

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 24 AUGUST 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
D Doust
D Hulme
R H James
P K McFarlane
J Peers
D Thurley
S von Bertouch
J Walker; present.

1. APOLOGIES H Chong

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE General Manager
(Mr A Paul)
Acting Group Manager Asset Management
(Mr R Graham)
Corporate Secretary
(Mr A van der Hek)
Corporate Treasurer
(Mr F Barta)
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 9.43pm.

COUNCIL MEETING
MONDAY 24 August 2015

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13.1 APPLICATIONS FOR LEAVE OF ABSENCE

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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 3 August 2015, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 3 August, 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
Derwent Street Parking Review	
Arm End Briefing	
Bayfield Streetscape	
Draft Scope of Feasibility Study (voluntary amalgamations)	10 August
Deputation – Golf Course Arm End	
Tree Policy	
Bellerive Fort	
All Abilities Play Space	17 August

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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

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

INTEREST DECLARED

Alderman Thurley Item No. 11.3.1

Alderman Campbell Item No. 11.3.9

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

Nil.

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

**DEVELOPMENT APPLICATION D-2014/368 – 24 BLESSINGTON STREET, SOUTH ARM – GARAGE
(REFER ITEM 11.3.1)**

M/s Gillian Murdoch addressed the meeting regarding the above Development Application.

DOG MANAGEMENT POLICY

M/s Janice Matthews addressed the meeting regarding the above matter.

Mr Jon Price addressed the meeting regarding the above matter.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION – ALD MCFARLANE
RAISING THE NATIONAL ABORIGINAL FLAG**
(File No 10-03-05)

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

“That Council approve the raising of the National Aboriginal Flag every day along with the Australian Flag and others as necessary”.

With the Leave of the Meeting Ald McFarlane amended her Motion and it was:

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

“That Council refers to an Aldermen’s Workshop within the next 3 months the consideration of a policy for how and when the Australian Flag and other flags, particularly the Australian Aboriginal Flag, are flown”.

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

June Quarterly Report pending.

Representative Reporting

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

Quarterly Reports

March and June Quarterly Reports pending.

Representative Reporting

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

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

Ald James advised that the next Meeting of the Authority will be held in September and that this meeting will give a clear indication on the future operations of the Authority.

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Bellerive Community Arts Centre Management Committee

- Ald Thurley tabled the Minutes of a Meeting held on 12 August 2015 and the Bank Statement for the period ending 31 July 2015.

Community Road Safety Partnership Advisory Group

- Ald McFarlane tabled the Minutes of a Meeting held on 15 April 2015.

Cycling South

- Ald McFarlane tabled the Minutes of a Meeting held on 1 July 2015.

Tracks and Trails Committee

- Ald James gave a verbal report of matters determined at the most recent meeting of the Tracks and Trails Committee.

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

(File No 10/02/02)

The Weekly Briefing Reports of 3, 10 and 17 August 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 3, 10 and 17 August 2015 be noted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

**11.3.1 DEVELOPMENT APPLICATION D-2014/368 - 24 BLESSINGTON STREET,
SOUTH ARM - GARAGE**
(File No D-2014/368)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a garage at 24 Blessington Street, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development due to a requested variation to the side and front boundary setback requirements of the Scheme.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 26 August 2015 with the written agreement of the applicant.

CONSULTATION

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

- streetscape;
- road safety; and
- loss of views and impact on residential amenity.

RECOMMENDATION:

- A. That the Development Application for Garage at 24 Blessington Street, South Arm (CI Ref D-2014/368) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [garage with a minimum setback of 4.5m from the front boundary and a minimum 2m from the eastern side boundary].
 3. ADVICE – Should the development impact the existing waste water disposal area, the area is to be made good to the satisfaction of Council's Senior Environmental Health Officer.

- 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 Thurley declared an Interest in this Item and left the Meeting prior to discussion (7.55pm).

