

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 16 MARCH 2015

HOURLY 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
P K McFarlane
J Peers
D Thurley
S von Bertouch
J Walker; present.

1. APOLOGIES Nil.

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE General Manager
(Mr A Paul)
Group Manager Asset Management
(Mr J Stevens)
Corporate Secretary
(Mr A van der Hek)
Manager City Planning
(Mr R Lovell)
Manager Health and Community Development
(Mr J Toohey)
Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 9.26pm.

COUNCIL MEETING
MONDAY 16 MARCH 2015

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ATTENDANCE AND APOLOGIES	3
2.	CONFIRMATION OF MINUTES	3
3.	MAYOR’S COMMUNICATION.....	3
4.	COUNCIL WORKSHOPS.....	4
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	5
6.	TABLING OF PETITIONS	6
7.	PUBLIC QUESTION TIME	7
	7.1 PUBLIC QUESTIONS ON NOTICE	7
	7.2 ANSWERS TO QUESTIONS ON NOTICE.....	7
	7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	7
	7.4 QUESTIONS WITHOUT NOTICE	7
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC.....	8
9.	MOTIONS ON NOTICE	9
9.1	NOTICE OF MOTION – ALD HULME REMOVAL OF TREE – CLARENDON VALE	9
10.	REPORTS FROM OUTSIDE BODIES	10
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	10
	• SOUTHERN TASMANIAN COUNCILS AUTHORITY	
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• SOUTHERN WASTE STRATEGY AUTHORITY	
	• TASMANIAN WATER CORPORATION	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES ..	11
11.	REPORTS OF OFFICERS	14
11.1	WEEKLY BRIEFING REPORTS	14
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS	15

11.3 PLANNING AUTHORITY MATTERS

11.3.1	DEVELOPMENT APPLICATION D-2015/32 - 53 KING STREET, BELLERIVE - NEW DWELLING REQUIRING DISCRETION UNDER Pd4.....	17
11.3.2	DEVELOPMENT APPLICATION D-2014/405 – 152 BANGALEE STREET, LAUDERDALE – DWELLING AND OUTBUILDINGS.....	19
11.3.3	DEVELOPMENT APPLICATION D-2014/422 - 400 CAMBRIDGE ROAD, MORNINGTON - GYMNASIUM.....	21
11.3.4	AMENDMENT APPLICATION A-2014/1 - 79 AND 110 PROSPECT ROAD, 1029, 1089 AND 1099 SOUTH ARM ROAD, 18, 63, 84, 100 AND 211 SCHOOL ROAD, 21 AND 87 DELPHIS DRIVE AND 69 GERMAIN COURT, SANDFORD - REZONE FROM RURAL TO RURAL RESIDENTIAL AND INTRODUCE A DEVELOPMENT PLAN OVERLAY	23
11.3.5	DRAFT CLARENCE INTERIM PLANNING SCHEME - MINISTERS DIRECTIONS NOTICE.....	25

11.4 CUSTOMER SERVICE - NIL ITEMS**11.5 ASSET MANAGEMENT**

11.5.1	BELLERIVE BEACH PARK – COMMUNITY INFORMATION PROGRAM RESPONSE AND ADOPTION OF REVISED MASTER PLAN	28
--------	---	----

11.6 FINANCIAL MANAGEMENT - NIL ITEMS**11.7 GOVERNANCE**

11.7.1	CREATION OF EASEMENT AT SHORELINE PARK.....	31
11.7.2	VOLUNTARY AMALGAMATIONS AND SHARED SERVICES.....	33
12.	ALDERMEN’S QUESTION TIME.....	35
12.1	QUESTIONS ON NOTICE.....	35
12.2	ANSWERS TO QUESTIONS ON NOTICE.....	35
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	35
12.4	QUESTIONS WITHOUT NOTICE	35
13.	CLOSED MEETING.....	36
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	FINANCIAL ARRANGEMENT – SPORTING FACILITY	

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 23 February and the Special Council (Planning Authority) Meeting held on 10 March 2015, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 23 February and the Special Council (Planning Authority) Meeting held on 10 March 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 Briefings (workshop) conducted on Friday immediately preceding the Council Meeting and Special Council (Planning Authority) Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Dog Management Policy Bellerive Beach Park Kangaroo Bay Facilities Lease Amendment	2 March
Capital Works Program Howrah Men's Shed Land Use Planning and Approvals Act, 1993 South Street Property Matter Voluntary Amalgamations/Shared Service Arrangement Info Book/Community Directory	10 March

RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005 and Council’s adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED: 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.

