

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 16 OCTOBER 2017**

**HOUR CALLED:** 7.30pm

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

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

**1. APOLOGIES** P Cusick (Leave of Absence)

**ORDER OF BUSINESS** Items 1 – 13

**IN ATTENDANCE**  
General Manager  
(Mr A Paul)  
Group Manager Engineering Services  
(Mr R Graham)  
Acting Corporate Secretary  
(Mr S Wicks)  
Manager City Planning  
(Mr R Lovell)  
Acting Corporate Treasurer  
(Ms M Coleman)  
Co-ordinator Council Support  
(Ms J Ellis)

The Meeting closed at 9.40pm.

Prior to the commencement of the meeting, the Mayor made the following declaration:

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

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

**COUNCIL MEETING**  
**MONDAY 16 OCTOBER**

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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 25 September 2017, 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 25 September 2017, 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> |
|---|-------------|
| Droughty Point Jetty                          |             |
| Possible Vehicle Restrictions on Forth Street |             |
| Kangaroo Bay Breakwater                       |             |
| Centenary Grants Program                      |             |
| Public Places By-law                          | 2 October   |
| Seven Mile Beach Recreation Area              |             |
| Annual Hardwaste Collection Service           |             |
| Greater Hobart Strategic Alliance             | 9 October   |

**RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:** **MOVED** Ald McFarlane **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:           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)

**ACCESS TO LAUDERDALE BEACH**

(REFER ITEM 9.1)

Mr Greg Steinbauer addressed the Meeting regarding the above matter.

M/s Kimbra Fitzmaurice addressed the Meeting regarding the above matter.

M/s Jillian Green addressed the Meeting regarding the above matter.

**DEVELOPMENT APPLICATION D-2016/284 – 78 GEILSTON BAY ROAD, GEILSTON BAY – VISITOR ACCOMMODATION CABINS**

(REFER ITEM 11.3.9)

Mr John Stevens addressed the Meeting regarding the above Development Application.

## 9. MOTIONS ON NOTICE

### 9.1 NOTICE OF MOTION- ALD JAMES ACCESS TO LAUDERDALE BEACH

(File No 10-03-05)

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

“That Clarence Council provide beach access to Lauderdale Beach suitable for access for, but not limited to, Kayaks, Canoes, and trailer able Dinghies (up to 5m). Officers to investigate options including, but not limited to, those listed below:

- re-open recently closed access;
- provide a new access on the northern side of the previous access, adjacent to the current toilet block; and
- provide a new access south of the previous access, adjacent to the recently closed access.

A report be provided to Council by officers by 30 November 2017, informing Council as to which of the above options is the most feasible to pursue.

That this access be provided by April 2018”.

With the Leave of the Meeting Ald James amended his motion and it was:

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

“1. That Clarence Council provide beach access to Lauderdale Beach suitable for access for, but not limited to, Kayaks, Canoes, and trailer able Dinghies (up to 5m). Officers to investigate options including, but not limited to, those listed below:

- re-open recently closed access;
- provide a new access on the northern side of the previous access, adjacent to the current toilet block;
- provide a new access south of the previous access, adjacent to the recently closed access;
- the rectification of the use and safety community concerns of the current ramp including costs and options for access for water craft up to 5m to the Frederick Henry Bay beach in the immediate vicinity of the Lauderdale Canal, including costs;

/ Decision contd on Page 11...

**NOTICE OF MOTION- ALD JAMES  
ACCESS TO LAUDERDALE BEACH /Decision contd...**

- the legal/insurance issues related to the opening up of a dune, which Council previously resolved to be created, following expert reports and recommendations;

by April 2018.

2. A report be provided to Council by officers by 30 November 2017, informing Council as to which of the above options is the most feasible to pursue and whether the April 2018 date may be affected by the need for Crown approval of any Council decision”.

## 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 James Walker, Deputy Representative)

#### **Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summary of its Meetings for the period ending 30 September 2017.

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period 1 April to 30 June 2017.

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

#### **Representative Reporting**

- **TASWATER CORPORATION**  
The Mayor tabled the 2016-2017 Annual Report.

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

### **OTHER COMMITTEES**

#### **DESTINATION SOUTHERN TASMANIA**

- The Mayor tabled the 2016-2017 Annual Report.

