

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 27 NOVEMBER 2017

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

1. APOLOGIES Nil.

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE General Manager
(Mr A Paul)
Group Manager Engineering Services
(Mr R Graham)
Corporate Secretary
(Mr A van der Hek)
Manager City Planning
(Mr R Lovell)
Corporate Treasurer
(Mr F Barta)
Co-ordinator Council Support
(Ms J Ellis)
Acting Manager Health and Community Development
(Ms T Cockburn)

The Meeting closed at 9.29pm.

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

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

The Mayor 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 27 NOVEMBER

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

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

“That the Minutes of the Council Meeting held on 6 November 2017, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

The Mayor tabled the following awards presented to Council:

- Heart Foundation 2017 Local Government Awards State Winner;
- Heart Foundation 2017 Local Government Awards – Wellbeing Kit Innovation Award.

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 |
|---|-------------|
| Presentation – Small Business Mentoring Service | |
| Cultural History Plan | |
| South Arm Skate Park | |
| Kangaroo Bay Development | 13 November |
| Waverley Flora Park Avenue of Honour | |
| Derwent Ferry Study | |
| Dorans Road | 20 October |

RECOMMENDATION:

That Council notes the workshops conducted.

/ refer to Page 6 for Decision on this Item...

COUNCIL WORKSHOPS /contd...

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

Item No. 11.3.3

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

**Kangaroo Bay Hospitality Training School and Hotel – D-2017/144 -40 and 40a
Kangaroo Bay Drive, Rosny Park and 64C, 76 and 78 Cambridge Road, Bellerive**

At Council's Meeting of 6 November, Mr Geard asked a question regarding the above.

The General Manager advised as follows:

At the last Council Meeting a question was asked by Mr Geard in relation to the variation in floor level height of the approved Kangaroo Bay hotel development and the recently advertised development application for the same underlying development.

Specifically, the question related to the former showing finished floor level at 2.4m AHD whereas the second application proposed a floor level of 2.7m AHD.

The question specifically asked if the permitted floor height was in accordance with the requirements of the scheme and, if not; whether it brought into question the validity of the permit.

I thank Mr Geard for raising this matter.

/ contd on Page 9...

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

In response to Mr Geard's Question the General Manager provided the following response:

The planning advice provided to Council in relation to the floor height was in error. The advice should have required a condition requiring the floor height to be a minimum of 2.7m AHD.

This error, supported by legal advice, does not invalidate the permit and can be corrected under Section 55 of LUPAA, which provides for errors in permits to be corrected simply.

Council can also rectify the error by requiring a floor level of 2.7m AHD under the subsequent building approval.

It is advised that the increased floor level of 2.7m AHD can be achieved without any increase in the external dimension of the proposed building".

The reason for the error is the subject of internal review, to seek to ensure that such errors are not repeated.

7.4 QUESTIONS WITHOUT NOTICE**Kangaroo Bay Hospitality Training School and Hotel – D-2017/144 -40 and 40a Kangaroo Bay Drive, Rosny Park and 64C, 76 and 78 Cambridge Road, Bellerive**

Ms Sachie Yasuda of Lindisfarne sought a response to the question she asked at Council's Meeting of 6 November 2017 regarding the Kangaroo Bay Development and the appropriateness of only advising 120 neighbouring residents of the Development Application.

The Mayor apologised that the response was not at hand however advised that the answer will be provided.

/contd on Page 10...

QUESTIONS WITHOUT NOTICE /contd...

**Kangaroo Bay Hospitality Training School and Hotel – D-2017/144 -40 and 40a
Kangaroo Bay Drive, Rosny Park and 64C, 76 and 78 Cambridge Road, Bellerive**

1. Ms Sachie Yasuda of Lindisfarne raised concerns following communication with a number of Aldermen that appear to have already made a decision on the Kangaroo Bay Development Application prior to the community representations being collated and the officer report being made available and asked the Mayor whether he considered that this was an issue

The Mayor responded that he has every confidence that all Aldermen on Council maintain an open mind on matters prior to reporting and formal consideration at a Council Meeting.

2. Ms Yasuda asked whether there is a confirmed date for the Special Council Meeting to consider the Kangaroo Bay Development Application

The Mayor responded that there is not a confirmed date at this point and invited the General Manager to provide further comment.

The General Manager advised that the Special Meeting would possibly be held on 18 December but that the date cannot be committed to at this stage. The General Manager further advised that as the value of the Development is over \$10 million the matter would need to be dealt with at a Special Meeting specifically conducted for that purpose and further confirmed that 18 December was the date set for the 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-2017/420 – 2/1 STANTON PLACE, CAMBRIDGE – CHANGE OF USE TO FITNESS CENTRE

(REFER ITEM 11.3.1)

M/s Leita Robottom addressed the Meeting regarding the above Development Application.

SOUTH ARM OVAL REVISED MASTER PLAN AND APPROVAL TO CONSULT

(REFER ITEM 11.5.2)

Mrs Jo Barwick addressed the Meeting regarding the above matter.

Sam Barwick, Will Barwick and Liam Meagher addressed the Meeting regarding the above matter.

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION- ALD MCFARLANE MAST – ILLUMINATED BUOYS

(File No 10-03-05)

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

“That Council write to Marine and Safety Tasmania (MAST) requesting that all marker buoys and navigational markers be required to be lit during the hours of darkness”.