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

Questions without notice and their answers will not be recorded.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

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

DRAFT CLARENCE INTERIM PLANNING SCHEME – MINISTERS DIRECTIONS NOTICE
(REFER ITEM 11.3.5)

Mr Tony Dourias addressed the Meeting regarding the above matter.

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION – ALD HULME REMOVAL OF TREE – CLARENDON VALE (File No 10-03-05)
--

In accordance with Notice given it was:

Decision	MOVED Ald Hulme SECONDED Ald Walker																						
	“That the <i>allocasuarina</i> (she oak) tree located at 151 Rockingham Drive, Clarendon Vale be removed due to “nuisance caused by significant shedding material” and replaced with a suitable species of tree”.																						
	CARRIED																						
	<table> <tr> <td>FOR</td> <td>AGAINST</td> </tr> <tr> <td>Ald Campbell</td> <td>Ald McFarlane</td> </tr> <tr> <td>Ald Chipman</td> <td>Ald von Bertouch</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 Walker</td> <td></td> </tr> </table>	FOR	AGAINST	Ald Campbell	Ald McFarlane	Ald Chipman	Ald von Bertouch	Ald Chong		Ald Cusick		Ald Doust		Ald Hulme		Ald James		Ald Peers		Ald Thurley		Ald Walker	
FOR	AGAINST																						
Ald Campbell	Ald McFarlane																						
Ald Chipman	Ald von Bertouch																						
Ald Chong																							
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

Not required.

Representative Reporting

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

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

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

Quarterly Reports

December Quarterly Report pending

Representative Reporting

Ald James provided an update on the Authority concerning the proposal to put forward options to the member Councils regarding the future of the Authority.

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**AUDIT COMMITTEE**

(File No 07/02/12)

Chairperson's Report 35 – February-March 2015

Following on from its December 2014 meeting the Committee held a special meeting on 19 February 2015, to consider the ICT Strategic Review in more detail. As indicated in my previous report to Council it was intended that this meeting provide the Committee with the opportunity to receive further information and to be in a position to provide Council with its advice and recommendations in time for Council budget discussions and deliberations on this important strategic initiative.

I attach a copy of the Minutes of the Meeting of the Audit Committee for 19 February 2015 and for tabling at Council's Meeting (Attachment 1).

To recap on this matter, the Committee has given consideration to a presentation and report from Mr Peter Carr of Peter Carr and Associates (PCA) entitled "Technology Transformation Business Case - Clarence City Council". This report builds on the original report presented by Mr Carr in February 2014 on ICT Strategic Review at Clarence City Council. This report takes the original recommendations, provides further detailed assessments of the key issues, considers business applications available in the market, considers alternative delivery options, recommends a short list of likely suitable providers and provides high level cost comparisons of the various options.

There are a number of key aspects that the Committee has identified (and noted in its minutes of meeting) which remain dynamic and present as variables in progressing the project as a whole and these are drawn to Council's attention. The Committee remains firmly of the view that there are now significant business risks for Council in retaining the current IT platform. There are also an increasing number of unresolved IT Action Items arising from internal audits which have proved difficult to progress and a large number of these would be addressed from implementing the recommended approach.

It is now timely that Council consider and take opportunity to leverage from contemporary technology and to move to a “software as a service” delivery model which has the potential to deliver improved business and service delivery and realise cost savings in the medium to longer term.