#### **BOARD OF MANAGEMENT OF BUSINESS EAST**

- Ald Hulme tabled the Minutes of a Meeting held on 12 September 2017.

#### **ALMA'S ACTIVITIES CENTRE CLARENCE**

- Ald von Bertouch tabled the Minutes of a Meeting held on 8 August 2017.

#### **BICYCLE STEERING COMMITTEE**

- Ald von Bertouch tabled the Minutes of a Meeting held on 14 August 2017.

#### **CLARENCE POSITIVE AGEING ADVISORY COMMITTEE**

- Ald von Bertouch tabled the Minutes of a Meeting held on 18 May 2017.

Ald Walker left the Meeting at this stage (8.12pm).

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

(File No 10/02/02)

The Weekly Briefing Reports of 25 September and 2 and 9 October 2017 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 25 September and 2 and 9 October 2017 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

## 11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

### 11.2.1 PETITION – 1 CREMORNE AVENUE, CREMORNE

(File No D-2016/517)

#### EXECUTIVE SUMMARY

##### PURPOSE

To consider the petition presented at Council's Meeting on 25 September 2017, containing 202 signatories opposing Development Application D-2016/517.

##### RELATION TO EXISTING POLICY/PLANS

Not applicable.

##### LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of receipt.

##### CONSULTATION

Not applicable.

##### FINANCIAL IMPLICATIONS

Not applicable.

#### RECOMMENDATION:

That the petitioners be advised that Council refused Development Application D-2016/517 at its Meeting of 25 September 2017.

Ald Walker returned to the Meeting at this stage (8.14pm).

Ald Chong left the Meeting at this stage (8.14pm).

**Decision:** **MOVED** Ald Hulme **SECONDED** Ald Peers

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

### **11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION D-2017/350 - 50 BRIDGE STREET,  
RICHMOND - WINERY SIGNAGE**  
(File No D-2017/350)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for winery signage at 50 Bridge Street, Richmond.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Business and subject to the Historic Heritage and Signs codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 13 October 2017 and was extended with the consent of the applicant until 18 October 2017.

**CONSULTATION**

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

- the proposal is not in keeping with the Richmond township;
- the signage relates to businesses outside of the Richmond township;
- removal of tree; and
- the proposal will be unsightly and cover a heritage wall.

**RECOMMENDATION:**

A. That the Development Application for winery signage at 50 Bridge Street, Richmond (Cl Ref D-2017/350) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The sign must be maintained at all times in good repair and in a clean, tidy and safe condition to the satisfaction of Council’s Manager City Planning.
  3. External surfaces and finishes must be in accordance with the approved plans. Any change to the materials or colour scheme must be submitted and approved by Council’s Manager City Planning prior to construction.
- 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 Doust

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION D-2017/386 - 4 RICHARDSONS ROAD, SANDFORD - ADDITION TO EXISTING OUTBUILDING AND OUTBUILDING**

(File No D-2017/386)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to an existing outbuilding and outbuilding at 4 Richardsons Road, Sandford.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Parking and Access, Stormwater Management, On-Site Wastewater Management, Bushfire Prone Areas and Natural Assets codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 20 October 2017.

**CONSULTATION**

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

- use of the outbuilding; and
- noise.

**RECOMMENDATION:**

A. That the Development Application for an addition to an existing outbuilding and outbuilding at 4 Richardsons Road, Sandford (CI Ref D-2017/386) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN M7 – DOMESTIC 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.

**Decision:** **MOVED** Ald Campbell **SECONDED** Ald von Bertouch  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

**11.3.3 DEVELOPMENT APPLICATION D-2017/309 - 61 KELSON PLACE, ACTON PARK - DWELLING**  
(File No D-2017/309)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 61 Kelson Place, Acton Park.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the Parking and Access, Stormwater Management and On-site Wastewater Management codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 12 October 2017, which has been extended with the consent of the applicant until 18 October 2017.

**CONSULTATION**

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

- stormwater management and water run-off; and
- retention basin (water holes) at 61 and 65 Kelson Place not being utilised correctly.

