

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 18 JUNE 2018**

**HOUR CALLED:** 7.30pm

**PRESENT:** The meeting commenced at 7.34pm with the Acting Mayor (Ald N M Campbell) in the Chair and with Aldermen:

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

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

**ORDER OF BUSINESS** Items 1 – 11.2.1; 11.7.2; 11.3 – 11.7.1; 12 - 13

**IN ATTENDANCE**

General Manager  
(Mr A Paul)

Corporate Treasurer  
(Mr F Barta)

Group Manager Engineering Services  
(Mr R Graham)

Corporate Secretary  
(Mr I Nelson)

Manager Health and Community Development  
(Mr J Toohey)

Manager City Planning  
(Mr R Lovell)

Co-ordinator Council Support  
(Ms J Ellis)

The Meeting closed at 9.55pm.

Prior to the commencement of the meeting, the Deputy 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 Deputy 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 JUNE 2018**

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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 28 May 2018 and Special Council Meeting held on 4 June 2018, as circulated, be taken as read and confirmed.

**Decision:** **MOVED** Ald Chong **SECONDED** Ald McFarlane

“That the Minutes of the Council Meeting held on 28 May 2018 and Special Council Meeting held on 4 June 2018, 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>
Presentation – Arm End Irrigation Proposal Cambridge Primary School Master Plan Investment Portfolio	4 June
Roches Beach Mitigation Strategy Rosny Hill Update	12 June

### RECOMMENDATION:

That Council notes the workshops conducted.

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

“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.

Ms Denise Hoggan of Rosny has given notice of the following question:

**VISITOR ACCOMMODATION**

*“How did visitor accommodation become a discretionary use in recreation zones in the 2007 Clarence Planning Scheme? Was it (a) from a previous scheme, (b) when 2007 scheme was compiled, (c) by amendment after 2007, (d) other method? If so please explain”.*

**7.2 ANSWERS TO QUESTIONS ON NOTICE**

The General Manager provided the following answer to Question at 7.1.

**VISITOR ACCOMMODATION**

Tourist Accommodation was listed as a discretionary use in the Recreation Zone when the Clarence Planning Scheme 2007 was drafted.

A review of the relevant files shows that Visitor Accommodation was identified as a discretionary use in the draft Scheme when it was under the title of “Clarence Planning Scheme 2002 – Incorporating modifications in accordance with the directions of the RPDC – July 2006”.

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

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 28 May 2018 Mr Victor Marsh of Bellerive asked the following question:

**BELLERIVE BEACH CARPARK**

*“When the Bellerive beach carpark was conveniently relocated to Derwent Street and attached to Blundstone Arena, on safety grounds, an Alderman in this Chamber, at the time, announced that the reason was because ‘safety is the law’. If safety is the ‘Law’, why has it taken the CCC years to ‘Begin’ to effectively protect pedestrians around the streets of Blundstone Arena, on game day in Kangaroo Bay Drive and the Rosny Hill-Bligh Street intersection, which by the way, is still a nightmare for pedestrians to cross?”*

**ANSWER**

The Bellerive Oval Traffic Planning Committee is tasked with managing the adequacy of arrangements for public transport, traffic management, pedestrian movements and parking in relation to large events at Blundstone Arena - Bellerive. The approved traffic plan is reviewed following each large event and improvements are implemented as part of a continuing improvement process. The Rosny Hill Road/Bligh Street intersection pedestrian crossing is presently being reviewed by traffic consultants for advice to Council on possible improvements.

At Council's Meeting of 28 May 2018 Mr Michael Figg of Lauderdale asked the following question:

*“That given the 2 major recent rain events, when will Council connect power to the pump behind the church?”*

**ANSWER**

The stormwater pump station which addresses stormwater flows from Mannata Road, Lauderdale has recently obtained power connection from TasNetworks and is awaiting the pump supplier to commission and operate the pumps. The pump supplier has advised that due to their current workload they will prioritise commissioning as soon as possible and in coming weeks.

**7.4 QUESTIONS WITHOUT NOTICE**

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

**Interim Planning Scheme 2015**

Ms Denise Hoggan of Rosny asked with reference to the Clarence City Council's Interim Planning Scheme 2015, please justify the inclusion of the discretionary use, "visitor accommodation" in Zone 18, Recreation, when no other southern Region Council has done so, except for No 1393 Channel Highway Margate in Kingborough.

