

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 2 FEBRUARY 2015**

**HOUR CALLED:** 7.30pm

**PRESENT:** The meeting commenced at 7.31pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

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

**1. APOLOGIES**

J Peers  
S von Bertouch

**ORDER OF BUSINESS** Items 1 – 13

**IN ATTENDANCE**

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

The Meeting closed at 9.04pm.

**COUNCIL MEETING**  
**MONDAY 2 FEBRUARY 2015**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
1.	ATTENDANCE AND APOLOGIES .....	4
2.	CONFIRMATION OF MINUTES .....	4
3.	MAYOR'S COMMUNICATION.....	4
4.	COUNCIL WORKSHOPS.....	4
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE .....	5
6.	TABLING OF PETITIONS .....	6
7.	PUBLIC QUESTION TIME .....	7
7.1	PUBLIC QUESTIONS ON NOTICE.....	7
7.2	ANSWERS TO QUESTIONS ON NOTICE .....	7
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	7
7.4	QUESTIONS WITHOUT NOTICE .....	7
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC.....	9
9.	MOTIONS ON NOTICE .....	10
9.1	MOTION ON NOTICE – ALD HULME CLARENCE ECONOMIC DEVELOPMENT PLAN.....	10
10.	REPORTS FROM OUTSIDE BODIES .....	11
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	11
	• SOUTHERN TASMANIAN COUNCILS AUTHORITY	
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• SOUTHERN WASTE STRATEGY AUTHORITY	
	• TASMANIAN WATER CORPORATION	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES ..	12
11.	REPORTS OF OFFICERS .....	13
11.1	WEEKLY BRIEFING REPORTS .....	13

11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS .....	14
11.2.1	PETITION – FIREWORKS IN SANDFORD.....	14
11.2.2	PETITION – FOOTPATH FROM BARILLA HOLIDAY PARK TO CAMBRIDGE PRIMARY SCHOOL.....	15

### **11.3 PLANNING AUTHORITY MATTERS**

11.3.1	DEVELOPMENT APPLICATION D-2014/430 - 25 WENTWORTH STREET, BELLERIVE (CLARENCE HIGH SCHOOL) – CONSTRUCTION OF A CAGE STRUCTURE OVER THE LONG JUMP PIT (ACTIVE RECREATION).....	17
11.3.2	DEVELOPMENT APPLICATION D-2014/408 - 272 CLARENCE STREET, HOWRAH - CHANGE OF USE TO CONSULTING ROOMS (DOCTORS SURGERY) .....	19
11.3.3	SUBDIVISION APPLICATION SD-2014/33 - 26 MANNATA STREET, LAUDERDALE - 7 LOT PLUS BALANCE SUBDIVISION AND ASSOCIATED FILL .....	21
11.3.4	SUBDIVISION APPLICATION SD-2014/41 - 1 KENNEDY DRIVE & 30 BACKHOUSE LANE, CAMBRIDGE - 40 INDUSTRIAL LOT SUBDIVISION .....	23
11.3.5	SUBDIVISION APPLICATION SD-2014/40 - 51 SOUTH STREET, BELLERIVE - 8 LOT SUBDIVISION.	27

### **11.4 CUSTOMER SERVICE - NIL ITEMS**

### **11.5 ASSET MANAGEMENT**

11.5.1	CLARENCE STREET – SAFETY ASSESSMENT PROJECT .....	30
11.5.2	EDUCATIONAL BIKE TRACK FROM MOTION ON NOTICE .....	32

### **11.6 FINANCIAL MANAGEMENT - NIL ITEMS**

### **11.7 GOVERNANCE**

11.7.1	QUARTERLY REPORT TO 31 DECEMBER 2014 .....	34
11.7.2	BUILDING REGULATORY FRAMEWORK REVIEW .....	35
11.7.3	REQUEST FOR CONSENT TO CREATION OF SERVICES EASEMENTS THROUGH COUNCIL OWNED LAND.....	36
11.7.4	PARTNERSHIP GRANTS – ROSE BAY HIGH SCHOOL ASSOCIATION .....	38
12.	ALDERMEN’S QUESTION TIME.....	39
12.1	QUESTIONS ON NOTICE .....	39
12.2	ANSWERS TO QUESTIONS ON NOTICE .....	39
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	39
12.4	QUESTIONS WITHOUT NOTICE .....	39