**RECOMMENDATION:**

A. That the Development Application for a dwelling at 61 Kelson Place, Acton Park (CI Ref D-2017/309) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

- 2. ADVICE – An application for a Plumbing Permit must be submitted and approved as part of the Building Application and will need to adequately demonstrate how stormwater run-off from impervious surfaces within the site will be managed and contained within the property boundaries. Consideration must also be given to management of the retention basin when it reaches capacity.
- 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 Campbell

  “**That the Recommendation be adopted**”.

**CARRIED UNANIMOUSLY**

**11.3.4 DEVELOPMENT APPLICATION D-2017/244 - 49 PIPE CLAY ESPLANADE, CREMORNE - DWELLING ADDITIONS AND ALTERATIONS**  
(File No D-2017/244)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for dwelling additions and alterations at 49 Pipe Clay Esplanade, Cremorne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Inundation Prone Areas, Coastal Erosion, Stormwater Management and the On-site Waste Water Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 18 October 2017.

**CONSULTATION**

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

- loss of privacy; and
- height.

**RECOMMENDATION:**

- A. That the Development Application for Dwelling at 49 Pipe Clay Esplanade, Cremorne (C1 Ref D-2017/243) be approved subject to the following conditions and advice:
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [screening or obscure glass to a minimum sill height of 1.7m to the second storey windows on the southern elevation].

3. Construction details in accordance with the recommendations of the Coastal Vulnerability Assessment (JSA Consulting Engineers, 11 August 2017) must be submitted and approved to the satisfaction of Council’s Group Manager Engineering Services prior to the issue of a Building Permit.
- 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 returned to the Meeting at this stage (8.15pm).

|   |
|---|
| <p><b>Decision:</b>                      <b>MOVED</b> Ald Campbell <b>SECONDED</b> Ald Peers</p> <p>   “That the Recommendation be adopted”.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p> |
|---|

**11.3.5 DEVELOPMENT APPLICATION D-2017/243 - 52 PIPE CLAY ESPLANADE,  
CREMORNE - DWELLING**  
(File No D-2017/243)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 52 Pipe Clay Esplanade, Cremorne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Inundation Prone Areas, Coastal Erosion, Stormwater Management and the On-site Waste Water Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 18 October 2017.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of loss of view.

**RECOMMENDATION:**

- A. That the Development Application for dwelling at 52 Pipe Clay Esplanade, Cremorne (Cl Ref D-2017/243) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. Construction details in accordance with the recommendations of the Coastal Vulnerability Assessment (JSA Consulting Engineers, 11 August 2017) must be submitted and approved to the satisfaction of Council's Group Manager Engineering Services prior to the issue of a Building Permit.

- 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 Thurley  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

**11.3.6 DEVELOPMENT APPLICATION D-2017/354 - 14C BAYSIDE DRIVE, LAUDERDALE - DWELLING AND OUTBUILDING**  
(File No D-2017/354)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling and outbuilding at 14C Bayside Drive, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and is subject to the Bushfire Prone Areas Code, Landslide Code, Stormwater Management Zone and Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 18 October 2017 as agreed with the applicant.

**CONSULTATION**

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

- overshadowing impact;
- damage to nature strip;
- impact on streetscape;
- lack of regard to the design of existing dwellings in the street;
- suggested re-design; and
- loss of privacy

**RECOMMENDATION:**

A. That the Development Application for dwelling and outbuilding at 14C Bayside Drive, Lauderdale (CI Ref D-2017/354) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN

[(a) the installation of a permanently fixed screen along the full length of the western elevation of the carport to a height of at least 1.7m above the finished surface level and with a uniform transparency of no more than 25%; and

(b) lowering of the roof covering the upper level north facing deck so that it does not exceed a maximum height of 7.4m above natural ground level]

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

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.7 DEVELOPMENT APPLICATION D-2017/329 - 42 TREVASSA CRESCENT, TRANMERE (WITH ACCESS OVER 44 AND 46 TREVASSA CRESCENT) - DWELLING**

(File No D-2017/329)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 42 Trevassa Crescent, Tranmere (with access over 44 and 46 Trevassa Crescent).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Waterway and Coastal Protection Area, Stormwater Management and Parking and Access code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 20 October 2017.

**CONSULTATION**

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

- loss of sunlight to habitable room; and
- overshadowing of private open space.