**Answer**

The Deputy Mayor advised that this matter would be taken on notice.

**Council Workshops**

Ms Sachie Yasuda of Lindisfarne asked "that in the interest of transparency and respect for Clarence ratepayers, will Council consider making all Council workshops currently held apart from the public, open to the public"?

**Answer**

The General Manager advised that this is not in accordance with Council Policy, or the requirement of the Act but it is a matter that Council may wish to determine at some point in time.

Ms Yasuda further asked "if there is a timeframe for Council to consider this matter".

The General Manager advised that it was a matter for Council to determine.

**Rosny Hill – EOI**

Mr Peter Edwards of the Rosny Hill Friends Network asked in relation to a statement by the Mayor of 26 March 2014: "Why Council has ignored its vision of a development the size and scale of the café/restaurant at Mt Nelson and the description on the original Expression of Interest, to now accept something like a huge tourism complex that bears no resemblance to the original Expression of Interest. It's actually 10 times bigger than the vision the Mayor had 3 years ago: The original vision projected in the Expression of Interest; why is that being ignored"?

**Answer**

The Deputy Mayor advised that this matter would be taken on notice.

**Council Rates**

Mr Michael Figg of Lauderdale asked whether Council rates are a tax.

**Answer**

The General Manager advised that Council rates are a tax.

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

Mr Figg sought further clarification as to where Council gets its powers to tax, “as all that I have read says that Local Government cannot tax, only a State Government or Federal Government can tax”.

**Answer**

The Corporate Treasurer advised that the provisions to which the General Manager referred are contained within the Local Government Act which specifically nominates rates as a form of taxation.

Mr Figg further reiterated that his question was: “where do you get your powers to tax when the Federal Government and State Government are the only 2, under the constitution, the only ones allowed to tax”.

**Answer**

The Corporate Treasurer advised that rates are raised under the Local Government Act, as set by the State.

**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)

**DUNE EROSION AT BAMBRA STREET, LAUDERDALE**

Ms Hilliary Killer addressed the Meeting regarding the above matter.

**DEVELOPMENT APPLICATION D-2018/202 – 1 ORMOND STREET, BELLERIVE – 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)**

(REFER ITEM 11.3.5)

Mr Ivica Bolonja addressed the Meeting regarding the above Development Application.

Mr Tim Pain addressed the Meeting regarding the above Development Application.

**9. MOTIONS ON NOTICE**

**9.1 NOTICE OF MOTION- ALD WALKER  
WITHDRAWING MEMBERSHIP - STCA**  
(File No 10-03-05)

In accordance with Notice given it was:

**Decision:** **MOVED** Ald Walker **SECONDED** Ald McFarlane

“That Council conduct a workshop to consider withdrawing its membership of the Southern Tasmanian Council Authority (STCA)”.

**CARRIED UNANIMOUSLY**

## 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 May 2018.

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period 1 January to 31 March 2018.

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

**Decision:** **MOVED** Ald Walker **SECONDED** Ald Chong

“That the Copping Refuse Disposal Site Joint Authority’s Quarterly Summary of its Meetings for the period ending 30 May 2018 be received.

**CARRIED UNANIMOUSLY**

#### **Representative Reporting**

- **TASWATER CORPORATION**

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

### **OTHER COMMITTEES**

#### **BELLERIVE COMMUNITY ARTS CENTRE INC**

- Ald Thurley tabled the Minutes of a Meeting held on 13 June 2018 and the Bank Statement for the period ending 31 May 2018.

#### **CULTURAL HISTORY ADVISORY COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 30 May 2018.

#### **EVENTS SPECIAL COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 12 June 2018.

#### **RICHMOND ADVISORY COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 15 May 2018.

#### **CYCLING SOUTH**

- Ald von Bertouch tabled the Minutes of a Meeting held on 17 April 2018.



## 11. REPORTS OF OFFICERS

### 11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 28 May and 4 and 11 June 2018 have been circulated to Aldermen.

#### RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 28 May and 4 and 11 June 2018 be noted.

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

“That the information contained in the Weekly Briefing Reports of 28 May and 4 and 11 June 2018 be note”.