13. CLOSED MEETING.....40

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 PROPERTY MATTER - RICHMOND

13.2A PROPERTY MATTER - ROSNY

13.3 APPOINTMENT OF ACTING GENERAL MANAGER

## 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 12 January 2015, as circulated, be taken as read and confirmed.

**Decision:** **MOVED** Ald Chong **SECONDED** Ald Cusick

“That the Minutes of the Council Meeting held on 12 January 2015, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

## 3. MAYOR'S COMMUNICATION

Nil.

## 4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Clarence Street Safety Review Simmons Park additional equipment Educational Bike Track	19 January
Subdivision Application – Public Open Space Issue Simmons Park Toddlers' Play Equipment Regional Meeting Local Government Reform	27 January

### RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**

File No

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

**INTEREST DECLARED**

**Alderman Hulme                      Item No 11.3.1 and 11.7.4**

**Alderman James                      Item No 11.7.4**

**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.

Nil

### 7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil

### 7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

### 7.4 QUESTIONS WITHOUT NOTICE

Questions without notice and their answers are not recorded.

#### Decision:

#### PROCEDURAL MOTION

**MOVED** Ald McFarlane **SECONDED** Ald James

“That Leave of the Meeting be granted to allow Mrs Carol Wilson to make a statement and to ask a question regarding a matter listed on the Council Agenda, specifically the petition concerning fireworks in Sandford”.

**CARRIED UNANIMOUSLY**

/ contd on Page 8...



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

Mr Michael Figg of Lauderdale sought to put a question to the Council and in doing so proceeded to make an address providing a range of “background” material.

The Mayor advised that the Public Question Time segment of the meeting was for questions to be put and was not to be used for the purpose of making statements.

Mr Figg continued to address the meeting.

The Mayor then **adjourned** the meeting at **7.41pm** for a period of 5 minutes and left the Chamber.

The Mayor re- entered the Chamber at **7.46pm** and the meeting was **resumed**.

The Mayor reminded the public gallery of the purpose and requirements associated with the Public Question Time segment of the meeting.

Mr Figg put his question, which was to seek an explanation on why the Council does not allow ratepayers time to ask questions on the running of the Council or to question staff of the Council regarding their actions.

The Mayor advised that the question would be **taken on notice** and indicated that an answer would be provided on the next Council agenda.

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**  
(File No 10/03/04)

Nil.

**9. MOTIONS ON NOTICE**

**9.1 MOTION ON NOTICE – ALD HULME  
CLARENCE ECONOMIC DEVELOPMENT PLAN**

In accordance with Notice given it was:

**Decision:**    **MOVED** Ald Hulme    **SECONDED** Ald Walker

“That a report be presented to Council as soon as practicable on progress against the actions contained in the Clarence City Council Economic Development Plan 2005-07”.

**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**

September and December Quarterly Reports pending.

**Representative Reporting**

The Mayor tabled the Quarterly Reports for the period ending September 2014 and December 2014, which will be included at the next Council Meeting.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell  
(Ald Peter Cusick, Deputy Representative)

**Quarterly Reports**

September and December Quarterly Reports pending

**Representative Reporting**

- **SOUTHERN WASTE STRATEGY AUTHORITY**

Representative: Ald Richard James  
(Ald Sharyn von Bertouch, Proxy)

**Quarterly Reports**

December Quarterly Reports pending.

**Representative Reporting**

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report to 31 December 2014.

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

“That the Quarterly Report of TasWater for the Quarter ending 31 December 2014 be received”.

**CARRIED UNANIMOUSLY**

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

### **Cycling South**

- Ald McFarlane tabled the Minutes of the Annual General Meeting held on 9 December 2014.

