

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

**HOUR CALLED:** 7.30pm

**PRESENT:** The meeting commenced at 7.30pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

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

**1. APOLOGIES**  
H Chong (Leave of Absence)  
D Doust (Leave of Absence)

**ORDER OF BUSINESS** Items 1 – 13

**IN ATTENDANCE**  
General Manager  
(Mr A Paul)  
Acting Group Manager Asset Management  
(Mr R Graham)  
Corporate Lawyer  
(Mr S Wicks)  
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 9.17pm.

Prior to the commencement of the meeting, the Mayor will make the following declaration:

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

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

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11 HOWRAH ROAD, HOWRAH
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**1. ATTENDANCE AND APOLOGIES**

Refer to cover page.

**2. CONFIRMATION OF MINUTES**

(File No 10/03/01)

**RECOMMENDATION:**

- A. That the Minutes of the Council Meeting held on 26 October 2015, as circulated, be taken as read and confirmed.
- B. That the Council notes the erratum page issued by the General Manager regarding the Minute of the Closed Meeting Item 13.3 of Council's Meeting of 5 October 2015, which was confirmed at Council's Meeting of 26 October 2015.
- C. That the Council now corrects the confirmed Minutes of the Meeting of 5 October 2015 in accordance with the erratum page issued.

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

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**3. MAYOR'S COMMUNICATION**

Nil.

### 13.4 ROSNY HILL NATURE RECREATION AREA EXPRESSIONS OF INTEREST PROCESS - STAGE 3 ASSESSMENT

(File No A008-12A)

**Decision:**

**PROCEDURAL MOTION**

**MOVED** Ald James **SECONDED** Ald Cusick

- “A. That the Council notes that, due to the confidential nature of the material contained in the Closed meeting report on this matter, the General Manager has prepared a public version of the report to facilitate open Council deliberation of the Rosny Hill Nature Recreation Area Expression of Interest Process – Stage 3 Assessment proposal; and
- B. That, in recognition of the public interest in this process, the Council considers Item 13.4 Rosny Hill Nature Recreation Area Expression of Interest Process – Stage 3 Assessment in open Council meeting and determine on the outcomes of the Stage 3 Assessment based on the public report prepared”.

**CARRIED UNANIMOUSLY**

### 4. COUNCIL WORKSHOPS

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

**PURPOSE**

**DATE**

Clarence Interim Planning Scheme  
Development Proposal - Rosny  
Dog Policy  
Joint Authority Matter

2 November

Clarence Street Safety Review Designs Concepts  
Infringement Notice Procedures  
Land Matter Flagstaff Gully  
Howrah Recreation Centre – Indoor Bowls Facility  
Lauderdale Strategic Plan Review  
Service Levels – City Rangers

9 November

**RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:**

**MOVED** Ald Thurley **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

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

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

**INTEREST DECLARED:           NIL**



**6. TABLING OF PETITIONS**  
(File No 10/03/12)

Nil.

**7. PUBLIC QUESTION TIME**

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

**7.1 PUBLIC QUESTIONS ON NOTICE**

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

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

Nil.

**7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

Nil.

**7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**7.4 QUESTIONS WITHOUT NOTICE**

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

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

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

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

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(File No 10/03/04)

(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)

**DOG WALKING AREAS**

Mr Rob Hill addressed the Meeting regarding the above matter.

**DEVELOPMENT APPLICATION D-2015/316 – 58 GEORGE STREET, DULCOT (CT32082/9 AND CT32082/10) – PET FOOD PROCESSING FACILITY  
(REFER ITEM 11.3.4)**

Mr Desmond Cooper addressed the Meeting regarding the above Development Application.

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

Mr Brendan Carling-Green addressed the Meeting regarding the above Development Application.

**9. MOTIONS ON NOTICE**

Nil.

## 10. REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

### 10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**  
Representative: Ald Doug Chipman, Mayor or nominee

#### **Quarterly Reports**

September Quarterly Report pending.

