

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 18 DECEMBER 2017**

**HOURLY CALLED:** 7.30pm

**PRESENT:** With a Council quorum present, the meeting commenced at 7.45pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

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

**1. APOLOGIES** Nil

**ORDER OF BUSINESS** Items 1 – 13

**IN ATTENDANCE** General Manager  
(Mr A Paul)  
Group Manager Engineering Services  
(Mr R Graham)  
Corporate Secretary  
(Mr A van der Hek)  
Manager City Planning  
(Mr R Lovell)  
Corporate Treasurer  
(Mr F Barta)  
Manager Health and Community Development  
(Ms J Toohey)

The Meeting closed at 9.21pm.

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 18 DECEMBER**

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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 27 November 2017, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 27 November 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:

PURPOSE	DATE
Planning Scheme	
Presentation – Clarence City Band	
Public Places By-law	
State Government Aboriginal and Dual Naming Policy	
Review of Local Government (General) Regulations	
Voluntary Amalgamation Survey	4 December

### RECOMMENDATION:

That Council notes the workshops conducted.

**Decision:** **MOVED** Ald Cusick **SECONDED** Ald Hulme

“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**

At Council's Meeting of 6 November 2017, Ms Yasuda asked 3 questions concerning the processing of the Development Application D-2017/144 for the Kangaroo Bay Hospitality Training School and Hotel.

In response to Ms Yasuda's Questions the General Manager provided the following response:

I regret that a response was not provided at Council's last meeting, however, I can now respond.

**Question 1**

Would Council have benefited from holding a community information session given that it knew a new Development Application was to be lodged by Chambroad?

/ contd on Page 9...

**ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...****Answer**

In response, I advise that this would not have been useful, because until the application was lodged, there were no plans publically available upon which to present to a “community information session”. That is to say, without plans there would be no material on which to inform people about the details of the future development application. Any outcomes would therefore have been of little or no value to the Council when making its determination as a Planning Authority.

**Question 2**

Were the notices regarding the application sent to the same distribution list as the previous application?

**Answer**

In response, I advise that notices were sent to all those on the previous distribution mailing list, as well as those people who submitted a representation relating to the previous proposal.

**Question 3**

Given the community concern regarding the original Development Application, did Council not consider it appropriate to advertise longer?

**Answer**

In response, I advise that the exhibition period associated with the original proposal was extended beyond the minimum statutory requirements by a further week due to the importance of the application and a further 3 days due to the 3 public holidays on which Council offices were closed (a total of 3½ weeks).

**7.4 QUESTIONS WITHOUT NOTICE****LAUDERDALE BOAT RAMP AND PLANNING SCHEME MATTERS**

Mr Michael Figg of Lauderdale sought clarification of the following:-

**New Planning Scheme Overlays**

1. When would the public see the new planning scheme overlays relating to the waterways and coastal protection areas?

**Answer**

Mr Lovell advised that at this stage it was anticipated that the draft planning scheme would be presented to Council in February 2018.

/ contd on Page 10...

**QUESTIONS WITHOUT NOTICE /contd...**

2. Will that mean that the public will have input at that stage of the process?

**Answer**

Mr Lovell further advised that there is no statutory obligation for Council to conduct consultation at that stage of the process and would therefore be a matter for Council to determine.

**Lauderdale Boat Ramp**

1. That at the Lauderdale Hall meeting the Mayor had indicated that Council would need to approach Crown in respect to the fourth option to reinstate the boat ramp and sought advice as to the current status of this matter?

**Answer**

The General Manager advised that Council at this point was still seeking public comment on the matter and the period for this closed at the end of this week. There has been no determination in respect of the matter, however, he had met with MAST and government officials to expedite approvals for anything that Council may need to undertake in connection with this matter.

The Mayor stated that the intention of what was stated at the Meeting is entirely consistent between the public meeting and my radio interview the next day.

2. Clarification was sought on whether the fourth option was being canvassed in the consultation process.

**Answer**

The Mayor advised that he was not aware of any inconsistencies between what was said at the meeting or on radio the following morning.

The General Manager further clarified that the fourth option was not in the consultation material that Council has circulated as this material was prepared prior to the public meeting, however, as had been encouraged at the public meeting it is expected that responses on this option will come from the consultation responses.