**RECOMMENDATION:**

A. That the Development Application for dwelling at 42 Trevassa Crescent, Tranmere (with access over 44 and 46 Trevassa Crescent) (CI Ref D-2017/329) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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

**Decision:** **MOVED** Ald McFarlane **SECONDED** Ald Hulme  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

**11.3.8 SUBDIVISION APPLICATION SD-2017/10 - 312A TRANMERE ROAD,  
TRANMERE - 13 LOT SUBDIVISION**  
(File No SD-2017/10)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 13 lot subdivision at 312A Tranmere Road, Tranmere.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and Environmental Living and subject to the Bushfire Prone Areas, Landslide, Waterway and Coastal Protection, Natural Assets and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 19 October 2017.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- incorrect location of boundary fencing;
- driveway construction;
- endangered fauna;
- lack of consultation and duration of works extending Oceana Drive; and
- land-locking of adjacent residential land.

**RECOMMENDATION:**

A. That the application for a 13 lot subdivision at 312A Tranmere Road, Tranmere (Cl Ref SD-2017/10) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.

2. PROP3 – TRANSFER.
  3. GEN AM4 – CONSTRUCTION HOURS.
  4. ENG A1 – NEW CROSSOVER [3.6minimum].
  5. ENG S1 – INFRASTRUCTURE REPAIR.
  6. Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council’s main. An extension to Council’s stormwater main may be required at the owner’s expense.
  7. ENG S10 – UNDERGROUND SERVICES.
  8. ENG M2 – DESIGNS SD. Insert “details of stormwater treatment and detention in accordance with the State Stormwater Strategy” after the fourth dot point.
  9. ENG M5 – EROSION CONTROL.
  10. ENG M7 – WEED MANAGEMENT PLAN.
  11. The Final Plan and accompanying Schedule of Easements must describe all additional easements and any additional easements required.
  12. The development must meet all required Conditions of Approval specified by TasWater notice dated 16 May 2017 (TWDA 2017/00647-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 Campbell <b>SECONDED</b> Ald Thurley<br>“That the Recommendation be adopted”.<br><b>CARRIED UNANIMOUSLY</b> |
|------------------|--|

**11.3.9 DEVELOPMENT APPLICATION D-2016/284 - 78 GEILSTON BAY ROAD,  
GEILSTON BAY - VISITOR ACCOMMODATION CABINS**  
(File No D-2016/284)

## **EXECUTIVE SUMMARY**

### **PURPOSE**

The purpose of this report is to consider the application made for the development of Visitor Accommodation Cabins at 78 Geilston Bay Road, Geilston Bay.

### **RELATION TO PLANNING PROVISIONS**

The land is zoned Environmental Living and subject to the Bushfire-Prone Areas, Parking and Access, Signs, Stormwater Management, and Natural Assets Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). The proposal is for a Permitted Use Class which relies on some performance standards.

### **LEGISLATIVE REQUIREMENTS**

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

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory assessment period, which has been extended to 25 October 2017.

### **CONSULTATION**

The proposal was advertised and received 34 representations. Following the removal of signage (on Council land), the proposal was readvertised in accordance with statutory requirements and 14 representations were received raising the following issues:

- Aboriginal Heritage;
- bushfire hazards;
- flora and fauna impact;
- future use and expansion;
- impact on residential amenity;
- incompliance with Planning Scheme;
- Nyrstar operations;
- pedestrian access and safety;
- vehicular access and traffic;
- visual impacts.

**RECOMMENDATION:**

- A. That the Development Application for Visitor Accommodation Cabins at 78 Geilston Bay Road, Geilston Bay (CI Ref D-2016/284) be refused for the following reasons.
1. The proposal does not meet the Performance Criteria of Interim Planning Directive No.2 P1 (b) and (d) in that:
    - the proposal will result in a scale and form of buildings significantly beyond which would reasonably be expected in the area, given the dominant character and use; and
    - the proposal is likely to have a significant adverse impact on, and disadvantage, the other users of the access road.
  2. The proposal does not meet the Performance Criteria of Clause 14.3.2 P1 (c) and (d) in that:
    - the proposal will result in numbers of people, numbers of vehicles, scale and form of buildings and levels of vegetation clearance to an intensity significantly beyond which would reasonably be expected in the area given the dominant character of use; and
    - the proposal is likely to have a significant adverse impact on, and disadvantage the other users of the access road.
  3. The proposal does not meet the Performance Criteria of Clause 14.4.3 P1 (b) and (c) in that:
    - building height with regard to the ridgeline location is not minimised through design; and
    - the location of the buildings across the ridgeline is considered to be inconsistent with, and therefore have no due regard to, the rural landscape of the site.
  4. The proposal does not meet the Performance Criteria of Clause 14.4.3 P3 (b) and (c) in that:
    - the level of impact of the proposal is considered unreasonable in that it is beyond what would be reasonably expected of development in the area, given the surrounding uses and levels of impacts; and
    - the proposal is inconsistent with developments in close visual proximity, which are significantly smaller in scale.
  5. The proposal does not meet the Performance Criteria of Clause 14.4.3 P4 (b) in that:
    - a dominant cut of the access road will detract from the landscape character.