#### **Representative Reporting**

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

#### **Quarterly Reports**

September Quarterly Report pending.

#### **Representative Reporting**

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

#### **Quarterly Reports**

September Quarterly Report pending.

#### **Representative Reporting**

- **TASWATER CORPORATION**  
The Mayor tabled the 2014-2015 Annual Report.

### 10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

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

(File No 10/02/02)

The Weekly Briefing Reports of 26 October and 2 and 9 November 2015 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 26 October and 2 and 9 November 2015 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

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

Nil.

### **11.3 PLANNING AUTHORITY MATTERS**

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:



**11.3.1 DEVELOPMENT APPLICATION D-2015/256 - 2/47 EAST DERWENT HIGHWAY, ROSE BAY - DECK (RETROSPECTIVE) ADDITION TO MULTIPLE DWELLING**

(File No D-2015/256)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the retrospective approval of a deck addition to a Multiple Dwelling at 2/47 East Derwent Highway, Rose Bay.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for building envelope under the zone.

**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 18 November 2015 with the written consent of the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of protection of a tree on adjacent property.

**RECOMMENDATION:**

- A. That the Development Application for a deck (retrospective) addition to a Multiple Dwelling at 2/47 East Derwent Highway, Rose Bay (CI Ref D-2015/256) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. The existing stormwater pipe located under the deck is to be relocated clear of the structure, noting that the construction of the relocated pipe may require installation of access or manhole pits. All works must be inspected by Council prior to backfilling and must be undertaken to the satisfaction of Council's Group Manager Asset Management.
  3. The development must meet all required Conditions of Approval specified by TasWater notice dated 29 July 2015 (TWDA 2015/01042-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 Peers **SECONDED** Ald McFarlane

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION D-2015/398 - 22 AND 24 EAST DERWENT HIGHWAY, ROSE BAY - 5 MULTIPLE DWELLINGS (1 EXISTING + 4 NEW)**  
(File No D-2015/398)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 5 Multiple Dwellings at 22 and 24 East Derwent Highway, Rose Bay.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Road and Railway Assets Code, the Parking and Access Code and the Stormwater Management Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for sunlight and overshadowing, frontage fences and stormwater drainage under the zone.

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 18 November 2015.

**CONSULTATION**

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

- construction and traffic noise;
- density of development;
- safety;
- stormwater drainage;
- vegetation removal; and
- residential amenity and loss of land value.

**RECOMMENDATION:**

A. That the Development Application for 5 Multiple Dwellings (1 existing + 4 new) at 22 and 24 East Derwent Highway, Rose Bay (CI Ref D-2015/398) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER [TSD R-09].
3. ENG A4 – DIER ACCESS.
4. ENG A7 – REDUNDANT CROSSOVER.

5. ENG S1 – INFRASTRUCTURE REPAIR.
  6. ENG M1 – DESIGNS DA.
  7. The development must meet all required Conditions of Approval specified by TasWater notice dated 23 September 2015 (TWDA 2015/01529-CCC).
  8. **ADVICE** – Preliminary building assessment indicates that fire separation between Villa 4 and Villa 5 (Villa 4 deck to Villa 5 Bedroom 1) may not comply with BCA 2015 3.7.1 for fire separation. Please therefore ensure drawings submitted to the permit authority for building approval demonstrate compliance with the BCA in relation to the above.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.3 SUBDIVISION APPLICATION SD-2013/51 - 30 DUMBARTON DRIVE AND 240 GEILSTON BAY ROAD, GEILSTON BAY (INCLUDING 22, 24, 28A AND 32 DUMBARTON DRIVE AND 353 EAST DERWENT HIGHWAY, GEILSTON BAY) - BOUNDARY ADJUSTMENT**

(File No SD-2013/51)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a boundary adjustment at 30 Dumbarton Drive and 240 Geilston Bay Road (including 22, 24, 28A and 32 Dumbarton Drive and 353 East Derwent Highway).