**CARRIED UNANIMOUSLY**

#### CHANGE TO ORDER OF BUSINESS

**Decision:** **PROCEDURAL MOTION**

**MOVED** Ald von Bertouch **SECONDED** Ald James

“That Leave of the Meeting be granted to amend the Order of Business to allow Item 11.7.2 to be dealt with following Item 11.2.1”.

**CARRIED**

**FOR**

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

**AGAINST**

Ald Walker (abstained)

## 11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

### 11.2.1 PETITION – PUBLIC MEETING – DEVELOPMENT ON ROSNY HILL

(File No)

#### **EXECUTIVE SUMMARY**

##### **PURPOSE**

To consider the petition tabled at Council's Meeting of 28 May 2018 requesting that Council hold a public meeting about the proposed development by Hunter Developments on Rosny Hill.

##### **RELATION TO EXISTING POLICY/PLANS**

Nil.

##### **LEGISLATIVE REQUIREMENTS**

Section 60 of the *Local Government Act, 1993* requires Council to formally consider petitions within 42 days of the petition being tabled at a Council Meeting. Where a petition seeks a public meeting, the General Manager is to advise Council at a Council Meeting, whether the petition complies with the provisions of Section 59 of the Act. The Council, at that meeting, is to determine any action to be taken in respect to that petition.

The petition was checked against the Tasmanian Electoral Commission Electoral Roll as at 30 April 2018 and contains 1168 signatories who are electors in the Clarence Municipal area. The petition therefore complies with Section 59 of the Act.

##### **CONSULTATION**

If a petition seeks a public meeting the person lodging the petition is to be advised whether the petition complies with Section 59. The petitioner was advised on 14 June 2018 that the petition complies with Section 59.

Before holding a public meeting under Section 59, Council in a notice publicly displayed, must state the date on which, and the time and place at which, the public meeting is to be held and state the details of the subject matter. Council must also advertise the public meeting in a local newspaper on at least 2 occasions and invite written submissions.

##### **FINANCIAL IMPLICATIONS**

There will be no significant financial implications incurred in conducting a public meeting.

#### **RECOMMENDATION:**

- A. That Council notes the petition.
- B. That Council notes the General Manager's advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).

- C. That Council resolves to hold a public meeting regarding the proposed development by Hunter Developments on Rosny Hill within 30 days of this resolution in accordance with the following timeline:
- public notice displayed: 19 June 2018;
  - advertising in local newspaper: 20 and 23 June 2018;
  - submissions close: 11 July 2018; and
  - public meeting to be held: 7.00 pm, 17 July 2018 at Rosny Bowls Club.
- D. That Council authorises the General Manager to undertake the formal arrangements for conduct of the public meeting as set out above.

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

Item 11.7.2 was dealt with at this stage refer to Pages 16 and 40 for Decision in respect to this Item.

**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-2018/222 - 3172 SOUTH ARM ROAD,  
SOUTH ARM - OUTBUILDING**  
(File No D-2018/222)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 3172 South Arm Road, South Arm.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Coastal Erosion Hazard Area, Waterway and Coastal Protection Areas, Parking and Access and Stormwater Management 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 has been extended with the applicant's consent until 20 June 2018.

**CONSULTATION**

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

- scale of the building;
- the character of the area.

**RECOMMENDATION:**

A. That the Development Application for outbuilding at 3172 South Arm Road, South Arm (CI Ref D-2018/222) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

**ADVICE**

Council is concerned that a shipping container has been placed on the property without a planning permit, as required by the Planning Scheme. Therefore the shipping container on the site is 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 to be met, Council may commence enforcement action, as it is obligated by law to enforce the planning scheme.

**ADVICE**

Council's Plumbing Department has advised that a suitably qualified person will be required to design the stormwater disposal.

- 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 McFarlane

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION D-2018/240 - 34 KAROOLA ROAD,  
LINDISFARNE - ADDITIONS AND ALTERATIONS**  
(File No D-2018/240)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and alterations at 34 Karoola Road, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the 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 20 June 2018.

**CONSULTATION**

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

- impact on the streetscape; visual impact, dwelling would dominate streetscape;
- building envelope encroachment;
- nature and scale of the proposal; and
- overshadowing of properties on adjoining lots.