6. The proposal does not meet the Performance Criteria of Clause E6.7.3 P1 (a), (b), (c) and (d) as the access road is unlikely to be safe, efficient and convenient in that in that:
- the proposal will have significant potential for conflict between users of the access road;
  - the proposal is likely to unreasonably impact on the flow of traffic on the adjoining access road;
  - the proposed level of upgrade for the access road is unsuitable for the type and volume of traffic likely to be generated by the use or development; and
  - the access road will not provide ease of accessibility and recognition for users.

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> | <p><b>MOVED</b> Ald von Bertouch <b>SECONDED</b> Ald McFarlane</p> <p>“That the Recommendation be adopted”.</p> <p>Ald Walker left the Meeting at this stage (8.31pm).</p> <p>The <b>MOTION</b> was <b>put</b> and <b>CARRIED</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"><b>FOR</b></td> <td style="width: 50%; vertical-align: top;"><b>AGAINST</b></td> </tr> <tr> <td>Ald Campbell</td> <td>Ald Doust</td> </tr> <tr> <td>Ald Chipman</td> <td></td> </tr> <tr> <td>Ald Chong</td> <td></td> </tr> <tr> <td>Ald Hulme</td> <td></td> </tr> <tr> <td>Ald James</td> <td></td> </tr> <tr> <td>Ald McFarlane</td> <td></td> </tr> <tr> <td>Ald Peers</td> <td></td> </tr> <tr> <td>Ald Thurley</td> <td></td> </tr> <tr> <td>Ald von Bertouch</td> <td></td> </tr> </table> | <b>FOR</b> | <b>AGAINST</b> | Ald Campbell | Ald Doust | Ald Chipman |  | Ald Chong |  | Ald Hulme |  | Ald James |  | Ald McFarlane |  | Ald Peers |  | Ald Thurley |  | Ald von Bertouch |  |
| <b>FOR</b>       | <b>AGAINST</b>  |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| Ald Campbell     | Ald Doust   |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| Ald Chipman      |   |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| Ald Chong        |   |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| Ald Hulme        |   |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| Ald James        |   |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| Ald McFarlane    |   |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| Ald Peers        |   |            |                |              |           |             |  |           |  |           |  |           |  |               |  |           |  |             |  |                  |  |
| 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****11.4.1 COMMUNITY SUPPORT GRANTS**

(File No 09-17-05A)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the Community Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the September 2017 round of Community Support Grants.

**RELATION TO EXISTING POLICY/PLANS**

- Community Grants Policy; and
- Social Plans including Youth Plan; Cultural Arts Plan; Positive Ageing Plan; Access Plan; Health and Wellbeing Plan; Cultural History Plan; Community Participation Policy; Clarence Events Plan and Community Safety Plan.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There is an annual budget for the Community Grants Program including the bi-annual Community Support Grants.

**RECOMMENDATION:**

That Council approves financial grants to community groups and organisations, as detailed in the schedule attached to the Associated Report, amounting to \$18,490.

/ Refer to Page 37 for Decision on this Item...