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential and subject to the Vegetation Management Overlay under the Clarence Planning Scheme 2007 (the Scheme). No 353 East Derwent Highway is zoned Open Space and included only as part of the bushfire management plan. 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 18 November 2015.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of additional traffic caused by more units being developed on the proposed lot adjoining 30 Dumbarton Drive.

**RECOMMENDATION:**

- A. That the application for a Boundary Adjustment at 30 Dumbarton Drive and 240 Geilston Bay Road, Geilston Bay (including 22, 24, 28a and 32 Dumbarton Drive, 240 Geilston Bay Road and 353 East Derwent Highway) (CI Ref SD-2013/51) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN F2 – COVENANTS [restricting access solely via the proposed subdivision road for all lots abutting the East Derwent Highway].
  3. PROP 3 – TRANSFER.
  4. ENG M2 – DESIGNS SD.

5. ENG M8 – EASEMENTS.
6. ENG R2 – URBAN ROAD.
7. ENG R5 – ROAD EXTENSION.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG A1 – CROSSOVER [TSD-R09] Replace “3.0m” with “3.6m”.
10. ENG M5 – EROSION PLANS.
11. ENG S10 – UNDERGROUND SERVICES.
12. ENG S4 – STORMWATER CONNECTION.
13. Conditions 5 and 9 of Permit SD-2006/24, including the indexing contained therein from the date of that permit, forms part of this permit and must be satisfied prior to the sealing of Lot 15.
14. EHO 4 – NO BURNING.

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

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.4 DEVELOPMENT APPLICATION D-2015/316 - 58 GEORGE STREET, DULCOT (CT32082/9 AND CT32082/10) - PET FOOD PROCESSING FACILITY**

(File No D-2015/316)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a pet food processing facility at 58 George Street, Dulcot.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Bushfire-Prone Areas Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary use and 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 18 November 2015 with the written agreement of the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 8 representations were received raising the following issues:

- hours of operation;
- traffic;
- odour, noise and waste management;
- wastewater management;
- use of Rural Living zoned land;
- clarification of building setback;
- gradient of building site;
- building construction/provision of toilets;
- appearance of building;
- use of water;
- Attenuation Code/environmental impact;
- signage;
- limits on use;
- expansion of existing firewood collection;
- clarification of street address;
- ownership of property;
- impact on property values; and
- notification of application.

**RECOMMENDATION:**

A. That the Development Application for Resource Processing (pet food processing facility) at 58 George Street, Dulcot (CT32082/9 and CT32082/10) (CI Ref D-2015/316) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The building must be located a minimum of 12m from the frontage boundary.
3. Operating hours must be within the following times:

Monday – Friday	8.30am – 5.00pm
Saturday	9.00am – 12.00pm
Public Holidays	No Operating
Sunday	No Operating

Commercial vehicles may access the site from 7.00am to 5.00pm Monday – Friday and from 9.00am to 12.00pm Saturdays.

4. Animals must not be slaughtered and no preliminary animal processing (gutting) is to be undertaken on-site.
5. Pet food meat must not be sold from the site directly to the public.
6. The facility is to be operated by 1 staff member only.
7. GEN M14 – STORAGE AREAS.
8. No external lighting is approved.
9. The use or development must only be undertaken and maintained in accordance with the endorsed Bushfire Attack Level Report and Hazard Management Plan prepared by Michael Westcott dated October 2015, unless an alternative Bushfire Hazard Management Plan is agreed with Council.
10. The landowner must enter into an agreement with Council and the owner of CT320822/9 under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:
  - the implementation and on-going maintenance of the Hazard Management Area identified in the endorsed Bushfire Attack Level Report and Hazard Management Plan prepared by Michael Westcott dated October 2015.



The agreement will be prepared and registered by Council and **must be completed prior to the issue of a building permit**. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

11. Noise emissions measured at the boundary of the site must not exceed the following:
- 55dB(A) (LAeq) between the hours of 8.00am to 6.00pm;
  - 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00pm to 8.00am;
  - 65dB(A) (LAm<sub>ax</sub>) at any time.