<p>Decision:</p>	<p>MOVED Ald McFarlane SECONDED Ald James</p> <p>“That the Development Application for Garage at 24 Blessington Street, South Arm (CI Ref D-2014/368) be refused for the following reasons.</p> <ul style="list-style-type: none"> • the proposal does not comply with the setback standards; and • because of the representations received”. <p>The MOTION was put and LOST</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">FOR</td> <td style="width: 50%; vertical-align: top;">AGAINST</td> </tr> <tr> <td>Ald James</td> <td>Ald Campbell</td> </tr> <tr> <td>Ald McFarlane</td> <td>Ald Chipman</td> </tr> <tr> <td></td> <td>Ald Cusick</td> </tr> <tr> <td></td> <td>Ald Doust</td> </tr> <tr> <td></td> <td>Ald Hulme</td> </tr> <tr> <td></td> <td>Ald Peers</td> </tr> <tr> <td></td> <td>Ald von Bertouch</td> </tr> <tr> <td></td> <td>Ald Walker</td> </tr> </table> <p>FORESHADOWED MOTION MOVED Ald Walker SECONDED Ald Hulme</p> <p>“That the Recommendation be adopted”.</p> <p style="text-align: right;">CARRIED</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">FOR</td> <td style="width: 50%; vertical-align: top;">AGAINST</td> </tr> <tr> <td>Ald Campbell</td> <td>Ald James</td> </tr> <tr> <td>Ald Chipman</td> <td>Ald McFarlane</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 Peers</td> <td></td> </tr> <tr> <td>Ald von Bertouch</td> <td></td> </tr> <tr> <td>Ald Walker</td> <td></td> </tr> </table>	FOR	AGAINST	Ald James	Ald Campbell	Ald McFarlane	Ald Chipman		Ald Cusick		Ald Doust		Ald Hulme		Ald Peers		Ald von Bertouch		Ald Walker	FOR	AGAINST	Ald Campbell	Ald James	Ald Chipman	Ald McFarlane	Ald Cusick		Ald Doust		Ald Hulme		Ald Peers		Ald von Bertouch		Ald Walker	
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Ald Walker																																					

Ald Thurley returned to the Meeting at this stage (8.12pm).

11.3.2 DEVELOPMENT APPLICATION D-2015/170 - 59 ESPLANADE, LINDISFARNE - 2 MULTIPLE DWELLINGS
(File No D-2015/170)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 59 Esplanade, Lindisfarne.

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 2015.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 25 August 2015.

CONSULTATION

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

- loss of sunlight;
- loss of privacy; and
- loss of view.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings at 59 Esplanade, Lindisfarne (CI Ref D-2015/170) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The development must meet all required Conditions of Approval specified by TasWater notice dated 7 May 2015 (TWDA).
 3. LANDSCAPE PLAN.
 4. ENG A1 – NEW CROSSOVER [TSD-R09].
 5. ENG A2 – CROSSOVER CHANGE [5.5M].
 6. ENG A5 – SEALED CAR PARKING.

7. ENG M6 – CONSTRUCTION FENCING.
8. ENG M1 – DESIGNS DA.
9. ENG A7 – REDUNDANT CROSSOVER.
10. ENG A1 – INFRASTRUCTURE REPAIR.
11. ENG S2 –SERVICES.

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

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

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald James (abstained)

11.3.3 DEVELOPMENT APPLICATION D-2015/108 - 30 DUMBARTON DRIVE, GEILSTON BAY (INCLUDING 22, 26, 28A AND 32 DUMBARTON DRIVE, 240 GEILSTON BAY ROAD AND 353 EAST DERWENT HIGHWAY, GEILSTON BAY) - 6 MULTIPLE DWELLINGS
(File No D-2015/108)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for 6 Multiple Dwellings at 30 Dumbarton Drive (including 22, 24, 28A and 32 Dumbarton Drive, 240 Geilston Bay Road and 353 East Derwent Highway).

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Vegetation Management Overlay under the Clarence Planning Scheme 2007 (the Scheme); 353 East Derwent Highway is zoned Open Space and included only as part of the bushfire management plan. In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 25 August 2015.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for 6 Multiple Dwellings at 30 Dumbarton Drive (including 22, 26, 28a and 32 Dumbarton Drive, 240 Geilston Bay Road and 353 East Derwent Highway), Geilston Bay be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A5 – SEALED CAR PARKING.
 3. ENG S1 – INFRASTRUCTURE REPAIR.
 4. ENG M1 –DESIGNS DA.
 5. ENG M6 – CONSTRUCTION FENCING.