The Mayor sought and Mr Figg agreed that he would put his further question in regard to the boat ramp matter in writing and submitted this as a question on notice.

/ contd on Page 11...

## **QUESTIONS WITHOUT NOTICE /contd...**

### **AHD Measures**

Clarification was sought as to the measures associated with AHD in the planning scheme provisions affecting development and the distinction between that and ground levels in so far as they relate to the Lauderdale area.

The General Manager advised that these measures were variable around the coastline and that there were a range of height requirements around the urban area.

The General Manager sought that this question be further clarified and Mr Figg agreed that he would put his questions in regard to planning scheme AHD measures in writing and submitted as a question on notice.

### **MARSH STREET**

The Mayor drew to Mr Howlin's attention Council's Policy regarding questions without notice that does not allow questions being raised on items listed on the Agenda.

Mr Daryl Howlin of Opossum Bay asked the Corporate Secretary to declare his express knowledge regarding Marsh Street.

Mr Howlin asked whether Mr van der Hek had given notice to Alderman of his expressed knowledge of points that I had put to him regarding taking over Marsh Street, that is, before the matter of subdivision was put forward to Council.

### **Answer**

Mr van der Hek advised that his understanding as to the status of Marsh Street has been advised to Council; the status of Marsh Street has been the subject of numerous legal proceedings and determinations made on its status; and the Council has taken legal advice in the preparation of reporting on this matter on this Agenda. There is nothing further that he could advise Council in respect to the matter.

**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)

**THE BELTANA PARK DRAFT PLAN FOR REDEVELOPMENT**

M/s Alison Walker addressed the Meeting regarding the above matter.

**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**

Not required.

**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 November 2017.

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

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

**Representative Reporting**

- **TASWATER CORPORATION**

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

### **OTHER COMMITTEES**

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

- Ald Hulme tabled the Minutes of a Meeting held on 15 November 2017.

#### **EVENTS SPECIAL COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 5 December 2017.

#### **BELLERIVE COMMUNITY ARE CENTRE INC**

- Ald Thurley tabled the Minutes of a Meeting held on 8 November 2017 and the Bank Statement for the period ending 31 October 2017.

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

(File No 10/02/02)

The Weekly Briefing Reports of 27 November and 4 and 11 December 2017 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 27 November and 4 and 11 December 2017 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

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

Nil.

**11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION D-2017/492 - 40 AXIOM WAY, ACTON PARK - OUTBUILDING**  
(File No D-2017/492)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 40 Axiom Way, Acton Park.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and subject to the 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 with the written consent of the applicant on 20 December 2017.

**CONSULTATION**

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

- number of outbuildings on-site; and
- use of outbuilding.

**RECOMMENDATION:**

A. That the Development Application for an outbuilding at 40 Axiom Way, Acton Park (CI Ref D-2017/492) be approved subject to the following conditions and advice.

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

3. ADVICE – Council is concerned that 3 shipping containers have been placed on the property without a planning permit, as required by the Planning Scheme. Therefore the shipping containers on the site are to be removed within 30 days of the date of this planning permit. Alternatively, a valid development application seeking retrospective approval is to be lodged with Council within the same timeframe. Should these timeframes not be met, Council may commence enforcement action as it is obliged by law to enforce the Planning Scheme.
  4. ADVICE – Although the application is for an outbuilding in this instance, it appears that the outbuilding may also be intended for storage associated with a business. Clause 4.1 of the Clarence Interim Planning Scheme 2015 limits the area to be used for storage of business-related equipment to 50m<sup>2</sup>. The use of more than 50m<sup>2</sup> for the purposes of commercial storage is defined by the Scheme as within the Storage Use Class, which is prohibited within the zone and could not be approved by 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.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION D-2017/490 - LOT 580, 40 PASS ROAD, ROKEBY - OUTBUILDING**  
(File No D-2017/490)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at Lot 580, 40 Pass Road, Rokeby. The lot is located on Emerald Drive and the title has been issued, however, a street number has not yet been allocated and the property retains its original address.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the 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 was extended with the consent of the applicant until 18 December 2017.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of use of outbuilding for commercial uses.