12. All solid waste is to be removed from site at least every 2 days, or more frequently if required in writing by Council's Senior Environmental Health Officer or an authorised officer of the Department of Primary Industries Parks Water and Environment.

13. The lot must be provided with a minimum 5.5m wide constructed and sealed access from the road carriageway to within 2m inside the property boundary, in accordance with Standard Drawing TSD-R03 and TSD-R04 (copy available from Council). This access must be inspected by Council's Clerk of Works prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner in accordance with any directions given by Council to the owner and at the owner's expense.

14. The vehicle turning area must be completed prior to commencement of the use.
15. No external lighting is approved.
16. Signs must not to be displayed on the site without further approval from Council.

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

/ Refer to Page 25 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2015/316 - 58 GEORGE STREET, DULCOT (CT32082/9 AND CT32082/10) - PET FOOD PROCESSING FACILITY /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Cusick																										
	<p>“A. That the Development Application for Resource Processing (pet food processing facility) at 58 George Street, Dulcot (CT32082/9 and CT32082/10) (CI Ref D-2015/316) be refused for the following reasons.</p> <ol style="list-style-type: none"> <li>1. The size and scale of the proposal is excessive, having particular regard to the proximity of the development to the boundaries.</li> <li>2. The reduced setback would also mean that the noises and activities associated with the proposal will be excessive and cause an unreasonable intrusion into the area.</li> </ol> <p>B. That the reasons for Council’s decision in respect of this matter be recorded as follows.</p> <ul style="list-style-type: none"> <li>• The proposal is inappropriate and too large and will therefore adversely impact on the area”.</li> </ul> <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%;"><b>FOR</b></td> <td style="width: 50%;"><b>AGAINST</b></td> </tr> <tr> <td>Ald Campbell</td> <td>Ald Hulme</td> </tr> <tr> <td>Ald Chipman</td> <td>Ald McFarlane</td> </tr> <tr> <td>Ald Cusick</td> <td>Ald Peers</td> </tr> <tr> <td>Ald James</td> <td>Ald Thurley</td> </tr> <tr> <td>Ald Walker</td> <td>Ald von Bertouch</td> </tr> </table> <p><b>MOVED</b> Ald McFarlane <b>SECONDED</b> Ald von Bertouch</p> <p>“That the Recommendation be adopted”.</p> <p style="text-align: right;"><b>CARRIED</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>FOR</b></td> <td style="width: 50%;"><b>AGAINST</b></td> </tr> <tr> <td>Ald Chipman</td> <td>Ald Campbell</td> </tr> <tr> <td>Ald Hulme</td> <td>Ald Cusick</td> </tr> <tr> <td>Ald McFarlane</td> <td>Ald James</td> </tr> <tr> <td>Ald Peers</td> <td>Ald Walker</td> </tr> <tr> <td>Ald Thurley</td> <td></td> </tr> <tr> <td>Ald von Bertouch</td> <td></td> </tr> </table>	<b>FOR</b>	<b>AGAINST</b>	Ald Campbell	Ald Hulme	Ald Chipman	Ald McFarlane	Ald Cusick	Ald Peers	Ald James	Ald Thurley	Ald Walker	Ald von Bertouch	<b>FOR</b>	<b>AGAINST</b>	Ald Chipman	Ald Campbell	Ald Hulme	Ald Cusick	Ald McFarlane	Ald James	Ald Peers	Ald Walker	Ald Thurley		Ald von Bertouch	
<b>FOR</b>	<b>AGAINST</b>																										
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<b>FOR</b>	<b>AGAINST</b>																										
Ald Chipman	Ald Campbell																										
Ald Hulme	Ald Cusick																										
Ald McFarlane	Ald James																										
Ald Peers	Ald Walker																										
Ald Thurley																											
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**

Nil Items.