### **Community Road Safety Partnership Advisory Group**

- Ald McFarlane tabled the Minutes of a Meeting held on 17 November 2014.

### **Bellerive Community Arts Centre Management Committee**

- Ald Thurley tabled the Minutes of a Meeting held on 12 November 2014.

**11. REPORTS OF OFFICERS**

**11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 12, 19 and 26 January 2015 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 12, 19 and 26 January 2015 be noted.

**Decision:** **MOVED** Ald James **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

## 11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

### 11.2.1 PETITION – FIREWORKS IN SANDFORD

(File No 12-03-02)

#### EXECUTIVE SUMMARY

##### PURPOSE

The purpose of this report is to consider the petition presented at Council's Meeting on 12 January 2015, relating to fireworks in Sandford.

##### RELATION TO EXISTING POLICY/PLANS

Not applicable.

##### LEGISLATIVE REQUIREMENTS

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

##### CONSULTATION

Not applicable.

##### FINANCIAL IMPLICATIONS

Not applicable.

#### RECOMMENDATION:

That Council acknowledges the concerns expressed by the petitioners in respect to the distress and potential harm to horses and other animals that may be caused by fireworks.

#### Decision:

**MOVED** Ald James **SECONDED** Ald Chong

“That Council acknowledges the concerns expressed by the petitioners and has referred their concerns to the relevant State Government department”.

**CARRIED UNANIMOUSLY**

**11.2.2 PETITION – FOOTPATH FROM BARILLA HOLIDAY PARK TO CAMBRIDGE PRIMARY SCHOOL**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at the Council Meeting of 12 January 2015 requesting Council construct a footpath from Barilla Holiday Park to Cambridge Primary School.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2010-2015 is relevant.

**LEGISLATIVE REQUIREMENTS**

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

**CONSULTATION**

No consultation has been undertaken with the local community in regards to the provision of a footpath.

**FINANCIAL IMPLICATIONS**

No funds have been allocated within the 2014/2015 Annual Plan to construct a footpath from Barilla Holiday Park to Cambridge Primary School.

**RECOMMENDATION:**

- A. That Council notes the intent of the petition.
- B. That:
- Council authorises the Mayor to write to the Minister for Infrastructure seeking advice as to how the Government will address the community's road safety concerns with access from the Barilla Holiday Park to Cambridge;
  - Council authorises the General Manager to consider the suggested footpath in the Cambridge master planning exercise when presenting the draft master plan outcomes to a future Council Workshop.
- C. That the petitioners be advised of Council's decision.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



### **11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION D-2014/430 - 25 WENTWORTH STREET, BELLERIVE (CLARENCE HIGH SCHOOL) – CONSTRUCTION OF A CAGE STRUCTURE OVER THE LONG JUMP PIT (ACTIVE RECREATION)**

(File No D-2014/430)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the construction of a cage structure over a previously approved long jump pit (Active Recreation) associated with the development of the athletics facilities at the Clarence High School.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Special Use (SU7 – Educational or Cultural Centre) under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme, the proposal is a discretionary development as the use is classified as Active Recreation and it involves the construction of a new building.

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 2 February 2015.

**CONSULTATION**

The proposal was advertised in accordance with the statutory requirements and 4 representations were received (2 of which were from the same representor). Additionally, one late submission was received. The following issues were raised by the representors:

- background leading up to this application;
- solid cladding;
- bulk, scale and impact on views;
- location of long jump facility, noise generation and impact on privacy;
- windblown sand;
- drainage;
- functionality of long jump facility; and
- potential conditions of approval (hours of use and landscaping).

**RECOMMENDATION:**

A. That the Development application for the construction of a cage structure over the long jump pit at 25 Wentworth Street, Bellerive (Cl Ref D-2014/430) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The structure cannot be clad in alternative materials without further approval.
3. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the completion of the structure. The landscaping must assist in the amelioration of building bulk and reduce potential overlooking from the long jump area into the surrounding properties. The plan must be to scale and show:
  - the location of the long jump facilities, the fencing associated with the adjoining tennis/netball courts, the eastern property boundary and the rear of each of the immediately adjoining residential properties; and
  - location and details of proposed plantings including botanical names, and the height and spread of canopy at maturity.