**RECOMMENDATION:**

A. That the Development Application for additions and alterations at 34 Karoola Road, Lindisfarne (CI Ref D-2018/240) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.

2. ENG S1 – INFRASTRUCTURE REPAIR.
3. ENG M1 – DESIGNS DA.

**ADVICE**

Council's Plumbing Department has advised that all the drainage services within the new extension are to be replaced with PVC.

**ADVICE**

Council's Asset Management Group advised that the proposed access must be constructed no wider than 6.0m from the Road Carriageway to the property boundary. Also, a permit to carry out works within Council's road reservation is required for any works proposed within the road reservation. An application form is available on Council's website.

- 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 Walker

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



**11.3.3 DEVELOPMENT APPLICATION D-2018/252 - 14 BLOSSOM CRESCENT,  
CAMBRIDGE - DWELLING**  
(File No D-2018/252)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 14 Blossom Crescent, Cambridge.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access, 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 25 June 2018.

**CONSULTATION**

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

- the dwelling will be the only 2 storey dwelling in a street of single storey dwellings and is therefore out of character;
- loss of property values;
- loss of view and separation between properties;
- overshadowing;
- height of the proposed dwelling;
- loss of solar access to photo voltaic panels and solar hot water systems;
- site cover; and
- loss of privacy.

**RECOMMENDATION:**

- A. That the Development Application for a dwelling at 14 Blossom Crescent, Cambridge (Cl Ref D-2018/252) 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 Peers **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.4 DEVELOPMENT APPLICATION D-2017/603 – 1 AND 5 COLOGNE DRIVE, OAKDOWNS (WITH ACCESS OVER 2 COLOGNE DRIVE) - 7 MULTIPLE DWELLINGS**

(File No D-2017/603)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 7 Multiple Dwellings at 1 and 5 Cologne Drive, Oakdowns (with access over 2 Cologne Drive).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Landslide, Parking and Access and Stormwater 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 27 June 2018.

**CONSULTATION**

The proposal was originally advertised on 2 May 2018 in accordance with statutory requirements and 5 representations were received. The application was re-advertised on 19 May 2018 to include 2 Cologne Drive in the address and 6 representations were received. The issues raised by the representations received during both advertising periods raised the following issues:

- traffic impacts;
- impacts on On-Street Parking;
- loss of vegetation;
- waste management;
- density and loss of amenity;
- impacts on water pressure;
- stormwater;
- impact on 5 Thredbo Drive; and
- inaccuracies with plans.

**RECOMMENDATION:**

A. That the Development Application for 7 Multiple Dwellings at 1 and 5 Cologne Drive, Oakdowns (CI Ref D-2017/603) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A5 – SEALED CAR PARKING.
3. ENG A7 – REDUNDANT CROSSOVER.
4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG S10 – UNDERGROUND SERVICES.
6. ENG M2 – DESIGNS DA.
7. ENG M3 – GARBAGE FACILITIES.
8. ENG M5 – EROSION CONTROL.
9. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must be to scale and show:
  - a north point;
  - proposed driveways, paths, buildings, car parking, retaining walls and fencing;
  - any proposed rearrangement of ground levels;
  - the landscaping of the car parking and circulation areas to an amount of no less than 5% of the area of the carparks;
  - details of proposed plantings including botanical names, and the height and spread of canopy at maturity; and
  - estimated cost of the landscaping works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or which was removed.

- 10. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council’s Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
- 11. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 April 2018 (TWDA 2017/02018-CCC).

**ADVICE**

It is apparent from historical evidence that at times of heavy rain or deluge, considerable quantities of run-off can be directed through and across this property, particularly in the area of Unit 13. The collection and direction of stormwater run-off and appropriate measures to be taken to protect the proposed new work and ensure no negative impact upon the existing dwellings on Cologne Drive, must form part of the plumbing permit application documents.

- 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 Chong	
	“That the Recommendation be adopted”.	
	<b>CARRIED</b>	
	<b>FOR</b> Ald Campbell Ald Chong Ald Cusick Ald Doust Ald Hulme Ald McFarlane Ald Peers Ald Thurley Ald von Bertouch Ald Walker	<b>AGAINST</b> Ald James

**11.3.5 DEVELOPMENT APPLICATION D-2018/202 - 1 ORMOND STREET, BELLERIVE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)**  
(File No D-2018/202)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 existing + 2 new) at 1 Ormond Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Road and Rail Assets Code, Parking and Access Code and 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 19 June 2018 as agreed with the applicant.