RECOMMENDATION:

- A. That the Chairperson’s Report be received by Council; and
- B. That the Council notes the recommendations of the Committee regarding vis:
- “1. That the draft IT Strategic Plan be received and recommendations be noted;
 2. That the key aspects (as detailed above) associated with the IT strategic Plan project be noted;
 3. That the Committee recognises that there are significant risks for Council in retaining the current IT systems and it is now timely that this matter be addressed;
 4. That Option 4 of Mr Carr’s IT strategic document titled Technology Transformation Business Case be endorsed as the Committee’s preferred recommendation to the Council for consideration in the Council’s forthcoming budget deliberations;
 5. That in putting forward the Committee recommendation to the Council in respect to the IT Strategic Plan the Committee has noted that there remain important factors such as the inherent risks and business opportunities associated with the project; the level of resourcing required for implementation; and the nature of service provision (cloud based; bureau services or in-house) all of which are difficult factors to quantify at this early stage of the project; and
 6. That the Committee further recommends that to address these important factors, the process remain open to the extent required to ensure that all options and opportunities are explored throughout the process; this should include provision of adequate budget contingency and the engagement of external expertise to advise and manage the risks and business opportunities presented”.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES /contd...

Clarence Senior Citizens Centre Management Committee

- Ald Thurley tabled the Minutes of a Meeting held on 12 February 2015.

Richmond Advisory Committee

- Ald Chong tabled the Minutes of a Meeting held on 20 January 2015

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

(File No 10/02/02)

The Weekly Briefing Reports of 23 February, 2 and 9 March 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 23 February, 2 and 9 March 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.

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2005, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

11.3.1 DEVELOPMENT APPLICATION D-2015/32 - 53 KING STREET, BELLERIVE - NEW DWELLING REQUIRING DISCRETION UNDER PD4
(File No D-2015/32)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 53 King Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

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

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received (1 representation was received after the closure of the advertising period and is therefore non-statutory) raising the following issues:

- site coverage;
- aesthetic appeal/design of the proposed dwelling;
- impact on privacy;
- building height;
- loss of views;
- overshadowing;
- damage of surrounding property and impact on residential amenity during construction; and
- length of advertising period.

RECOMMENDATION:

A. That the Development Application for Single Dwelling requiring discretion under PD4 at 53 King Street, Bellerive (CI Ref D-2015/32) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [the swimming pool and deck areas a minimum of 3m from the eastern side boundary; rear setback increased to 1.546m and maximum height reduced to 8.9m]. Delete “commencement of the use/development” and replace with “commencement of works”.
 3. GEN M7 – DOMESTIC USE. Replace “building” with “Workshop and Study”.
 4. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 February 2015 (Ref: TWDA 2015/00146-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 Thurley SECONDED Ald Hulme	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Ald Campbell	Ald James
	Ald Chong	Ald McFarlane
	Ald Cusick	Ald von Bertouch
	Ald Doust	Ald Chipman (abstained)
	Ald Hulme	
	Ald Peers	
	Ald Thurley	
	Ald Walker	

11.3.2 DEVELOPMENT APPLICATION D-2014/405 – 152 BANGALEE STREET, LAUDERDALE – DWELLING AND OUTBUILDINGS
(File No D-2014/405)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 152 Bangalee Street, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Subject to Inundation Overlay under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 13 March 2015, extended with the written consent of the applicant until 18 March 2015.

CONSULTATION

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

- noise generated by the aviary; and
- visual impact of the aviary.

RECOMMENDATION:

- A. That the Development Application for addition to existing dwelling at 152 Bangalee Street, Lauderdale (Cl Ref D-2014/405) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [the increase of the setback of the aviary building from 900mm to 2.8m, the enclosure of the mesh section of the aviary building and the removal of all textual references to “temporary accommodation”].
 3. GEN M9 – NONHABITABLE PURPOSES. Replace “building” with “outbuildings”.
 4. The finished floor level of both the outbuilding and the aviary building must be at least 2.4m AHD.

**11.3.3 DEVELOPMENT APPLICATION D-2014/422 - 400 CAMBRIDGE ROAD,
MORNINGTON - GYMNASIUM**
(File No D-2014/422)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Gymnasium at 400 Cambridge Road, Mornington.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and is not subject to any overlays under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

Council is required to exercise a discretion within the statutory 42 day period, which has been extended to 18 March 2015 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of traffic congestion and safety for users of right-of-way.

RECOMMENDATION:

- A. That the Development Application for a Gymnasium at 400 Cambridge Road, Mornington (CI Ref D-2014/422) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AM5 – TRADING HOURS [Monday – Saturday 9.00am – 8.00pm].
 3. GEN S4 – FLASHING LIGHTS.
 4. GEN S7 – MAINTENANCE.
 5. The operators of the premises are to ensure that no nuisance will be caused to the surrounding neighbourhood by noise emitted from the centre through any form of public address system or music must not be audible outside the property.