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE****11.7.1 CONSTITUTIONAL FRAMEWORK – TRACKS AND TRAILS COMMITTEE**

(File No 07-06-09)

**EXECUTIVE SUMMARY****PURPOSE**

To adopt the constitutional framework for the Tracks and Trails Committee (T&TC).

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan is relevant.

**LEGISLATIVE REQUIREMENTS**

The Tracks and Trails Committee is a special Committee established under Section 24 of the Local Government Act, 1993.

**CONSULTATION**

Council's Tracks and Trails Committee was involved in developing the draft constitutional framework.

**FINANCIAL IMPLICATIONS**

There are no direct implications in authorising the constitutional framework.

**RECOMMENDATION:**

That Council adopts the constitutional framework for the Tracks and Trails Committee.

**Decision:** **MOVED** Ald Walker **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.7.2 DOG MANAGEMENT POLICY NOVEMBER 2015 AND SCHEDULE OF DECLARED AREAS NOVEMBER 2015**

(File No 05-02-05)

**EXECUTIVE SUMMARY****PURPOSE**

To adopt Council's Dog Management Policy November 2015, including a Schedule of Declared Areas.

**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 matters.

**CONSULTATION**

Workshops were held with Aldermen, a forum was held with relevant organisations and public submissions were invited and a public exhibition of the Draft Dog Management Policy, including Schedule of Declared Areas was conducted.

**FINANCIAL IMPLICATIONS**

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

**RECOMMENDATION:**

- A. That Council adopts the Dog Management Policy November 2015.
- B. That Council adopts the Schedule of Declared Areas November 2015 and that it takes effect from 1 December 2015 for the next 7 years.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.7.3 ROSNY HILL NATURE RECREATION AREA EXPRESSIONS OF INTEREST PROCESS - STAGE 3 ASSESSMENT**

(File No A008-12A)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the submission and amended proposal received from Hunter Developments in accordance with the agreement established under Stage 3 of the Expression of Interest process (EOI) for development at the Rosny Hill Nature Recreation Area.

**RELATION TO EXISTING POLICY/PLANS**

Council is the declared Managing Authority of the Rosny Hill Nature Recreation Area (RHNRA). A management objective for Nature Recreation Areas under the National Parks and Reserves Management Act, 2002 is: *“to encourage tourism, recreational use and enjoyment consistent with the conservation of the nature recreation area’s natural and cultural values”*.

Council has prepared and adopted a Rosny Hill Nature Recreation Area Management Strategy. When adopting the management strategy Council resolved to explore the market potential for new development or activities at the site which could complement and enhance the public’s use of the area.

The land use zoning of the RHNRA under the Clarence Interim Planning Scheme provides for a range of tourism, hospitality and recreational activities as Discretionary uses.

**LEGISLATIVE REQUIREMENTS**

Any development and lease of Rosny Hill Nature Recreation Area land must be in accordance with the requirements of the Local Government Act 1993, the National Parks and Reserves Management Act, 2002 and the Crown Lands Act, 1976.

**CONSULTATION**

In accordance with the Stage 3 Agreement established following Council’s decision of 2 February 2015, the development proponent has undertaken community and stakeholder consultation. Further public consultation will occur if the development proposal proceeds to assessment under the Land Use Planning and Approvals Act, 1993.

**FINANCIAL IMPLICATIONS**

Council is not responsible for any cost or expenses incurred by respondents to the EOI process.

**RECOMMENDATION:**

- A. That a Stage 4 agreement be established with Hunter Developments in relation to progression of consideration of the development concept submitted on 30 September 2015.



- B. That the agreement provide for the granting of permission to lodge a development application and the proposed site lease terms and conditions, Ministerial approvals, and development timeframes that will apply in the event that the proposal obtains the required statutory approvals.
- C. That the General Manager be authorised to negotiate and execute the agreement on Council’s behalf.
- D. That Council authorises the Mayor and General Manager to brief the Minister for Environment, Parks and Heritage, his delegate and his senior Departmental officers, and the Co-ordinator General regarding the progress of the Rosny Hill Nature Recreation Area EOI process.