6. LAND 1 - LANDSCAPE PLAN.
7. LAND 2 – LANDSCAPE BOND (RESIDENTIAL).
8. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 July 2015 (TWDA 2015/00414-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 James **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.4 SUBDIVISION APPLICATION SD-2015/26 - 87 DELPHIS DRIVE,
SANDFORD - 12 LOT SUBDIVISION**
(File No SD-2015/26)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 12 lot subdivision at 87 Delphis Drive, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential and subject to the Vegetation Management and Development Plan (DPO 19 - Sandford) 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 26 August 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of road design to facilitate desirable trail connections.

The proposal was considered by the Tracks and Trails Committee who provided no comment on the proposal.

RECOMMENDATION:

- A. That the application for a 12 lot subdivision at 87 Delphis Drive, Sandford (Cl Ref SD-2015/26) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP2 – STAGING
[Stage 1 – Lots 1 - 9, 100 and 102
Stage 2 – Lots 2, 7, 8 and 101
Stage 3 – Lots 3 - 6
Stage 4 – Lots 10 and 11].

3. GEN AP3 – AMENDED PLAN [the creation of a right-of-way from the southern end of the POS Lot 102 to the western end of Road Lot 100]. Insert “This right-of-way should be contained within the alignment of Road Lot 101 and provide a public right to access between the 2 points. This right-of-way should also be described in the schedule of easements.” after “...the use/development”.
 4. GEN F3 – ENDORSEMENTS.
 5. GEN POS 4 – POS CONTRIBUTION [1.87%] [1-11].
 6. PROP 2 – POS FENCING.
 7. PROP 3 – TRANSFER.
 8. ENG A1 – NEW CROSSOVER [MSD-02].
 9. ENG A3 – COMBINED ACCESSES [MSD-02].
 10. ENG M2 – DESIGNS SD. At the end of the first dot point, add “the road must be off-set within the reservation to ensure that there is adequate width available for a safe trail connection along the road verge. This may require additional road reservation width to be provided”.
 11. ENG M8 – EASEMENTS.
 12. ENG R1 – ROAD NAMES.
 13. ENG R3 – RURAL ROAD.
 14. ENG R5 – ROAD EXTENSION.
 15. ENG R6 – VEHICLE BARRIERS.
 16. ENG S1 – INFRASTRUCTURE REPAIR.
 17. EHO 4 – NO BURNING.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

/ Refer to Page 23 for Decision on this Item...

SUBDIVISION APPLICATION SD-2015/26 - 87 DELPHIS DRIVE, SANDFORD - 12 LOT SUBDIVISION /contd...

Decision:	MOVED Ald James SECONDED Ald McFarlane																		
	“A. That the recommendation be adopted subject to Condition 5 being modified to replace ‘1.87% with 1%’.																		
	B. That the reasons recorded for Council’s decision in respect of this matter further include:																		
	<ul style="list-style-type: none">• The incorporation of Tangara Trail route into the road reserve should be taken into consideration, as it is a better alignment than one passing through the rear of properties, as shown in the Development Plan Overlay.• Incorporation of the Trail in the new road could result in the road having to be widened to accommodate the trail.• The history of this matter should be taken into account, as it was not originally envisaged a cash contribution would be required in addition to the Trail.• A reduction in size of the contribution is therefore appropriate”.																		
	CARRIED																		
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Campbell</td><td>Ald von Bertouch</td></tr><tr><td>Ald Cusick</td><td>Ald Chipman (abstained)</td></tr><tr><td>Ald Doust</td><td>Ald Walker (abstained)</td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald James</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr></table>	FOR	AGAINST	Ald Campbell	Ald von Bertouch	Ald Cusick	Ald Chipman (abstained)	Ald Doust	Ald Walker (abstained)	Ald Hulme		Ald James		Ald McFarlane		Ald Peers		Ald Thurley	
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Ald Hulme																			
Ald James																			
Ald McFarlane																			
Ald Peers																			
Ald Thurley																			

11.3.5 SUBDIVISION APPLICATION SD-2015/30 - 110 PROSPECT ROAD AND 69 GERMAIN COURT, SANDFORD - 5 LOT SUBDIVISION
(File No SD-2015/30)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 5 lot subdivision at 110 Prospect Road and 69 Germain Court, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential and subject to the Vegetation Management 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 11 August 2015.