The landscaping works must be completed within 3 months of the approval of the plan and appropriately maintained thereafter.

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

Ald Hulme declared an Interest in this Item and left the Meeting prior to discussion (7.59pm).

<b>Decision:</b>	<p><b>MOVED</b> Ald Campbell <b>SECONDED</b> Ald McFarlane</p> <p>“That the Recommendation be adopted”.</p> <p><b>PROCEDURAL MOTION</b></p> <p><b>MOVED</b> Ald Campbell <b>SECONDED</b> Ald James</p> <p>“That consideration of the matter be deferred to the next Council Meeting”.</p> <p style="text-align: right;"><b>CARRIED</b></p>	
	<p><b>FOR</b></p> <p>Ald Campbell Ald Chong Ald Cusick Ald Doust Ald James Ald McFarlane Ald Thurley Ald Walker</p>	<p><b>AGAINST</b></p> <p>Ald Chipman (abstained)</p>

Ald Hulme returned to the Meeting at this stage (8.04pm).

**11.3.2 DEVELOPMENT APPLICATION D-2014/408 - 272 CLARENCE STREET, HOWRAH - CHANGE OF USE TO CONSULTING ROOMS (DOCTORS SURGERY)**

(File No. C025-272)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a change of use to Consulting Rooms (doctors surgery), which includes alterations and signage, at 272 Clarence Street, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with consent of the applicant until 4 February 2015.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation with 20 signatures was received raising the following issues:

- loss of amenity;
- increase in traffic in Clarence Street and car park too small;
- potential need to prune conifer tree near property boundary;
- devaluation of property; and
- suggestions of possible conditions if the application is approved.

**RECOMMENDATION:**

A. That the Development application for change of use to Consulting Rooms (doctors surgery) at 272 Clarence Street, Howrah (CI Ref D-2014/408) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Only 2 medical practitioners may operate from the site at any one time.
3. The height of the existing fence between 272 Clarence Street and 270 Clarence Street must be increased to 2.1m prior to the commencement of the use.



**11.3.3 SUBDIVISION APPLICATION SD-2014/33 - 26 MANNATA STREET, LAUDERDALE - 7 LOT PLUS BALANCE SUBDIVISION AND ASSOCIATED FILL**

(File No. SD-2014/33)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 7 lot plus balance subdivision and associated fill at 26 Mannata Street, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise discretion within the statutory 42 day period which has been extended to expire on 4 February 2014.

**CONSULTATION**

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

- timing of advertising; and
- stormwater.

The proposal was considered by the Clarence Tracks and Trails Committee who have requested a trail connection through the property to the adjacent Council owned land at 8b Bangalee Street.

**RECOMMENDATION:**

A. That the Subdivision application for 7 lot plus balance subdivision and associated fill at 26 Mannata Street, Lauderdale (Cl Ref SD-2014/33) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP – AMENDED PLANS [decrease in the width of the proposed lot 2 by 3m, with the land between lots 2 and 3 provided to Council as a drainage reserve].
3. The proposed fill must not exceed a height of 2.7m AHD. The applicant is to provide a written certification, from a registered land surveyor, that the fill level does not exceed this height.

4. GEN POS4 – POS CONTRIBUTION [5%] [1-7].
  5. Prior to the sealing of the final plan, all lots must be provided with a connection to a reticulated sewerage system.
  6. PROP 3 – TRANSFER.
  7. ENG A1 – NEW CROSSOVER [TSD-09] replace ‘3.0m wide’ with ‘3.6m wide’.
  8. ENG M2 – DESIGNS SD.
  9. ENG M5 – EROSION CONTROL.
  10. ENG M7 – WEED MANAGEMENT PLAN.
  11. ENG M8 – EASEMENTS.
  12. ENG M9 – FILLING OF LAND.
  13. ENG S1 – INFRASTRUCTURE.
  14. ENG S4 – STORMWATER CONNECTION.
  15. ENG S10 – UNDERGROUND SERVICES.
  16. EHO 4 – NO BURNING.
  17. The development must meet all required Conditions of Approval specified by TasWater notice, dated 26/09/2014 (TWDA 2014/00910-CCC).
- B. That the details and conclusions included in the associated report be recorded as the reasons for Council’s decision in respect of this matter.