**CONSULTATION**

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

- Planning Scheme operation;
- visual impact;
- overshadowing impact;
- dwelling separation; and
- vehicular passing areas.

**RECOMMENDATION:**

A. That the Development Application for 3 Multiple Dwellings (1 existing + 2 new) at 1 Ormond Street, Bellerive (CI Ref D-2018/202) be refused for the following reasons.

1. The proposal does not comply with Clause 10.4.2 P3 of the Clarence Interim Planning Scheme 2015 (the Scheme) as it would cause an unreasonable loss of amenity by:

- a reduction in sunlight to a habitable room window of a dwelling on an adjoining lot;
- overshadowing of the private open space of a dwelling on an adjoining lot;
- visual impacts caused by the apparent scale, bulk and proportions of the proposed development when viewed from an adjoining lot; and
- incompatibility with the prevailing dwelling separation from a rear boundary.

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 Hulme <b>SECONDED</b> Ald James	
	“That the Recommendation be adopted”.	
		<b>CARRIED</b>
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chong	Ald James
	Ald Cusick	Ald Campbell (abstained)
	Ald Doust	Ald Walker (abstained)
	Ald Hulme	
	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**

Nil Items.



**11.5 ASSET MANAGEMENT****11.5.1 GRANT DEED APPROVAL – CLARENCE MOUNTAIN BIKE PARK**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To approve the signing under seal of a Grant Deed between the Tasmanian Government and Council, providing funds from the Tasmanian Cycle Tourism Fund to complete the Meehan Range Entry Hub, Skill Park – Stage 2 and Trail Network.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 and Tasmanian Cycle Tourism Strategic Action Plan are relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

The Grant provides for an amount of \$275,000 to be paid to Council to complete the project works. The funds are provided on the basis that Council match the funds on a 50:50 basis. Council has previously allocated sufficient funds to the projects specified in the Grant. As such, there is no further funding commitment required.

**RECOMMENDATION:**

- A. That the General Manager be authorised to sign the Grant Deed on behalf of Council including affixing the common seal.
- B. That the General Manager be authorised to do all other things required to finalise the Grant Deed on behalf of Council.

Ald Walker left the Meeting at this stage (8.53pm).

**Decision:** **MOVED** Ald McFarlane **SECONDED** Ald Chong

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.5.2 ACTON TRAILS AND RESERVES ACTIVITY PLAN – 2018-2022**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the adoption of the Acton Trails and Reserves Activity Plan 2018-2022 following community consultation.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026, Clarence Bushland and Coastal Strategy 2012 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 Acton Trails and Reserves Activity Plan 2018-2022 has no direct financial impact. The implementation of the Acton Trails and Reserves Activity Plan 2018-2022 is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

**RECOMMENDATIONS:****A. Amend existing Recommendations namely, R22, 25 and R27 by amending the following text**

1. Continue to maintain and upgrade the track network along the Tangara Trail, including the section between Nowra Road and Axiom Way. Special attention should be given to the track surface. (R22).
2. Council's History Officer to investigate how the Acton trails' natural values and history could be sensitively incorporated into art in the landscape, given there is a notable minority that do not support this concept. (R25).
3. Investigate the further development of the Wallaby Track within the Nowra Bushland Reserve for mountain bike jumps and trails. (R27).

**B. Add the following new Recommendations into the Plan**

1. Only endemic plants local to the area should be planted and, where possible, these plants should be grown from the local seed or cuttings. (R14a).
2. Undertake revegetation in open grassy areas using a series of appropriately spaced elliptical patches (rather than a scattered planting approach) to enable ease of mowing. (R14b)
3. Revegetation along narrow sections of the Tangara Trail should be undertaken as close to the boundary fence as possible. (R14c).

4. Future planning for the proposed Single Hill Bushland Reserve and track construction needs to recognise the frequent presence of foraging and possibly nesting wedge tail eagles. (R16a).
  5. Undertake community consultation when considering track alignments and infrastructure requirements once the Single Hill Bushland Reserve is in Council ownership. (R23a).
  6. To avoid potential for reducing the “sense of nature”, minimise signage to that required to facilitate community education and provide clear directions. (R24a).
  7. Install “natural” seats at strategic locations along/within the Acton Trails/Reserves. (R26a).
- C. That Council adopts the Acton Trails and Reserves Activity Plan 2018-2022 including the modifications in “A” and “B” of the recommendations.