CONSULTATION

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

- building envelopes;
- lot configuration; and
- traffic safety.

RECOMMENDATION:

A. That the application for a 5 lot subdivision at 110 Prospect Road and 69 Germain Court, Sandford (CI Ref SD-2015/30) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS4 – POS CONTRIBUTION [4%] [1, 3, 4, 6 and 7].
3. No lots are to be created until such time as the Road lot through CT-30596/4 has been constructed and connected to the proposed Road lot in this subdivision.
4. GEN F3 – ENDORSEMENTS.
5. PROP 3 – TRANSFER.
6. ENG A1 – NEW CROSSOVER [MSD-02].

7. ENG A3 – COMBINED ACCESS [MSD-02].
8. ENG M2 – DESIGNS SD.
9. ENG M8 – EASEMENTS.
10. ENG R1 – ROAD NAMES.
11. ENG R3 – RURAL ROAD.
12. ENG R5 – ROAD EXTENSION.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. EHO 4 – NO BURNING.

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

<p>Decision: MOVED Ald Peers SECONDED Ald von Bertouch</p> <p> “That the Recommendation be adopted”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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11.3.6 DEVELOPMENT APPLICATION D-2015/253 - 13 OVATA CLOSE, CAMBRIDGE - OUTBUILDING
(File No D-2015/253)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 13 Ovata Close, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solution for frontage setback for a garage and proposes a second vehicle access on the frontage boundary.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 26 August 2015 with the written agreement of the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for Outbuilding at 13 Ovata Close, Cambridge (CI Ref D-2015/253) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A1 – NEW ACCESS replace “each lot must be provided with a minimum 3.0m” with “The new access must be a minimum 3.6m” [TSD R-09].
 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 30 June 2015 (TWDA 2015/01014-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.

/ Refer to Page 27 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2015/253 - 13 OVATA CLOSE, CAMBRIDGE –
OUTBUILDING /contd...**

Decision:

MOVED Ald Walker **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.7 DEVELOPMENT APPLICATION D-2015/264 - 277 CLARENCE STREET,
HOWRAH - ADDITION TO DWELLING**
(File No D-2015/264)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to an existing Single Dwelling at 277 Clarence Street, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 26 August 2015 with the written agreement of the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for an addition to dwelling at 277 Clarence Street, Howrah (C1 Ref D-2015/264) 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 von Bertouch **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.8 SUBDIVISION APPLICATION SD-2015/39 - 69 HOWRAH ROAD, HOWRAH
- 1 LOT SUBDIVISION**
(File No SD-2015/39)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 69 Howrah Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for the setback of the existing dwelling to the proposed boundary or the shape of the lot and the proposal is for the creation of an internal lot.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 25 August 2015.

CONSULTATION

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

- shape of proposed lot;
- setback distance from dwelling to proposed boundary; and
- residential amenity.

RECOMMENDATION:

A. That the application for a 1 lot subdivision at 69 Howrah Road, Howrah (Cl Ref SD-2015/39) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER. Delete first paragraph and replace with “Lot 2 must be provided with a minimum 3.6m wide minimum constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSDR-09 (copy available from Council). A 3.6m wide minimum sealed driveway must be constructed from the property boundary to the lot proper”.

3. ENG A1 – NEW CROSSOVER. Delete first paragraph and replace with “Lot 1 must be provided with a minimum 3.6m wide minimum constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD R-09 (copy available from Council)”.
4. ENG M2 – DESIGNS SD. Delete the first 2 dot points.
5. ENG M8 – EASEMENTS.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. ENG S2 – SERVICES.
8. GEN POS1 – POS CONTRIBUTION [5%] and [Lot 2].
9. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 July 2015 (TWDA 2015/01116-CCC).