**COMMUNITY SUPPORT GRANTS /contd...**

Ald Walker returned to the Meeting at this stage (8.44pm).

|                  |  |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
|------------------|--|------------|----------------|-----------|--------------|-------------|-------------|------------|-----------|--|-----------|--|-----------|--|---------------|--|-----------|--|------------------|
| <b>Decision:</b> | <p><b>MOVED</b> Ald Campbell <b>SECONDED</b> Ald Peers</p> <p>“That the Recommendation be adopted”.</p> <p><b>AMENDMENT</b><br/> <b>MOVED</b> Ald James <b>SECONDED</b> Ald Thurley</p> <p>“That the Motor Yacht Club of Tasmania application to purchase a defibrillator for ML Egeria be supported”.</p> <p>The <b>AMENDMENT</b> was <b>put</b> and <b>LOST</b></p> <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 Chipman</td> </tr> <tr> <td>Ald Walker</td> <td>Ald Chong</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> <p>The <b>MOTION</b> was <b>put</b> and <b>CARRIED UNANIMOUSLY</b></p> | <b>FOR</b> | <b>AGAINST</b> | Ald James | Ald Campbell | Ald Thurley | Ald Chipman | Ald Walker | Ald Chong |  | Ald Doust |  | Ald Hulme |  | Ald McFarlane |  | Ald Peers |  | Ald von Bertouch |
| <b>FOR</b>       | <b>AGAINST</b>   |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
| Ald James        | Ald Campbell   |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
| Ald Thurley      | Ald Chipman  |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
| Ald Walker       | Ald Chong  |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
|                  | Ald Doust  |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
|                  | Ald Hulme  |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
|                  | Ald McFarlane  |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
|                  | Ald Peers  |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |
|                  | Ald von Bertouch   |            |                |           |              |             |             |            |           |  |           |  |           |  |               |  |           |  |                  |

**11.5 ASSET MANAGEMENT****11.5.1 CANOPUS-CENTAURI BUSHLAND RESERVE ACTIVITY PLAN 2017-2021**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

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

**RELATION TO EXISTING POLICY/PLANS**

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

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

The adoption of the Canopus-Centauri Bushland Reserve Activity Plan 2017-2021 has no direct financial impact. The implementation of the Canopus-Centauri Bushland Reserve Activity Plan 2017-2021 is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

**RECOMMENDATION:**

- A. Immediately above Recommendation 11, Page 13, add the following to the text: "*Specific attention should be given to maintenance of planted trees at the top of the Reserve*".
- B. Amend the numeral denotation for Recommendation 12 to Recommendation 12A.
- C. Add new Recommendation 12B, Page 14, "*Distribute 'Responsible Cat Ownership' brochures to Mt Rumney residents*".
- D. Amend Table 2, Page 24, and change the priority of Recommendations 18 and 21 from Priority 2 to Priority 1.
- E. That Council adopts the Canopus-Centauri Bushland Reserve Activity Plan 2017-2021, including the recommended amendments in B and D, and additions in A and C.

/ Refer to Page 39 for Decision on this Item...

**CANOPUS-CENTAURI BUSHLAND RESERVE ACTIVITY PLAN 2017-2021  
/contd...**

|                  |  |
|------------------|--|
| <b>Decision:</b> | <b>MOVED</b> Ald McFarlane <b>SECONDED</b> Ald von Bertouch<br>“That the Recommendation be adopted”.<br><b>CARRIED UNANIMOUSLY</b> |
|------------------|--|

**11.5.2 SEVEN MILE BEACH SPORT AND ACTIVE RECREATION PRECINCT –  
REVISED MASTER PLAN**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the adoption of the revised Seven Mile Beach Sport and Active Recreation Precinct Master Plan following community consultation.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016 – 2026 and Community Participation are relevant

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Local residents of Seven Mile Beach were written to and provided with the revised Seven Mile Beach Sport and Active Recreation Precinct Master Plan, for their comment. In addition to the mail out, information was available on Council's website, display in Council's foyer and a public display of the revised plan held Saturday, 30 September at Ramada Resort, Seven Mile Beach.

**FINANCIAL IMPLICATIONS**

The implementation of the final Seven Mile Beach Sport and Active Recreation Precinct Master Plan is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

**RECOMMENDATION:**

- A. Following community consultation, amend the revised Seven Mile Beach Sport and Active Recreation Precinct Master Plan to include a stormwater catchment pond and associated dual fenced off-lead dog area surrounding the pond.
- B. That Council adopts the revised Seven Mile Beach Sport and Active Recreation Precinct Master Plan as the final Seven Mile Beach Sport and Active Recreation Precinct Master Plan including the recommended amendment in "A".
- C. That Council authorise the General Manager to write to the residents of Seven Mile Beach and key stakeholders of Council's decision.
- D. That Council authorises the General Manager to make application for Development Approval based on the final Seven Mile Beach Sport and Active Recreation Precinct Master Plan.