**Decision:** **MOVED** Ald McFarlane **SECONDED** Ald James

“That the Recommendation be adopted”.

Ald Walker returned to the Meeting at this stage (8.57pm).

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

**11.5.3 ROCHES BEACH DUNE REPLENISHMENT WORKS**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider undertaking sand replenishment of the dune on Crown Lane at Roches Beach, Lauderdale and also the future direction for adaptation plans.

**RELATION TO EXISTING POLICY/PLANS**

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

**LEGISLATIVE REQUIREMENTS**

There are no specific legislative requirements.

**CONSULTATION**

During 2012 the Lauderdale residents participated in a public meeting and weekend workshops as part of the Tasmanian Coastal Adaptation Pathways project where the future pathway was discussed and the final reports were presented to Council at its meeting held 8 October 2012.

In November 2012 Council sent residents of Lauderdale an information letter advising of Council's decision with respect to the TCAP project.

In 2013 Council consulted with the community by inviting comments on a proposed trial groyne at Bambra Reef. In June 2014 Council sent the residents of Lauderdale a letter advising of the results of the community consultation and outlining the process in relation to the design and approvals for the trial groyne.

**FINANCIAL IMPLICATIONS**

Council as part of the 2013/2014 Capital Works provided funding of \$400,000 for a groyne structure at Bambra Reef. There is also unspent funding from the 2012/2013 Annual Operating Plan of \$270,000. Total funds available are \$643,981.

**RECOMMENDATION:**

- A. That Council authorises the General Manager to undertake sand replenishment of the Northern dunes at Roches Beach on Crown Land at an estimated cost of \$5,000.
- B. That Council authorises the General Manager to prepare a draft Clarence Coastal Policy as reported to present at a future Council Workshop.
- C. That Council authorises the General Manager to place on hold the work to seek necessary regulatory approvals and design for the proposed trial groyne at Bambra Reef, Lauderdale.

- D. That Council authorises the General Manager to write to the Lauderdale community outlining Council’s current status on coastal adaptation plans for Roches Beach.

<b>Decision:</b>	<b>MOVED</b> Ald Cusick <b>SECONDED</b> Ald von Bertouch	
	<p>“A. That Council authorises the General Manager to undertake sand replenishment, for public safety purposes, of the Northern dunes at Roches Beach on Crown Land at an estimated cost of \$5,000.</p> <p>B. That Council authorises the General Manager to prepare a draft Clarence Coastal Policy as reported to present at a future Council Workshop.</p> <p>C. That Council authorises the General Manager to place on hold the work to seek necessary regulatory approvals and design for the proposed trial groyne at Bambra Reef, Lauderdale.</p> <p>D. That Council authorises the General Manager to write to the Lauderdale community outlining Council’s current status on coastal adaptation plans for Roches Beach”.</p>	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Campbell	Ald James
	Ald Chong	
	Ald Cusick	
	Ald Doust	
	Ald Hulme	
	Ald McFarlane	
	Ald Peers	
	Ald Thurley	
	Ald von Bertouch	
	Ald Walker	

**11.6 FINANCIAL MANAGEMENT****11.6.1 WAIVER OF UNCOLLECTABLE DEBTS**

(File No 02-03-00)

**EXECUTIVE SUMMARY****PURPOSE**

To consider waiver of debts deemed uncollectable in respect to Infringement Notices issued for parking and dog control offences.

**RELATION TO EXISTING POLICY/PLANS**

Nil.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There will a reduction in reported revenue to the value of \$28,121.68 in the 2017/2018 financial statements.

**RECOMMENDATION:**

That Council waives outstanding infringement notices totalling \$28,121.68.

Ald James left the Meeting at this stage and did not return (9.24pm).

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.7 GOVERNANCE****11.7.1 AGE FRIENDLY CLARENCE PLAN 2018-2022**

(File No 09-08-04)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to endorse and adopt the Age Friendly Clarence Plan 2018-2022.