ADVICE - A Building Surveyor is to verify as part of the Building Permit Application that building materials within 450mm of the proposed site boundary is constructed of non-combustible materials and meets all requirements set out within the Building Code of Australia 2015.

ADVICE - If the existing internal drains require relocating, an application for plumbing permit will be required and a certificate of completion must be issued prior to sealing of the subdivision.

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

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.9 DEVELOPMENT APPLICATION D-2015/267 - 15 LUCAS STREET,
HOWRAH - 4 MULTIPLE DWELLINGS**
(File No D-2015/267)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 4 Multiple Dwellings at 15 Lucas Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Inundation Prone Areas Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for front and rear boundary setbacks.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 25 August 2015.

CONSULTATION

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

- capacity of infrastructure;
- increased traffic and single access point;
- lack of on-street parking;
- insufficient area for bin collection;
- visual impact and inconsistency with character of area;
- residential amenity;
- environmental impact;
- lack of consideration of Water Sensitive Urban Design Principles; and
- validity of application.

RECOMMENDATION:

- A. That the Development Application for 4 Multiple Dwellings at 15 Lucas Street, Howrah (Cl Ref D-2015/267) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A5 – SEALED CAR PARKING.
 3. ENG S1 – INFRASTRUCTURE REPAIR.

4. ENG S4 – STORMWATER CONNECTION.
 5. ENG M1 – DESIGNS DA. [Insert additional dot point: •stormwater infrastructure].
 6. ENG M6 – CONSTRUCTION FENCING.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 13 July 2015 (TWDA 2015/01091-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.

Ald Campbell declared an Interest in this Item and left the Meeting prior to discussion (8.40pm).

Decision:	MOVED Ald Peers SECONDED Ald Cusick	
	“That the Recommendation be adopted”.	
		CARRIED
	FOR	AGAINST
	Ald Chipman	Ald McFarlane
	Ald Cusick	
	Ald Doust	
	Ald Hulme	
	Ald James	
	Ald Peers	
	Ald Thurley	
	Ald von Bertouch	
	Ald Walker	

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

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 CREATION OF RIGHT-OF-WAY OVER 4A HOWRAH ROAD, HOWRAH**

(File Nos H023-4a and 6)

EXECUTIVE SUMMARY**PURPOSE**

To consider the creation of a private right-of-way over Council land at 4a Howrah Road, Howrah.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

Under Section 177 of the Local Government Act, 1993 Council may dispose of Council owned land.

CONSULTATION

Consultation has occurred between Council officers and the property owner of 6 Howrah Road, Howrah.

FINANCIAL IMPLICATIONS

There will not be any financial implications as the owner will be required to pay all costs involved in the creation of the right-of-way.

RECOMMENDATION:

- A. That Council consents to the creation of a right-of-way over its land at 4a Howrah Road, Howrah in favour of the owners of the adjoining property at 6 Howrah Road, Howrah for the sum of \$2,000.
- B. That the owner of 6 Howrah Road be responsible for all costs involved in the creation and registration of the right-of-way on Title including valuation costs, registration fees and officer preparation fees.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.2 VOLUNTARY AMALGAMATIONS

(File No 10-13-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council consideration of a draft scope for a feasibility study into the possible voluntary amalgamation of Councils to form a Greater South-Eastern Council or a Greater Metropolitan Hobart Council.

RELATION TO EXISTING POLICY/PLANS

1. Council's Strategic Plan provides as follows (in part):
 - Consider Council's strategic direction in relation to our neighbouring Councils, including resource sharing, opportunities for joint tenders...and other opportunities for mutual benefit; and
2. Council, at its Meeting of 1 June 2015 resolved that it was willing to explore the options of voluntary amalgamation to determine if such an arrangement was in the best interests of our community.

LEGISLATIVE REQUIREMENTS

Nil at this time.