**RECOMMENDATION:**

- A. That the Development Application for outbuilding at Lot 580, 40 Pass Road, Rokeby (CI Ref D-2017/490) 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 McFarlane **SECONDED** Ald Chong

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.3 DEVELOPMENT APPLICATION D-2017/387 - 53 ACTON COURT, ACTON PARK - ALTERATIONS AND ADDITIONS TO DWELLING AND OUTBUILDING**

(File No D-2017/387)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for alterations and additions to dwelling and outbuilding at 53 Acton Court, Acton Park.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Environmental Living and is subject to the requirements of the Bushfire Prone Areas Code, Landslide Hazard Code, Waterway and Coastal Protection Code, 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.

**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 22 December 2017 as agreed with the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of impact on condition of the shared right-of-way.

**RECOMMENDATION:**

- A. That the Development Application for alterations and additions to dwelling and outbuilding at 53 Acton Court, Acton Park (C1 Ref D-2017/387) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AM3 – EXTERNAL COLOURS.



**11.3.4 SUBDIVISION APPLICATION SD-2017/40 - 33 SPITFARM ROAD, OPOSSUM BAY - SUBDIVISION (1 LOT PLUS BALANCE LOT)**  
(File No SD-2017/40)

## **EXECUTIVE SUMMARY**

### **PURPOSE**

The purpose of this report is to consider the application made for subdivision comprising of 2 lots (1 lot plus the balance lot) at 33 Spitfarm Road, Opossum Bay.

### **RELATION TO PLANNING PROVISIONS**

The land is dual zoned Village and Rural Resource under the Clarence Interim Planning Scheme 2015 (the Scheme). Additionally, the entire site is subject to the Bushfire Prone Code and a small proportion (approximately 5%) to the east is also subject to the Natural Assets and Waterway and Coastal Protection Codes.

For the reasons detailed at Section 4.1 of this report the proposal is a prohibited development and must be refused.

### **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.

In the circumstance where an applicant purports to lodge a development application for a development which is prohibited, Section 57(2) applies. It reads:

- “(2) The planning authority may, on receipt of an application for a permit to which this section applies, refuse to grant the permit and, if it does so –*
- (a) it does not have to comply with subsection (3) ; and*
  - (b) . . . . .*
  - (c) it must, within 7 days of refusing to grant the permit, serve on the applicant notice of its decision”.*

There is no time limit which applies to the making of a decision to refuse to grant a permit. Where this power is utilised, there is no obligation to advertise an application for a development which is prohibited.

**CONSULTATION**

The proposal has not been advertised on the basis that it is prohibited.

**RECOMMENDATION:**

- A. That the application for a 1 lot subdivision (Plus Balance) at 33 Spitfarm Road, Opossum Bay (CI Ref SD-2017/40) be refused for the following reasons.
1. The lot described as “balance” is unable to meet the 20ha minimum lot size requirement specified at Section 26.5.1P1(a) relating to new lots in the Rural Resource Zone.
  2. The lot described as “balance” is unable to meet the 6.0m minimum frontage requirement specified at Section 26.5.1P1(b) relating to new lots in the Rural Resource Zone.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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

**11.3.5 DEVELOPMENT APPLICATION D-2017/463 - 318 EAST DERWENT HIGHWAY, GEILSTON BAY - CHANGE OF USE - HOURS OF OPERATION**  
(File No D-2017/463)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use (Hours of Operation) at 318 East Derwent Highway, Geilston Bay.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Local Business and subject to the Bushfire Prone Area, Road and Rail Assets, Signs, Stormwater Management and Parking and Access codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 22 December 2017.

**CONSULTATION**

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

- noise and amenity in a residential area;
- hours of operation;
- use for wholesale food production;
- proposed off-site parking.

**RECOMMENDATION:**

A. That the Development Application for Change of Use - hours of operation at 318 East Derwent Highway, Geilston Bay (CI Ref D-2017/463) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN – NON STANDARD GENERAL CONDITION – No vehicles are to access or park at 314 East Derwent Highway without prior consent of Council.
  3. GEN AM5 – TRADING HOURS (Monday to Saturday 3am to 5pm, excluding Public Holidays).
  4. EHO 1 – NOISE LEVELS.
  5. GEN S1 – SIGN CONSENT.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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

**11.3.6 DEVELOPMENT APPLICATION D-2017/518 - 137 MORNINGTON ROAD, MORNINGTON - CHANGE OF USE TO FITNESS CENTRE**  
(File No. D-2017/518)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a change of use to Fitness Centre at 137 Mornington Road, Mornington.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Light Industrial and is subject to the requirements of the 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 2 January 2018.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of parking impact and traffic congestion.