**Decision:** **MOVED** Ald McFarlane **SECONDED** Ald Campbell

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.4 SUBDIVISION APPLICATION SD-2014/41 - 1 KENNEDY DRIVE & 30 BACKHOUSE LANE, CAMBRIDGE - 40 INDUSTRIAL LOT SUBDIVISION**  
(File No. SD-2014/41)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 40 lot industrial subdivision at 1 Kennedy Drive and 30 Backhouse Lane, Cambridge.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Industry, Recreation and Special Use and subject to the Mount Canopus and Development Plan Overlays under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise discretion within the statutory 42 day period which expires on 3 February 2015.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 3 representations were received which all raise issues related to anticipated conflict between future industrial land use and adjacent residential land use. The specific issues raised by the representors in relation to amenity are:

- management of landscaping buffer adjacent Backhouse Lane;
- timing of required landscaping works;
- nature of screening landscaping;
- treatment of the existing flowering gums on Kennedy Drive;
- height and nature of future development adjacent Backhouse Lane;
- creation and enforcement of easements; and
- demolition of significant dwelling.

**RECOMMENDATION:**

- A. That the Subdivision application for 40 Industrial lot subdivision at 1 Kennedy Drive & 30 Backhouse Lane, Cambridge (Cl Ref SD-2014/41) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [a reduction in the number of access points to Kennedy Drive to provide for a total of 3, and a service road arrangement providing for cul de sac access to the east and west of the main road intersection with Kennedy Drive].



3. The design of the Kennedy Drive intersection with the industrial road is to be approved for the ultimate development usage with the first stage design drawing approval. Construction of the intersection (in its ultimate format) must be completed before lots from stage two are released (survey plans sealed). Specific attention must be given to not impacting on existing property accesses or intersections on Kennedy Drive.

All lots must have frontage and access to the industrial road as part of any staging of the development.

4. GEN F2 – COVENANTS [The prohibition of vehicular access and egress from Backhouse Lane to Lots 6 to 10 inclusive].
5. GEN F5 – PART 5 AGREEMENT [makes subsequent landowners aware of the special area provisions relating to the Mount Canopus Observatory].
6. PROP 3 – TRANSFER.
7. ENG A1 – NEW CROSSOVER [TSD- R09] Delete ‘3.0m’ and replace with ‘8.0m’.
8. ENG A3 – COMBINED ACCESSES [TSD] Delete ‘5.5m wide sealed access’ and replace with ‘8.0m wide sealed access’.
9. ENG A5 – SEALED CARPARKING.
10. ENG A7 – REDUNDANT CROSSOVER.
11. ENG M6 – CONSTRUCTION FENCING.
12. ENG S1 – INFRASTRUCTURE.
13. ENG S2 – SERVICES.
14. ENG S15 – SERVICES ACROSS ROADS.
15. ENG S4 – STORMWATER CONNECTION.
16. ENG S5 – STORMWATER PRINCIPLES. Add ‘Designs shall identify and include details of overland flow paths for stormwater flows associated with up to 100year ARI rainfall events. These designs shall ensure that down-stream quality and quantity is consistent with or an improvement over pre-development parameters.’
17. ENG S6 – GROSS POLLUTANT TRAP. Delete ‘the stormwater outfall’ and replace with ‘on all stormwater outlet pipes’.
18. ENG S10 – UNDERGROUND SERVICES.