In the event that Council's Senior Environmental Health Officer considers that an unreasonable level of noise being emitted from the site thereby causing a nuisance under Section 53 and Section 53A of the Environmental Management and Pollution Control Act, 1994, the operator is to provide a report prepared by a suitably qualified person demonstrating how noise impact can be reduced. Council may then require noise suppressant materials/devices to be installed, or the implementation of any other measures recommended in the report, to the satisfaction of Council's Senior Environmental Health Officer.

6. ENG A5 – SEALED CAR PARKING.
 7. ENG S1 – INFRASTRUCTURE REPAIR.
 8. ENG M1 – DESIGNS DA. Delete “access arrangements”.
 9. The development must meet all required Conditions of Approval specified by TasWater notice dated 11 February 2015 (TWDA 2014/01404-CCC).
 10. ADVICE – The future car park, men's shed and playground do not form part of this approval.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Decision:	MOVED Ald James SECONDED Ald Chong “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
------------------	---

11.3.4 AMENDMENT APPLICATION A-2014/1 - 79 AND 110 PROSPECT ROAD, 1029, 1089 AND 1099 SOUTH ARM ROAD, 18, 63, 84, 100 AND 211 SCHOOL ROAD, 21 AND 87 DELPHIS DRIVE AND 69 GERMAIN COURT, SANDFORD - REZONE FROM RURAL TO RURAL RESIDENTIAL AND INTRODUCE A DEVELOPMENT PLAN OVERLAY

(File No. 20-24-105)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to review the Tasmanian Planning Commission (TPC) direction to modify the amendment to a substantial degree in light of representations received during public exhibition of Draft Amendments to the Clarence Planning Scheme 2007, to rezone the land from Rural to Rural Residential and to introduce the Sandford Development Plan, in accordance with the direction of the TPC dated 21 January 2015 and the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (the Act).

RELATION TO PLANNING PROVISIONS

The land is zoned Rural and subject to the Vegetation Management and Subject to Inundation Overlays under the Clarence Planning Scheme 2007 (the Scheme).

LEGISLATIVE REQUIREMENTS

The proposal was submitted to Council in accordance with Section 33 of LUPAA seeking amendments to the Scheme at 79 and 110 Prospect Road, 1029, 1089 and 1099 South Arm Road, 18, 63, 84, 100 and 211 School Road, 21 and 87 Delphis Drive and 69 Germain Court, Sandford. It was modified by Council in accordance with Section 35 (b) of LUPAA then initiated and certified by Council.

The certified Amendments were advertised in accordance with the statutory requirements. Pursuant to Section 39 of LUPAA, Council resolved to continue to support the proposal subject to modification as detailed in the report considered at its Meeting of 26 May 2014.

Hearings were held into the matter at the Tasmanian Planning Commission on 15 August and 5 November 2014 and the Amendment was approved subject to modification to a substantial degree and readvertising, as detailed in the TPC letters of 16 December 2014 and 21 January 2015 (refer attached). Following exhibition of the modified Amendment, pursuant to Section 39, Council is again required to consider the representations received.

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

CONSULTATION

The draft Amendment as modified to a substantial degree was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- street lighting;
- reflective glass;
- weed management;
- character of area;
- traffic safety;
- pedestrian safety;
- residential amenity;
- location of road in 21 Delphis Drive;
- land values;
- existing use of 100 School Road;
- attenuation distances from 100 School Road; and
- consistency with RMPS.

FINANCIAL IMPLICATIONS

There are no significant financial implications relating to this proposal.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2)(b) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations do not warrant further modification to Draft Amendment A-2014/1 as modified to a substantial degree.
- 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 Campbell **SECONDED** Ald McFarlane

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.5 DRAFT CLARENCE INTERIM PLANNING SCHEME - MINISTERS DIRECTIONS NOTICE
(File No 20-10-21)**EXECUTIVE SUMMARY****PURPOSE**

To consider the Minister for Planning’s Directions Notice setting out those matters requiring modification to Draft Clarence Interim Planning Scheme 2014 (CIPS).