**RECOMMENDATION:**

A. That the Development Application for a change of use to Fitness Centre at 137 Mornington Road, Mornington (Cl Ref D-2017/518) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Personal and group training classes must only be conducted within the following hours:  
Monday to Friday: 6am – 9am and 5.30pm – 8pm and 9am – 5pm  
Saturday: 8am – 10am  
Sunday: Closed

3. The number of persons in attendance must be restricted to the following at all times:

Monday to Friday

6am – 9am and 5.30pm – 8pm – 20 persons and 1 staff

9am – 5pm – 10 persons and 1 staff

Saturday

8am – 10am – 20 persons and 1 staff

Sunday

Closed

4. GEN S1 – SIGN CONSENT.
5. GEN C1 – ON-SITE CAR PARKING [9 spaces] Delete last sentence.

**ADVICE**

Advice should be sought from a Building Surveyor with respect to the buildings ability to comply with accessibility requirements. It will also be necessary to discuss certification for a change of use of the building from a warehouse/storage (likely 7b), to a place of assembly building (likely 9b) and for the issue of a new Occupancy 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.

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

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

**11.4 CUSTOMER SERVICE**

Nil Items.

**11.5 ASSET MANAGEMENT****11.5.1 SEVEN MILE BEACH SPORT AND ACTIVE RECREATION PRECINCT – FUNDING**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider providing in principle support for Stage 1 funding of the Seven Mile Beach Sport and Active Recreation Precinct in association with the requirements of the Federal Government Building Better Regions Fund application.

**RELATION TO EXISTING POLICY/PLANS**

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

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

The Seven Mile Beach community have been consulted twice in Council's adoption of the final Seven Mile Beach Sport and Active Recreation Precinct Master Plan.

**FINANCIAL IMPLICATIONS**

There are no direct funding implications with Council submitting an application for the Building Better Regions Fund. Should the application be successful a further report will be presented to Council to consider the funding source and possible necessary adjustments to the Annual Estimates.

**RECOMMENDATION:**

- A. That Council adopts in principle, support to committing to \$7.9Million for financial contribution for the Federal Government Building Better Regions Fund application for Stage 1 of the South East Regional Sports Centre at Seven Mile Beach.
- B. If successful with the Building Better Regions Fund application, Council will consider the appropriate funding source and adjustments to the Annual Estimates at a future Council meeting.

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

**SEVEN MILE BEACH SPORT AND ACTIVE RECREATION PRECINCT –  
FUNDING /contd...**

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

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE****11.7.1 AMENDMENTS TO PROPOSED PUBLIC PLACES BY-LAW (NO 1 OF 2018)**  
(File No 06-03-00)**EXECUTIVE SUMMARY****PURPOSE**

To consider amendments to the proposed Public Places By-law which was endorsed by Council in August 2017, following feedback from the Local Government Division.

**RELATION TO EXISTING POLICY/PLANS**

The proposed amendments are consistent with existing Council policies and plans.

**LEGISLATIVE REQUIREMENTS**

The procedures for amending the proposed By-law are set out in the Local Government Act 1993 (“the Act”).

**CONSULTATION**

The requirements for consultation are set out in the Act.

**FINANCIAL IMPLICATIONS**

There are none identified.

**RECOMMENDATION:**

- A. That Council amends the proposed Public Places By-law and Regulatory Impact Statement as set out in Attachments 1 and 2 of the Associated Report to address the issues raised by the Local Government Division.
- B. That separate policy guidelines be prepared for the permitting and effective management of business activities in public places.

/ Refer to Page 36 for Decision on this Item...

**AMENDMENTS TO PROPOSED PUBLIC PLACES BY-LAW (NO 1 OF 2018)**  
**/contd...**

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

**11.7.2 CLARENCE CITY BAND MANAGEMENT COMMITTEE CONSTITUTION**

(File No 22-02-05)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to consider adoption of the revised Constitution for the Clarence City Band Management Committee.