19. ENG M2 – DESIGNS SD.
20. ENG M4 – POS ACCESS.
21. ENG M5 – EROSION CONTROL.
22. ENG M7 – WEED MANAGEMENT PLAN.
23. ENG M8 – EASEMENTS.
24. ENG R1 – ROAD NAMES.
25. ENG R2 – URBAN ROAD. Insert “Temporary sealed turning facilities may be required as part of staged construction”.
26. Footpaths are to be constructed on both sides of all industrial roads. A single footpath along the service roads on Kennedy Drive shall be provided and connected with the industrial road footpaths.
27. Bicycle lanes are to be provided on the collector road section of the development from Kennedy Drive to the first roundabout
28. ENG R6 – VEHICLE BARRIERS.
29. Any filling of existing dams or waterholes within the development must be identified as part of the engineering drawings to be submitted for Council approval. Details of the filling must be provided including the removal of all silt and sediment from the area before filling commences. The location of all filled areas is to be annotated as such on the Sealed Plans.
30. EHO 4 – NO BURNING.
31. LAND 4 – LANDSCAPE BOND (SUBDIVISION).
32. LAND 5 – SUBDIVISION LANDSCAPING. Insert “amended” before “landscape plan” in first sentence.
33. The landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:
  - The owners of Lots 7 to 10 inclusive to maintain the 10m landscaped buffer adjacent the northeastern property boundaries in perpetuity.

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

34. The development must meet all required Conditions of Approval specified by Taswater notice, dated 12 January 2015 (TWDA 2014/01367-CCC).
35. ADVICE 14 – BUILDING ADVICE.
36. ADVICE - The future requirement for Condition 5 is unlikely to be required under a future planning Scheme. In this case the removal of this condition may be considered through the submission of an application for a minor amendment at the appropriate time.
- B. That the details and conclusions included in the associated report be recorded as the reasons for Council’s decision in respect of this matter.

**Decision:** **MOVED** Ald Campbell **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

Ald Walker left the Meeting at this stage (8.06pm).

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

<b>FOR</b>	<b>AGAINST</b>
Ald Campbell	Ald Doust (abstained)
Ald Chipman	
Ald Chong	
Ald Cusick	
Ald Hulme	
Ald James	
Ald McFarlane	
Ald Thurley	

**11.3.5 SUBDIVISION APPLICATION SD-2014/40 - 51 SOUTH STREET,  
BELLERIVE - 8 LOT SUBDIVISION**  
(File No SD-2014/40)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an 8 lot subdivision at 51 South Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 4 February 2015 with the written agreement of the applicant.

**CONSULTATION**

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

- ownership of land;
- loss of existing public open space – Beachside Community Park;
- tree removal;
- impact on native birds and animals;
- dwelling density of the area;
- inundation;
- traffic impact;
- loss of views;
- use of the land for public housing;
- application advertising; and
- cultural significance.

**RECOMMENDATION:**

- A. That the application for an 8 lot subdivision at 51 South Street, Bellerive be refused in accordance with Section 85(d)(iii) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* in that the layout of the subdivision should be altered to include public open space.

- B. That the application for an 8 lot subdivision at 51 South Street, Bellerive (Ref SD-2014/40) be refused for the following reasons:
1. The proposal is contrary to the provisions of the Clarence Planning Scheme 2007 with regard to the provision and location of reserves for public open space in that the proposal does not provide reasonable public open space within the boundaries of the property.
  2. The proposal has been refused under 85(d)(iii) of the *Local Government (Building & Miscellaneous Provisions) Act 1993* because the to layout of the subdivision should be altered to include Public Open Space .
- C. That the applicant be advised that they should contact Council’s Manager City Planning to discuss Council’s public open space requirement, which can broadly be described as follows:
- The southern portion of the subject lot containing part of the existing Beachside Reserve.
  - Compensation above 5% of the value of the area of the land will be paid in accordance with Section 116 of the LGBMPA.
- D. That the details and conclusions included in the associated report be recorded as the reasons for Council’s decision in respect of this matter.

