

Ald James  
Ald Walker

**11.7.1 REVISED RECOMMENDATION - COPPING REFUSE DISPOSAL SITE  
JOINT AUTHORITY (AUTHORITY) – AMENDMENT OF RULES**

(File No 30-05-00)

Following the Aldermen’s Briefing of 11 September 2015 additional advice was sought from the Authority Secretary regarding:

*“how the question of proportional ownership could be dealt with (in the context of the 49% ownership threshold in the draft Rules) in the event that, as a following on from local government reform initiatives, an amalgamation is proposed to occur between 2 or more of the participating Councils that results in the ownership threshold being exceeded”.*

Further advice on this matter has now been received in the form of legal advice provided to the Authority (refer attached).

Based on the advice the following revised recommendation is provided:

**RECOMMENDATION:**

- A. That Council approve the amended Rules governing the Copping Refuse Disposal Site Joint Authority and authorise the affixing of the Council’s seal to the amended Rules.
- B. That the Council request the Authority to initiate, as soon as practicable, a further amendment to the Authority Rules that adequately deals with and provides certainty to the participating Councils on the manner in which equity is to be dealt with in the event that the ownership threshold is exceeded due to any changes arising from possible or future local government reform, or the future withdrawal of a participating Council from the Authority.

Our Reference: SLS:1942723:let crdsja2  
Your Reference:

14 September 2015

Copping Refuse Disposal Site Joint Authority  
Level 4, 29 Elizabeth Street  
HOBART TAS 7000

Attention: Ian Nelson, Secretary

By email: [inelson@nelsonhr.com.au](mailto:inelson@nelsonhr.com.au)

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Facsimile +61 3 6210 0099

Dear Ian

### Amendment to Joint Authority Rules

I refer to our telephone conversations on 11 September 2015 and your email correspondence of the same date requesting us to advise on the following question.

**How could the question of proportional ownership be dealt with, in the context of the 49% ownership threshold in the proposed amended rules in the event that, following on from local government reform initiatives, an amalgamation is proposed to occur between two or more of the Participating Councils that results in the ownership threshold of 49% being exceeded.**

The draft rules 17, 59 and 63 are relevant to this question. Rule 17 restricts any Participating Council's share/interest in equity of the Authority to a maximum of 49%. Rule 59 provides a process for any share/interest in excess of 49% arising from, inter alia, the amalgamation of Participating Councils, to be disposed of in accordance with the rule. Rule 63 determines the number of votes a Member can exercise and is based on a Participating Council not being able to hold more than 49% equity in the Authority.

Any amalgamation of Councils would necessarily involve a lead time before the amalgamation would be implemented. During this time period the Participating Councils could seek to amend the rules by a special resolution of members passed in accordance with Rule 229 and requirements in the *Local Government Act 1993 (Tas) (Act)*.

The provisions of Part 12A of the Act provide a mechanism for review and amalgamation of local government by the Local Government Board (**Board**). It also contains provisions for the review of local government authorities like the Authority. These provisions were part of the legislative reform that was used to facilitate the reduction in the number of councils in Tasmania in the early 1990's from 46 to the current 29 councils and we would expect that they would be utilised in respect of future reforms, though it is possible legislative changes could be made.

In considering the provisions of Part 12A of the Act it is likely that amalgamation would be considered under a general review instigated by the Minister. Any such review must provide a reasonable opportunity for any council affected by the review to make any submissions (section 214C(2)(b)).

There are provisions contained in sections 214F and 214G of the Act that deal with the transfer and apportionment of assets on the combining of municipal areas. These include the following provisions which we consider would be relevant in respect to a Participating Council's interest in the Authority should they be impacted by amalgamation:

- any asset of the Council of the abolished municipal area are transferred to, and vest in, the

Council of the existing or newly created municipal area with effect from the day specified in that order (section 214F(a));

- a contract made or entered into by the Council of an abolished municipal area in respect of those assets before that day but not performed or discharged before that day is taken to have been made or entered into by the council of the existing or newly created municipal area (section 214F(e)); and
- if part of a municipal area is to be combined with an existing or a newly created municipal area, the Minister may require the councils of the municipal areas affected by the order to make an agreement in respect of the parts of the municipal area to be combined as to the apportionment of assets between those councils or any proposed council (section 214G(1)).

Where a Participating Council could possibly exceed the ownership threshold of 49% as a result of amalgamation which would then in turn trigger a disposal of that interest, it would be open to that council to make a submission to the Board. The Board may then make a recommendation to the Minister which could result in an order for either a review of the Joint Authority or a direct order to amend the Rules of the Joint Authority. Depending upon the nature of the amalgamation an amendment to the Joint Authority's Rules may be necessary.

As discussed above, there are two alternatives that are open to Participating Councils to amend the Joint Authority's Rules where they consider that the 49% cap on share/interest is likely to have a negative impact as a result of council amalgamation, being either:

1. using the powers of amendment under the Act and in accordance with the current rules prior to amalgamation; or
2. making submissions to the Board seeking an order under Part 12A of the Act.

If you have any questions in relation to the above please contact us.

Yours faithfully

 Susan Larsen Scott

**Dobson Mitchell & Allport**

SUSAN LARSEN-SCOTT

Principal

TEL: +61 3 6210 0031 | FAX: +61 3 6210 0099

EMAIL: susan.larsen-scott@doma.com.au

**11.7.2 INTERIM CAR PARKING PLAN**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the adoption of an Interim Car Parking Plan for the City's business zones.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

Not Applicable.

**CONSULTATION**

If adopted, the Interim Car Parking Plan would be advertised and displayed on Council's web site.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

- A. That Council adopts the Interim Car Parking Plan Policy attached to the Associated Report.
- B. That Council develop detailed Car parking Plans for its business zones as soon as practicable.
- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**11.7.3 HOWRAH MEN'S SHED – VARIATION OF LEASE**

(File No H023-11)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a request from the Howrah Men's Shed Inc to extend its lease area to provide vehicle access and hard-standing area for projects.