**RELATION TO EXISTING POLICY/PLANS**

Strategic Plan 2016-2026 – Strategic Goal areas:

***“A people city***

*Clarence is a city which values diversity and encourages equity and inclusiveness, where people of all ages and abilities have the opportunity to improve their health and quality of life.*

***A well planned liveable city***

*Clarence will be a well-planned liveable city with services and supporting infrastructure to meet current and future needs.*

***Connectivity***

*Facilitate residents being connected to the community by having access to resources and opportunities to participate in community activity, employment, volunteering and lifelong learning.*

*Provide collaborative strategic direction and planning to address the needs and aspirations of the community that support community participation, enablement and leadership.*

*Recognise, celebrate, and support cultural diversity through a range of cultural programs, activities and events”.*

**LEGISLATIVE REQUIREMENTS**

The Clarence City Band is managed by a special committee of Council in accordance with the provisions of the Local Government Act, 1993.

**CONSULTATION**

The Management Committee, with assistance from Council officers, have redrafted the Constitution.

**FINANCIAL IMPLICATIONS**

There are funds allocated in the Annual Plan for operation of the Committee. There are no direct financial impacts in the revision of the Constitution. Any future funding for the Committee will be based on Council budget deliberations.

**RECOMMENDATION:**

- A. That the Clarence City Band Management Committee revised Constitution be received and endorsed by Council.

- B. That, in accordance with the Band’s new Constitution, Council appoints an Alderman as Council’s representative on the Clarence City Band Management Committee.

**Decision:** **MOVED** Ald McFarlane **SECONDED** Ald Peers

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

Ald McFarlane and Ald von Bertouch **nominated** Ald Thurley, there being no further nominations Ald Thurley was duly elected as Council’s representative on the Clarence City Band Management Committee.

**11.7.3 REVIEW OF THE ABORIGINAL AND DUAL NAMING POLICY**

(File No 09-20-01)

**EXECUTIVE SUMMARY****PURPOSE**

To consider Council's response to an Issues Paper on the Review of the Aboriginal and Dual Naming Policy circulated to local government by the department of Premier and Cabinet.

**RELATION TO EXISTING POLICY/PLANS**

The Issues Paper on the Review of the Aboriginal and Dual Naming Policy does not directly relate to any existing Council policies. Nonetheless, Council has in its Strategic Plan a firm commitment to community engagement and consultation; the nature of which appears to be the key focus of the Issues Paper.

**LEGISLATIVE REQUIREMENTS**

Insofar as Council's statutory obligations are concerned, there are no statutory requirements associated with the purpose of the Issues Paper, however, Council is in the practice of providing responses to such legislative reviews.

**CONSULTATION**

This Issues Paper is circulated consistent with and in accordance with the standing State/Local Government consultation protocols.

**FINANCIAL IMPLICATIONS**

There are no financial/resource implications for Council in respect to this matter.

**RECOMMENDATION:**

- A. That Council notes the issues contained in the Review of the Aboriginal and dual Naming Policy Issues Paper.
- B. That Council endorses the comments and recommendations included in the Draft response to the Issues Paper for submission to the Department of Premier and Cabinet and the Local Government Association of Tasmania (LGAT).

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.7.4 AMENDMENTS TO THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015 – STAKEHOLDER CONSULTATION**  
(File No)

**EXECUTIVE SUMMARY**

**PURPOSE**

To consider Council’s response to the review of the Local Government (General) Regulations prepared by the Division of Local Government.

**RELATION TO EXISTING POLICY/PLANS**

A portion of the response to this paper relates to existing Council policies.

**LEGISLATIVE REQUIREMENTS**

There are no statutory requirements associated with the purpose of the discussion paper, however, Council is in the practice of providing responses to such legislative reviews.

**CONSULTATION**

Earlier discussion papers were circulated to all Councils in 2016 and 2017 regarding the targeted review of the Local Government Act in accordance with the standing State/Local Government consultation protocols. The proposed changes to the Local Government (General) Regulations have arisen from that review.

**FINANCIAL IMPLICATIONS**

None identified.

**RECOMMENDATION:**

- A. That Council notes the issues contained in the summary of the Amendments to the Local Government (General) Regulations 2015.
- B. That Council endorses the comments and recommendations included in the Draft response to the Amendments for submission to the Local Government Division, Department of Premier and Cabinet and the Local Government Association of Tasmania (LGAT).