**Decision:** **MOVED** Ald Thurley **SECONDED** Ald McFarlane  
“That the Recommendation be adopted”.  
Ald Walker returned to the Meeting at this stage (8.11pm).  
The **MOTION** was **put** and **CARRIED UNANIMOUSLY**

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 CLARENCE STREET – SAFETY ASSESSMENT PROJECT**

(File No 04-03-01)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the next phase of the Clarence Street Safety Assessment Project.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2010-2015 and Community Participation Policy are relevant.

**LEGISLATIVE REQUIREMENTS**

There are no specific legislative requirements.

**CONSULTATION**

There has been consultation in relation to the Clarence Street Safety Assessment Report through the Clarence Street Collaborative Reference Group.

Engagement with the community will be in accordance with the Council's Community Participation Policy.

**FINANCIAL IMPLICATIONS**

Council's Annual Plan provided funding of \$20,000 for this project. Until a recommendation is made on the preferred outcome resulting from the stakeholder group consultation there is no financial impact.

**RECOMMENDATION:**

- A. That Council receive the consultant's report on the collaborative process in relation to safety for all road users of Clarence Street.
- B. That Council authorise the General Manager to acknowledge, by letter, the valuable contributions made by all members of the Clarence Street Collaborative Reference Group.
- C. That Council authorise the General Manager to arrange for the assessment of feasibility and desirability of design options for Clarence Street with key interest and technical groups based on the 8 recommendations of the consultant's report.
- D. The outcomes from the assessment of feasibility and desirability of design options for Clarence Street to be presented at a future Council Workshop.

/ Refer to Page 30 for Decision on this Item...

**CLARENCE STREET – SAFETY ASSESSMENT PROJECT /contd...**

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



**11.5.2 EDUCATIONAL BIKE TRACK FROM MOTION ON NOTICE**

(File No 04-15-01)

**EXECUTIVE SUMMARY****PURPOSE**

To report back to Council on a Motion on Notice adopted by Council at its meeting on 1 December 2014 relating to Council endorsing the principle of constructing an educational bike track.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2010-2015 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

No community consultation has occurred in relation to this report back to Council.

**FINANCIAL IMPLICATIONS**

The implementation of establishing an Educational Bike Track within the City will require additional capital funds and be subject to Council approval of a future Annual Plan.

**RECOMMENDATION:**

- A. That Council:
- determines that Wentworth Park/Salacia Avenue is the optimum location for the establishment of an Educational Bike Track; and
  - authorises the General Manager to commence the Wentworth Park/Salacia Avenue Master Plan exercise presenting options to a future Council Workshop before consulting with the community on the management and development of the area.
- B. That funding of the Educational Bike Track at Wentworth Park be considered as part of Council's consideration of the 2015/2016 Capital Works Program.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE****11.7.1 QUARTERLY REPORT TO 31 DECEMBER 2014**

(File No. 10/02/05)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 October to 31 December 2014.

**RELATION TO EXISTING POLICY/PLANS**

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's previously adopted Strategic Plan 2010-2015.

**LEGISLATIVE REQUIREMENTS**

There is no specific legislative requirement associated with regular internal reporting.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

The Quarterly Report provides details of Council's financial performance for the period.

**RECOMMENDATION:**

That the Quarterly Report to 31 December 2014 be received.

**Decision:** **MOVED** Ald Cusick **SECONDED** Ald Chong

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**11.7.2 BUILDING REGULATORY FRAMEWORK REVIEW**

(File No 20-13-01)

**EXECUTIVE SUMMARY****PURPOSE**

To formally consider and endorse a response to be submitted by Council to the Director of Building Control (Department of Justice) on the Building Regulatory Framework Review.

**RELATION TO EXISTING POLICY/PLANS**

Not applicable.

**LEGISLATIVE REQUIREMENTS**

Not applicable.

**CONSULTATION**

The Department of Justice has invited comment from Local Government, building interest groups and the public.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

That the response document included as Attachment 2 to the Associated Report be endorsed as Council's formal response to the Position Paper on the Building Regulatory Framework Review issued by the Director of Building Control in November 2014.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.7.3 REQUEST FOR CONSENT TO CREATION OF SERVICES EASEMENTS THROUGH COUNCIL OWNED LAND**

(File No SD-2011/29)

**EXECUTIVE SUMMARY****PURPOSE:**

To request Council's consent to the creation of service infrastructure easements through Council owned land for the benefit of a private subdivision development.