**RELATION TO EXISTING POLICY/PLANS**

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

**LEGISLATIVE REQUIREMENTS**

Section 177 of the Local Government Act, 1993 is applicable

**CONSULTATION**

Consultation has occurred between Council officers and representatives of the Howrah Men's Shed Inc. No public consultation has occurred in regard to the proposal.

**FINANCIAL IMPLICATIONS**

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 Howrah Men's Shed lease area to accommodate vehicular access and hard-standing project area.
- 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 Peers **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



**11.7.4 DOG MANAGEMENT POLICY REVIEW**

(File No 05-02-05)

**EXECUTIVE SUMMARY****PURPOSE**

To obtain endorsement by Council of the draft revision of Council's Dog Management Policy, including a Schedule of Declared Areas, to initiate a 4 week period of public consultation.

**RELATION TO EXISTING POLICY/PLANS**

The Policy is congruent with Council's adopted Strategic Plan 2010-2015 and existing policy on user pays fees and charges.

**LEGISLATIVE REQUIREMENTS**

The Dog Control Act, 2000 requires Council to review its Dog Management Policy every 5 years. The Policy contains a code of responsible dog ownership, a fee structure, the provision of declared areas and any other relevant matters.

**CONSULTATION**

Workshops were held with Aldermen, a forum was held with relevant organisations and public submissions were invited.

**FINANCIAL IMPLICATIONS**

The fee structure contained within the policy will lessen the reliance on the general rate contribution to dog management.

**RECOMMENDATION:**

That Council endorses the revised draft Dog Management Policy including the Schedule of Declared Areas (September 2015) and authorises its release to initiate a 4 week period of public exhibition.

**Decision:****MOVED** Ald James **SECONDED** Ald Cusick

“That Council endorses the revised draft Dog Management Policy including the Schedule of Declared Areas (September 2015), with the following amendments to the draft Schedule of Declared Areas:

1. Delete ‘Bellerive Beach – from the Beach Street access east to Second Bluff’ from the Off-lead Exercise Areas (Page 1); and

/ Decision contd on Page 41...

**DOG MANAGEMENT POLICY REVIEW /contd...**

2. Include 'Bellerive Beach – from the Beach Street access east to Second Bluff' in the Restricted Areas under the Beaches section that states dogs will be restricted from entering this part of Bellerive Beach between the hours of 10.00am and 6.00pm during the period from 1 December to 1 March each year (Page 3);  
and

authorises its release to initiate a 4 week period of public exhibition”.

**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 T1048-15 – WENTWORTH PARK SPORTS COMPLEX – CHANGE ROOMS UPGRADE
- 13.3 TENDER T1052-15 – ROAD REHABILITATION 2014/15 STAGE 2
- 13.4 TENDER T1057-15 – PUBLIC TOILET FACILITIES AND SHADE STRUCTURE – PERFORMANCE STAGE AT SIMMONS PARK
- 13.5 TENDER T1035-15 – 15 KANGAROO BAY SKATE PARK FACILITY
- 13.6 PROPERTY MATTER - ROKEBY

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

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

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

**Decision:**

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

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

**CARRIED UNANIMOUSLY**

**CLOSED MEETING /contd...**

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

**13.2 TENDER T1048-15 – WENTWORTH PARK SPORTS COMPLEX – CHANGE ROOMS UPGRADE**  
(File No T1048-15)

<b>Decision:</b>	<b>MOVED</b> Ald Peers <b>SECONDED</b> Ald Chong
	“A. That the Tender received from Lyden Builders Pty Ltd for the amount of \$884,000, excluding GST, be accepted for the construction of the DDA compliant change rooms at Wentworth Park Sports Complex, Howrah.
	B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
	C. That the Council decision only be recorded in the public Minutes”.
	<b>CARRIED UNANIMOUSLY</b>

**13.3 TENDER T1052-15 - ROAD REHABILITATION 2014/15 STAGE 2****Decision:****MOVED** Ald Cusick **SECONDED** Ald Peers

- “A. That the tender from Batchelor Construction Group Pty Ltd for \$595,761.04 excluding GST, be accepted for the Road Rehabilitation 2014/2015 Stage 2 works for various roads within the Clarence Municipality.
  
- 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**

**13.4 TENDER T1057-15 – PUBLIC TOILET FACILITIES AND SHADE STRUCTURE- PERFORMANCE STAGE AT SIMMONS PARK****Decision:****MOVED** Ald Peers **SECONDED** Ald McFarlane

- “A. That the Tender received from Lamcon Construction for the amount of \$390,993 excluding GST, be accepted for the construction of the Public Toilet Facilities and Shade Structure-Performance Stage at Simmons Park, Lindisfarne.
- B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That the Council decision only be recorded in the public Minutes”.

**CARRIED UNANIMOUSLY**

**13.5 TENDER T1035-15 - 15 KANGAROO BAY SKATE PARK FACILITY**

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald von Bertouch
	“A. That the tender from Convic Pty Ltd for \$1,138,858.34 excluding GST, be accepted for construction of the Kangaroo Bay Skate Park Facility at Rosny Park.
	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 lighting of the Skate Park Facility will turn off at 9.00 pm each night.
	D. That the adopted Estimates for 2015/2016 be amended to meet the cost of the construction of the Kangaroo Bay Skate Park Facility by increasing the estimate for this project by \$150,000.00 to be funded from unallocated cash.
	E. That the Council decision only be recorded in the public Minutes”.
	<b>CARRIED UNANIMOUSLY</b>

The Meeting closed at 9.27pm.