RELATION TO EXISTING POLICY/PLANS

The modifications are required before the CIPS will be declared an interim scheme. The changes are largely consistent with Council’s adopted Policies and Plans.

LEGISLATIVE REQUIREMENTS

Section 30D(6) of the Land Use Planning and Approvals Act, 1993 (LUPAA) provides that the Minister may request a Planning Authority to amend a draft Interim Planning Scheme through serving a Directions Notice.

CONSULTATION

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

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That Council undertakes the prescribed modifications to the Draft Clarence Interim Planning Scheme 2014, set out in the Minister’s Directions Notice and that once completed submits the amended Scheme to the Minister for declaration.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

/ Decision contd on Page 26...

**DRAFT CLARENCE INTERIM PLANNING SCHEME - MINISTERS DIRECTIONS
NOTICE /Decision contd...****FORESHADOWED MOTION****MOVED** Ald James **SECONDED** Ald Campbell

- “A. That subject to the allocation of further funds in the 2015-2016 Council budget, Council commence a review of the Lauderdale Structure Plan, including the necessary planning and infrastructure studies, with a view to seeking the rezoning of land at Lauderdale to Residential as initially proposed by Council under the Draft Clarence Interim Planning Scheme and to amend the Southern Tasmanian Regional Land Use Strategy to include such land within the residential growth boundary.
- B. That the Structure Plan makes provision for the imposition of headwork’s charges in regard to key strategic infrastructure required under the revised structure plan”.

CARRIED**FOR**

Ald Campbell
Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald Hulme
Ald James
Ald Peers
Ald Thurley
Ald Walker

AGAINST

Ald McFarlane
Ald von Bertouch

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 BELLERIVE BEACH PARK – COMMUNITY INFORMATION PROGRAM RESPONSE AND ADOPTION OF REVISED MASTER PLAN**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Revised Bellerive Beach Park Master Plan following the completion of the community information program to explain the revised layout and rationale for the Revised Bellerive Beach Park Master Plan.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The Revised Bellerive Beach Park Master Plan used the same scale and scope of community consultation processes as the original Bellerive Beach Park Master Plan.

FINANCIAL IMPLICATIONS

The adoption of the Revised Bellerive Beach Park Master Plan has no direct financial impact. The implementation of the Revised Bellerive Beach Park Master Plan is planned to be staged over 3 financial years, subject to Council approval of future Annual Plans.

RECOMMENDATION:

- A. That Council confirms the adoption of the revised Bellerive Beach Park Master Plan as resolved at its Meeting of 12 January 2015, with the addition of the following enhancements:
- further review kayak drop off facility required to enhance safety;
 - further review DDA parking closer to beach;
 - consider bus parking for small buses eg Southern Support School; and
 - develop the recommendations from the Pitt & Sherry safety assessment into the final detailed design.
- B. Council authorises the General Manager to advise the community members who provided feedback to the community information process of Council's decision.
- C. That implementation of the Bellerive Beach Park Master Plan be staged over 3 financial years subject to Council approval as part of future Annual Plans.

- D. That Stage 1 be listed for consideration as part of Council’s 2015-2016 Capital Works Program.
- E. That Council actively seek external funding to assist with the development of the Bellerive Beach Park Master Plan.

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

“A. In response to the community information program on the revised Bellerive Beach Park Master Plan, Council modifies the revised Bellerive Beach Park Master Plan with the following enhancements:

- further review kayak drop off facility required to enhance safety;
- further review DDA parking closer to beach;
- consider bus parking for small buses eg Southern Support School; and
- develop the recommendations from Pitt & Sherry safety assessment into the final detailed design.

B. Council authorises the General Manager to advise the community members who provided feedback to the community information process of Council’s decision.

C. That implementation of the Bellerive Beach Park Master Plan be staged over 3 financial years subject to Council approval as part of future Annual Plans.

D. That Stage 1 be listed for consideration as part of Council’s 2015-2016 Capital Works Program”.

Ald McFarlane left the Meeting at this stage (8.22pm).