CONSULTATION

- Community Consultation
Prior to undertaking any community consultation it is appropriate to have detailed data available to enable informed community debate to occur.
- State/Local Government Protocol
Not applicable.
- Other
Limited consultation in respect of a possible amalgamation occurred between Clarence and Sorell Councils in late 2012 through to early 2013.

FINANCIAL IMPLICATIONS

Council has allocated funding in the 2015/2016 budget for the purposes of undertaking a feasibility study(ies) into voluntary amalgamation. It is understood that funding is likely to be provided by the State Government on a \$ for \$ basis for approved studies.

RECOMMENDATION:

- A. That Council approve the draft feasibility study scope as attached to the Associated Report.
- B. That Council authorise the General Manager to make minor and incidental amendments to the scope if required for the purposes of ensuring uniformity between the participating Councils.

- C. That the General Manager be authorised to seek quotations and proposals from the consultant parties shortlisted by the Director of Local Government for the purposes of undertaking the feasibility studies, noting that Council reaffirms its earlier decision to reserve the right to appoint a consultant of their own choosing to undertake any feasibility studies.

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

- “A. That Council approves the draft feasibility study scope as attached to the Associated Report.
- B. That Council authorise the General Manager to make minor and incidental amendments to the scope if required for the purposes of ensuring uniformity between the participating Councils, communicating such changes to Aldermen in a contemporaneous manner.
- C. That the General Manager be authorised to seek quotations and proposals from the consultant parties shortlisted by the Director of Local Government for the purposes of undertaking the feasibility studies, noting that Council reaffirms its earlier decision to reserve the right to appoint a consultant of their own choosing to undertake any feasibility studies.
- D. That Council hold a workshop to determine criteria for Clarence to evaluate feasibility study proposals received.
- E. That Council reserves the right to seek an independent evaluation of assumptions and findings from any feasibility study undertaken”.

CARRIED**FOR**

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

AGAINST

Ald James
 Ald McFarlane

11.7.3 BUSINESS EAST REQUEST FOR FUNDING SUPPORT

(File No 20-21-04)

EXECUTIVE SUMMARY**PURPOSE**

To consider a request from Business East Inc for funding support of their small business advisory service and the Business Excellence Awards.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 seeks to provide for the sustainable economic growth of the City and to work in partnership with government and industry groups to identify appropriate commercial and development opportunities within Clarence.

LEGISLATIVE REQUIREMENTS

Not applicable.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Council's 2015/2016 budget has a budget provision to continue to support Business East services.

RECOMMENDATION:

That Council establish a 2015/2016 Service Agreement with Business East Inc which provides for:

- (i) funding to a maximum of \$24,000 (GST exclusive) towards a local business advisory service that includes a program targeted at youth enterprise development (at no cost to youth clients);
- (ii) Council funding to be remitted quarterly upon lodgement of a report on services provided and associated outcomes; and
- (iii) an amount of \$2,500 for sponsorship of the 2015 Clarence Business Excellence Awards.

/ Refer to Page 40 for Decision on this Item...

BUSINESS EAST REQUEST FOR FUNDING SUPPORT /contd...

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

Nil.

12.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters were listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 TENDER T1050-15 – SEASONAL MAINTENANCE OF ROAD RESERVES AND HORSE TRAILS

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;
- applications by Aldermen for a Leave of Absence.

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

Decision:

PROCEDURAL MOTION

MOVED Ald Campbell **SECONDED** Ald Peers

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

CARRIED UNANIMOUSLY

CLOSED MEETING /contd...

The following Closed Meeting Motion has been authorised by Council for publication in the public Minutes.

13.2 TENDER T1050-15 – SEASONAL MAINTENANCE OF ROAD RESERVES AND HORSE TRAILS

(File No T1050-15)

Decision:	MOVED Ald Campbell SECONDED Ald von Bertouch
	“A. That the Council accepts the Tender submitted by LMRS Pty Ltd for the provision of Seasonal Maintenance of road reserves and horse trails within the City of Clarence.
	B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2005, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
	C. That the Council decision only be recorded in the public Minutes”.
	CARRIED UNANIMOUSLY

The Meeting closed at 9.43pm.