**RELATION TO EXISTING POLICY/PLANS**

The review of Council's Positive Ageing Plan 2012-2016 and development of the Age Friendly Clarence Plan 2018-2022 is identified in Council's Strategic Plan 2016-2026 under "A People City". The Age Friendly Plan 2018-2022 is directly related to:

- Access and Inclusion Plan 2014-2018;
- Bicycle Strategy and Action Plan 2013-2017;
- Community Grants Policy and Program;
- Community Health and Wellbeing Plan 2013-2018;
- Community Participation Policy (in review);
- Community Safety Plan 2016-2021;
- Cultural Arts Plan 2012-2016 (in review);
- Cultural History Plan 2016-2021;
- DRAFT Youth Plan;
- DRAFT Community Planning and Development Framework;
- Economic Development Plan 2016-2021;
- Emergency Management Plan 2015;
- Events Plan 2014-2018;
- Financial Management Plan 10 year;
- Planning Scheme;
- Public Open Space Strategy 2013;
- Sport and Active Recreation Strategy (in development); and
- Tracks and Trails Strategy and Action Plan 2015-2020.

**LEGISLATIVE REQUIREMENTS**

Not applicable.

**CONSULTATION**

An extensive and innovative consultation process was conducted with Council's Positive Ageing Advisory Committee (CPAAC) in partnership with Dr Peta Cook (University of Tasmania).

**FINANCIAL IMPLICATIONS**

Priorities will be identified annually in the plan and any strategies requiring funding will be considered by Council as part of its budgeting consideration in developing the Annual Plan, including the capital works program.

**RECOMMENDATION:**

That Council Endorse and adopt the Age Friendly Clarence Plan 2018-2022.

**Decision:**

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



**11.7.2 ROSNY HILL NATURE RECREATION AREA EOI AND DEVELOPMENT PROCESS**

(File No A008-12A)

**EXECUTIVE SUMMARY****PURPOSE**

To note issues relevant to Council's Preferred Developer Agreement with Hunter Developments Pty Ltd, including associated processes.

**RELATION TO EXISTING POLICY/PLANS**

Council is the declared Managing Authority of the Rosny Hill Nature Recreation Area (RHNRA). Council has prepared and adopted a Rosny Hill Nature Recreation Area Management Strategy and has previously resolved to explore the market potential for new development or activities at the site which could complement and enhance the public's use of the area.

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

**LEGISLATIVE REQUIREMENTS**

Any development and lease of RHNRA land must be in accordance with the requirements of the *Local Government Act 1993* (Tas), the *National Parks and Reserves Management Act 2002* (Tas) and the *Crown Lands Act 1976* (Tas). The EOI and Preferred Developer process was developed and implemented to meet these requirements.

**CONSULTATION**

As this is an internal procedural matter, community consultation is not required. A development application has been lodged. Should that application become valid, community consultation will occur as part of that process.

**FINANCIAL IMPLICATIONS**

There are no cost implications.

**RECOMMENDATION:**

- A. That Council notes that its Preferred Developer Agreement with Hunter Developments Pty Ltd for Rosny Hill has no further role to play in respect to that development and is therefore concluded.
- B. That Council notes that the General Manager is required by the *Land Use Planning and Approvals Act 1993* (Tas) to determine whether to consent to the development application as part of the lodgement process.

C. That Council notes that a Stage 4 Agreement has not yet been entered into and will only be pursued if a development approval for the proposal is ultimately granted.

<b>Decision:</b>	<b>MOVED</b> Ald Cusick <b>SECONDED</b> Ald McFarlane																						
	“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</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	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																							

**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****Positive Ageing Committee**

Ald von Bertouch, in response to Ald James question at Council's Meeting of 28 May 2018 regarding: "What sort of activities are envisaged by the Positive Ageing Committee in the next 6 months"? Ald von Bertouch advised that this question could be answered from Pages 54 and 55 of the Age Friendly Clarence Plan adopted earlier in the meeting. Ald von Bertouch further advised that spreadsheets have been sent to Ald James, other Aldermen, the General Manager and Corporate Secretary which detail the activities that are to occur in 2018/2019 and the cost associated with those activities, which is a little over \$53,000.

**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 CONTRACTUAL MATTER

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 Chong **SECONDED** Ald Cusick

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

**CARRIED UNANIMOUSLY**

The Meeting closed at 9.55pm.