**RELATION TO EXISTING POLICY/PLANS**

Not applicable.

**LEGISLATIVE REQUIREMENTS****Local Government Act, 1993**

Section 177 – power of Council to sell "...or otherwise dispose" of land.

Section 177(6) – decisions of Council to sell or otherwise dispose of land must be made by an absolute majority.

**Acts Interpretation Act, 1931**

Section 46 – (definitions of certain common phrases) "land...shall include any estate or interest therein". This means that disposing of an interest in specific land by granting an easement over it triggers the same statutory requirements as would apply to the actual sale of the land.

**CONSULTATION**

There has been no public consultation in respect of this matter nor is any required because the affected Council land is not classified as public land (unlike park areas or public open space).

**FINANCIAL IMPLICATIONS**

There are no financial implications for Council. All costs associated with the grant of any easements will be borne by the developer who will also pay compensation as assessed for the value of any rights granted.

**RECOMMENDATION:**

That Council consents to the grant of easements over part of its land at 196 Flagstaff Gully Road as detailed in Attachment 2 to the Associated Report to enable the installation of water, sewer and storm water infrastructure to service the subdivision subject of SD-2011/29.

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

**REQUEST FOR CONSENT TO CREATION OF SERVICES EASEMENTS THROUGH COUNCIL OWNED LAND /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Chong																				
	“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</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 Thurley</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Ald Campbell	Ald Walker	Ald Chipman		Ald Chong		Ald Cusick		Ald Doust		Ald Hulme		Ald James		Ald McFarlane		Ald Thurley	
<b>FOR</b>	<b>AGAINST</b>																				
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Ald James																					
Ald McFarlane																					
Ald Thurley																					

**11.7.4 PARTNERSHIP GRANTS – ROSE BAY HIGH SCHOOL ASSOCIATION**

(File No 09-17-06A)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the Partnership Grants Panel’s recommendations for the allocation of financial assistance in respect of the Rose Bay High School Association’s application.

**RELATION TO EXISTING POLICY/PLANS**

- Strategic Plan
- Community Grants Policy
- Social Plans including Health & Wellbeing Plan, Youth Plan, and Access Plan

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil

**FINANCIAL IMPLICATIONS**

The Partnership Grant Program has an annual budget of \$25,000. Rose Bay High School Association has requested a Grant of \$15,000 over 3 years (\$7,000 in the first year and \$4,000 each for the 2<sup>nd</sup> and 3<sup>rd</sup> year).

**RECOMMENDATION:**

That Council approves the Partnership Grant application from the Rose Bay High School Association for \$15,000, to be paid in 3 instalments over 3 years, to implement the “Lets Get Together – Diversity Education Program” in Rose Bay High School.

Ald Hulme and Ald James declared an Interest in this Item and left the Meeting prior to discussion (8.34pm).

**Decision:**

**MOVED** Ald Walker **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

Ald Hulme and Ald James returned to the Meeting at this stage (8.35pm).

**12. ALDERMEN'S QUESTION TIME**

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

**12.1 QUESTIONS ON NOTICE**

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

Nil

**12.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil

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

Nil

**12.4 QUESTIONS WITHOUT NOTICE**

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.



### 13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2005 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 PROPERTY MATTER RICHMOND

13.3 PROPERTY MATTER ROSNY

13.4 APPOINTMENT OF ACTING GENERAL MANAGER

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

- proposals for the acquisition of land or an interest in the land or for the disposal of land;
- information provided to the Council on the condition it is kept confidential;
- matters relating to actual or possible litigation taken by or involving the Council or an employee of the Council;
- applications by Aldermen for Leave of Absence;
- personnel matters including complaints against an employee of the Council;

**Decision:**

**PROCEDURAL MOTION**

**MOVED** Ald McFarlane **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 9.04pm.