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.7.5 VOLUNTARY AMALGAMATIONS – CONSULTATION RESULTS**

(File No 10-13-01)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to allow Council to consider the results of community consultation in relation to each of the voluntary amalgamation options for the South East Councils and the Greater Hobart Councils.

**RELATION TO EXISTING POLICY/PLANS**

Council has previously resolved to consult with the community in relation to both the South East and Greater Hobart voluntary amalgamation options.

**LEGISLATIVE REQUIREMENTS**

There are no legislative requirements in regard to this matter.

**CONSULTATION**

Community consultation was undertaken in accordance with Council's decisions at their Meeting of 14 August 2017.

**FINANCIAL IMPLICATIONS**

There are no specific financial considerations at this time.

**RECOMMENDATION:**

- A. That Council notes the results of the community consultation.
- B. That given the consultation results, Council advises the Minister for Local Government that Council does not wish to pursue a voluntary amalgamation option with the South East Councils.
- C. That given the consultation results, Council advises the Minister for Local Government that Council does not wish to pursue a voluntary amalgamation option with the Greater Hobart Councils.
- D. That Council advises the Minister for Local Government that Council wishes to see the establishment of a Strategic Alliance of Clarence, Hobart, Glenorchy and Kingborough Councils to oversee an integrated approach to strategic planning for sustainable and competitive urban growth within urban Hobart.

/ Refer to Page 42 for Decision on this Item...

**VOLUNTARY AMALGAMATIONS – CONSULTATION RESULTS /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald von Bertouch <b>SECONDED</b> Ald Peers
	<p>“A. That Council notes the results of the community consultation. That Council further notes the KPMG study did not quantify the costs of harmonisation of services or the impacts on Clarence ratepayers of harmonisation of rating systems.</p> <p>B. That given the consultation results, Clarence’s higher levels of services and median price of housing, Council advises the Minister for Local Government that Council does not wish to pursue a voluntary amalgamation option with the South East Councils.</p> <p>C. That given the consultation results and the SGS findings around impacts on Clarence ratepayers, Council advises the Minister for Local Government that Council does not wish to pursue a voluntary amalgamation option with the Greater Hobart Councils.</p> <p>D. That Council advises the Minister for Local Government that Council wishes to seek the establishment of a Strategic Alliance of Clarence, Hobart, Glenorchy and Kingborough Councils to oversee an integrated approach to strategic planning for sustainable and competitive urban growth within metropolitan Hobart underpinned by a Greater Hobart Act.</p> <p>E. That Council advises the Minister for Local Government and the South East Councils that Council would strongly oppose any proposal by neighbouring Councils or the Local Government Board to involuntarily incorporate or annexe any part of the Clarence Municipality into a potential or future South East Council.</p> ”

/ Decision contd on Page 43

**VOLUNTARY AMALGAMATIONS – CONSULTATION RESULTS /Decision contd...**

Council made this known to other participating South East Councils as part of its decision of 1 June 2015 that: *‘Council will not entertain any proposal which would result in the split up of the Clarence municipal district’*. The KPMG study took account of that condition from the inception of its analysis”.

**CARRIED****FOR**

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

**AGAINST**

Ald James  
Ald Thurley

**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 ANNUAL REVIEW – GENERAL MANAGER

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 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.**

Ald James left the Meeting at this stage and did not return 9.23pm.

**Decision:**

**PROCEDURAL MOTION**  
**MOVED** Ald Chong **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 ANNUAL REVIEW – GENERAL MANAGER**

(File No 590)

**Decision:****MOVED** Ald Walker **SECONDED** Ald Cusick

“E. That Council notes the conclusion of Ald von Bertouch’s staggered 1 year term of appointment to the General Manager’s Annual Performance Review Committee and that Council nominate a new member to the Review Committee for a 2 year term of appointment commencing for the 2018 Review”.

**CARRIED UNANIMOUSLY**Ald von Bertouch **nominated** Ald Walker

There being no further nominations Ald Walker was duly appointed to the General Manager’s Annual Performance Review Committee for a 2 year term.

**MOVED** Ald Chong **SECONDED** Ald Thurley

“F. That Council confirms that Performance Review Committee should again seek the services of an external consultant to assist with the 2018 Review.

**CARRIED UNANIMOUSLY**

The Meeting closed at 9.21pm.