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

FOR	AGAINST
Ald Campbell	Ald James
Ald Chipman	Ald Peers
Ald Chong	Ald Walker (abstained)
Ald Cusick	
Ald Doust	
Ald Hulme	
Ald Thurley	
Ald von Bertouch	

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 CREATION OF EASEMENT AT SHORELINE PARK**

(File No S022-20)

EXECUTIVE SUMMARY**PURPOSE**

To consider the creation of an easement in favour of TasNetworks at Shoreline and Carmont Parks for the installation of street lighting.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

TasNetworks has a statutory obligation to maintain a register of its easements and agreements and has in more recent times sought to formalise these arrangements for the creation of easements over public land. The Electricity Supply Act, 1995 provides TasNetworks with a head of power to establish electricity infrastructure in or over public land subject to the agreement with the relevant land management authority. Any disputes on such agreement may be the subject of appeal to the Energy Regulator.

As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the Local Government Act 1993 and requires the support of an Absolute Majority decision of Council.

CONSULTATION

Council officers have discussed the design with TasNetworks representatives regarding the location of the easement.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will not impact on Council's Annual Plan.

RECOMMENDATION:

- A. That Council endorses the proposed creation of an easement in favour of TasNetworks on Council land at Shoreline and Carmont Parks to accommodate the installation of street lighting for pedestrians.
- B. That the creation of the easement is to benefit Council's utilisation and management of the Parks.
- C. That Council pays all legal costs associated with the formal creation of the easement.

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

11.7.2 VOLUNTARY AMALGAMATIONS AND SHARED SERVICES

(File No 10-13-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to facilitate Council's consideration of correspondence received from the Minister for Local Government seeking to initiate a conversation around voluntary amalgamation and shared services arrangements.

RELATION TO EXISTING POLICY/PLANS

- Council's Strategies Plan provides as follows (in part):
 - Consider Council's strategic directive in relation to our neighbouring Councils, including resource sharing, opportunities for joint tenders...and other opportunities for mutual benefit.
- Council has previously resolved to engage in discussions with Sorell Council in regard to a possible merger. This matter was most recently resolved to: "*Lay on the table*".

LEGISLATIVE REQUIREMENTS

Nil at this time.

CONSULTATION

- **Community Consultation**
Prior to undertaking any community consultation, it is appropriate to have detailed data available to enable informed community debate to occur.
- **State/Local Government Protocol**
Not applicable.
- **Other**
Some consultation in respect of a possible merger occurred between Clarence and Sorell Councils in late 2012 through to early 2013.

Other than discussions with the Minister at a Southern Councils forum no other consultation has occurred at this time.

FINANCIAL IMPLICATIONS

In the initial phase should Council resolve to engage in a feasibility study, there would be a \$ for \$ cost of up to \$50,000.00. These funds could be provided for through the Council budget.

RECOMMENDATION:

- A. That Clarence City Council advises the Minister that Council are willing to explore the option of voluntary mergers and/or shared services to determine if such arrangements are in the best interests of Clarence ratepayers.

- B. That Clarence City Council advises the Minister that Council would consider exploring such options with those neighbouring municipalities, which have expressed interest in participating in such a feasibility study.
- C. That a copy of the letter to the Minister be forwarded to neighbouring Councils.

Decision: **MOVED** Ald Walker **SECONDED** Ald Campbell

- “A. That Clarence City Council advises the Minister that Council are willing to explore the option of voluntary mergers and/or shared services to determine if such arrangements are in the best interests of Clarence ratepayers.
- B. That Clarence City Council advises the Minister that Council would consider exploring such options with those neighbouring municipalities, which have expressed interest in participating in such a feasibility study.
- C. That a copy of the letter to the Minister be forwarded to neighbouring Councils.
- D. That prior to the Minister’s May 2015 timeline for Step 2 of the process and before the commencement of any feasibility study, an independent facilitator (engaged by the Council) conduct a special workshop for the Council to determine the scope and principles for progressing such feasibility investigations”.

Ald McFarlane returned to the Meeting at this stage (8.25pm).

CARRIED

FOR

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

AGAINST

Ald McFarlane
 Ald James (abstained)

12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

12.4 QUESTIONS WITHOUT NOTICE

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 2005 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 2005.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 FINANCIAL ARRANGEMENT – SPORTING FACILITY

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005 the reports in the Closed Meeting section of the Council Agenda were dealt with on the grounds that the detail covered in the reports relates to:

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

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 Chong **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

The Meeting closed at 9.26pm.