**Decision:** **MOVED** Ald McFarlane **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

**CARRIED**

**FOR**

Ald Campbell  
Ald Chipman  
Ald Cusick  
Ald Hulme  
Ald McFarlane  
Ald Peers  
Ald Thurley  
Ald von Bertouch  
Ald Walker

**AGAINST**

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 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 JOINT AUTHORITY MATTER
- 13.3 TENDER T1046-15 – SUPPLY OF ELECTRICITY TO CONTESTABLE SITES
- 13.4 DEVELOPMENT PROPOSAL - ROSNY
- 13.5 TENDER T991-14 – HOWRAH BOWLS INDOOR FACILITY STAGE 1 – HOWRAH BOWLS CLUB, 11 HOWRAH ROAD, HOWRAH
- 13.6 EXPRESSION OF INTEREST – LAUDERDALE URBAN EXPANSION FEASIBILITY STUDY

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:

- information that, if disclosed, is likely to give a commercial advantage or disadvantage to a person with whom council is conducting or proposes to conduct, business;
- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council; or reveal a trade secret;
- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence;

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

**Decision:**

**PROCEDURAL MOTION**  
**MOVED** Ald Campbell **SECONDED** Ald Peers

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

**CARRIED UNANIMOUSLY**

**CLOSED MEETING /contd...**

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

**13.3 TENDER T1046-15 – SUPPLY OF ELECTRICITY TO CONTESTABLE SITES**  
(File No T1046-15)

**Decision:**

**MOVED** Ald von Bertouch **SECONDED** Ald Peers

- “A. That Council accepts the Tender from Aurora Energy Pty Ltd for electricity supply under a fixed price agreement for 3 years, from 1 January 2016 to 31 December 2018 for the Clarence Aquatic Centre, Clarence City Council Offices, Wentworth Park Sports Complex and Clarence City Council Depot, be accepted.
- 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**

**FOR**

Ald Campbell  
Ald Chipman  
Ald Cusick  
Ald Hulme  
Ald James  
Ald McFarlane  
Ald Peers  
Ald Thurley  
Ald von Bertouch

**AGAINST**

Ald Walker

**13.5 TENDER T991-14 – HOWRAH BOWLS INDOOR FACILITY STAGE 1 - HOWRAH BOWLS CLUB, 11 HOWRAH ROAD, HOWRAH**

(File No T991-14)

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

- “A. That subject to satisfactory confirmation that Howrah Bowls Club have received \$300,000 loan finance for the construction of the Indoor Bowls facility; the General Manager be authorised to accept the tender received from J Hutchinson Pty Ltd trading as Hutchinson Builders for the amount of \$1,186,847.00, excluding GST, for the construction of Stage 1 of the Indoor Bowls Facility at the Howrah Bowls Club, situated at 11 Howrah Road, Howrah.
- B. That the adopted Estimates for 2015/2016 be amended to meet the cost of the construction of Stage 1 of the Indoor Bowls Facility at the Howrah Bowls Club by increasing the estimate for this project by \$95,597 to be funded from unallocated cash.
- C. 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.
- D. That the Council decision only be recorded in the public Minutes”.

**CARRIED UNANIMOUSLY**

**13.6 EXPRESSION OF INTEREST - LAUDERDALE URBAN EXPANSION  
FEASIBILITY STUDY**

(File No)

**Decision:**

**MOVED** Ald Cusick **SECONDED** Ald James

- “A. That the Expression of Interest from Johnstone McGee and Gandy Pty Ltd be accepted for undertaking the feasibility study into the urban expansion of Lauderdale.
- 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**

**FOR**

Ald Campbell  
Ald Chipman  
Ald Cusick  
Ald Hulme  
Ald James  
Ald Peers  
Ald Thurley  
Ald von Bertouch  
Ald Walker

**AGAINST**

Ald McFarlane

The Meeting closed at 9.17pm.