/ Refer to Page 41 for Decision on this Item...

**SEVEN MILE BEACH SPORT AND ACTIVE RECREATION PRECINCT –  
REVISED MASTER PLAN /contd...**

**Decision:**

**MOVED** Ald Thurley **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

**PROCEDURAL MOTION**

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

“That consideration of this Item be deferred for one Meeting pending discussion at a Council Workshop”.

**CARRIED UNANIMOUSLY**

**11.5.3 TENDER T1192-17**  
**ANNUAL HARD WASTE COLLECTION SERVICE**  
(File No T1192-17)**EXECUTIVE SUMMARY****PURPOSE**

To consider options in respect to the provision of the Annual Hard Waste Collection Service scheduled to be undertaken in November 2017, given that no Tenders were received.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026, Code for Tenders and Contracts and Procurement Policy are relevant.

**LEGISLATIVE REQUIREMENTS**

Under Regulation 27(i)(i) of the Local Government (General) Regulations 2015, Council may resolve that a satisfactory result would not be achieved by inviting Tenders because of extenuating circumstances.

**CONSULTATION**

The Community has been sent an annual waste collection calendar which includes the dates of the hard waste collection.

The calendar is available for viewing on Council's web site.

Preliminary consultation has been undertaken with potential service providers, JJ Richards, Veolia and Mornington Park Waste Transfer Station.

**FINANCIAL IMPLICATIONS**

Funds have been allocated in the 2017-2018 Annual Plan for the provision of the Annual Hard Waste Collection service.

**RECOMMENDATION:**

That Council resolves:

- A. That a satisfactory result would not be achieved by further inviting Tenders for the provision of the service of hardwaste collection for 2017 for the reason that no Tenders have been received to the invitation for Tenders made through the prescribed public process.
- B. That the fact that no Tenders have been received to the invitation for Tenders made through the prescribed public process be regarded as extenuating circumstances as contemplated by Regulation 27(i)(i) of the Local Government (General) Regulations 2015 meaning that:
  - any contract ultimately entered into in respect of the service will be a prescribed contract for the purposes of Section 333A(3) of the Local Government Act 1993, and

- such contract may be entered into without having been the subject of the prescribed formal public tender process.
- C. That the General Manager be authorised to enter into direct negotiations with Veolia and Mornington Park Waste Transfer Station with a view to securing the best possible outcome for the community, within available funding and to sign on Council’s behalf a contract for the undertaking of prescribed services.

|  |
|--|
| <p><b>Decision:</b>                      <b>MOVED</b> Ald Campbell   <b>SECONDED</b> Ald von Bertouch</p> <p>   “That the Recommendation be adopted”.</p> <p>   Ald McFarlane left the Meeting at this stage (9.20pm).</p> <p>   The <b>MOTION</b> was <b>put</b> and <b>CARRIED UNANIMOUSLY</b></p> |
|--|

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE**

Nil Items.

**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.

Ald McFarlane returned to the Meeting at this stage (9.22pm).

**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 T1191-17 ANNUAL RESEAL PROGRAM 2017/2018

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

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence.

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

**Decision:**

**PROCEDURAL MOTION**

**MOVED** Ald Peers **SECONDED** Ald 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.

**13.3 TENDER T1191-17 ANNUAL RESEAL PROGRAM 2017/2018**

(File No T1191-17)

|                  |  |
|------------------|--|
| <b>Decision:</b> | <b>MOVED</b> Ald Campbel <b>SECONDED</b> Ald Chong   |
|                  | <p>“A. That the Tender received from Downer EDI Works Pty Ltd for the amount of \$528,802.40, excluding GST, be accepted for the Separable Portion Part A: Spray Seal Works.</p> <p>B. That the alternative Tender received from Downer EDI Works Pty Ltd for the amount of \$553,439.30, excluding GST, be accepted for the Separable Portion Part B: Micro-surfacing Works. These works are scheduled to commence in the summer 2018/2019.</p> <p>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.</p> <p>D. That Council publish its decision only in regard to this matter in the open Minutes of this Meeting”.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p> |

The Meeting closed at 9.40pm.