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

| | | |
|------------------|---|--------------------------|
| Decision: | MOVED Ald McFarlane SECONDED Ald Walker | |
| | <p>“That Council write to Marine and Safety Tasmania (MAST) requesting clarification (ie luminescence capacity; range of distance; flashing codes used; replacement light schedules) of marker buoys and navigational markers, near well used recreational areas, within a kilometre of shorelines and during the hours of darkness”.</p> | |
| | CARRIED | |
| | FOR | AGAINST |
| | Ald Chipman | Ald Campbell (abstained) |
| | Ald Chong | |
| | Ald Cusick | |
| | Ald Doust | |
| | Ald Hulme | |
| | Ald James | |
| | Ald McFarlane | |
| | Ald Peers | |
| | Ald Thurley | |
| | Ald von Bertouch | |
| | Ald Walker | |

**9.2 NOTICE OF MOTION- ALD MCFARLANE
LGAT – STATE PLANNING PROVISIONS**
(File No 10-03-05)

In accordance with Notice given it was:

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|------------------|---|------------|----------------|--------------|------------------------|-------------|--|-----------|--|------------|--|-----------|--|-----------|--|-----------|--|---------------|--|-----------|--|-------------|--|------------------|--|
| Decision: | MOVED Ald McFarlane SECONDED Ald Peers | | | | | | | | | | | | | | | | | | | | | | | | |
| | “That Council write to LGAT seeking a combined request to the Minister for Planning; to initiate a review of the State Planning Provisions for the Residential Standards (SPP)”. | | | | | | | | | | | | | | | | | | | | | | | | |
| | CARRIED | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Campbell</td><td>Ald Walker (abstained)</td></tr><tr><td>Ald Chipman</td><td></td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Cusick</td><td></td></tr><tr><td>Ald Doust</td><td></td></tr><tr><td>Ald Hulme</td><td></td></tr><tr><td>Ald James</td><td></td></tr><tr><td>Ald McFarlane</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr><tr><td>Ald von Bertouch</td><td></td></tr></table> | FOR | AGAINST | Ald Campbell | Ald Walker (abstained) | Ald Chipman | | Ald Chong | | Ald Cusick | | Ald Doust | | Ald Hulme | | Ald James | | Ald McFarlane | | Ald Peers | | Ald Thurley | | Ald von Bertouch | |
| FOR | AGAINST | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Campbell | Ald Walker (abstained) | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Chipman | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Chong | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Cusick | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Doust | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Hulme | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald James | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald McFarlane | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Peers | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald Thurley | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ald von Bertouch | | | | | | | | | | | | | | | | | | | | | | | | | |

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

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 July to 30 September 2017.

RECOMMENDATION:

That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 30 September 2017 be received.

Decision: **MOVED** Ald Campbell **SECONDED** Ald Cusick

“That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 30 September 2017 be received”.

CARRIED UNANIMOUSLY

Representative Reporting

Ald von Bertouch tabled the following reports in relation to the Southern Tasmanian Councils Authority Regional Waste Group.

- Model Framework for a Container Deposit System for Tasmania;
- Waste Strategy Minutes of Meeting held on 9 October 2017;
- Waste Strategy South 2017-19 Action Plan; and
- Tasmanian Waste Management Communications Plan 2017-2022.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell
(Ald James Walker, Deputy Representative)

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

Ald Campbell advised that the Annual General Meeting was conducted on 23 November 2017

- **TASWATER CORPORATION**

The Mayor advised that the Owners Representatives General Meeting was held last week.

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

HOWRAH COMMUNITY CENTRE

- Ald Chong tabled the Minutes of a Meeting held on 19 October 2017 and the Annual Report included in the Agenda for the AGM held on 16 November 2017.

COMMUNITY HEALTH AND WELLBEING ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 23 August 2017.

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of Meetings held on 19 September 2017 and 17 October 2017.

BOARD OF MANAGEMENT OF BUSINESS EAST

- Ald Hulme tabled the Minutes of a Meeting held on 10 October 2017.

CYCLING SOUTH

- Ald McFarlane table the following:
 - Minutes of the AGM held on 24 October 2017;
 - Minutes of a Management Committee Meeting held on 24 October 2017; and
 - 2016-2017 Annual Report.

ALMA'S ACTIVITIES CENTRE

- Ald von Bertouch tabled the Minutes of a Meeting held on 10 October 2017.

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

(File No 10/02/02)

The Weekly Briefing Reports of 6, 13 and 20 November 2017 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 6, 13 and 20 November 2017 be noted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.2.1 PETITION – REQUEST TO SEAL BACK OVAL CARPARK AT ANZAC PARK, LINDISFARNE

(File No 10-03-12; L019-19A)

EXECUTIVE SUMMARY

PURPOSE

To consider the petition tabled at Council’s Meeting of 6 November 2017 requesting Council to seal the back oval carpark at Anzac Park in Lindisfarne.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016-2026 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 sealing of the carpark.

Consultation is underway with the user clubs on a draft Master Plan for Anzac Park.

FINANCIAL IMPLICATIONS

No funds have been allocated within the 2017/2018 Annual Plan to seal the back oval carpark at Anzac Park.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council authorises the General Manager to write to the petitioners advising them car parking is being considered as part of the preparation of a draft Master Plan for the entire Anzac Park and they will have an opportunity to provide feedback during the community consultation phase of the Project.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3 PLANNING AUTHORITY MATTERS

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

**11.3.1 DEVELOPMENT APPLICATION D-2017/420 - 2/1 STANTON PLACE,
CAMBRIDGE - CHANGE OF USE TO FITNESS CENTRE**
(File No D-2017/420)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Fitness Centre at 2/1 Stanton Place, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Commercial and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 29 November 2017 as agreed with the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for Change of Use to Fitness Centre at 2/1 Stanton Place, Cambridge (CI Ref D-2017/420) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AM5 – TRADING HOURS
Trading hours must be within the following hours:
Monday – Friday 4.45am – 8.30am; and
4.30pm – 7.30pm.

3. The number of persons in attendance at any time must be restricted to 2 staff and 12 clients.
- 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 Hulme

“That the Recommendation be adopted”.

CARRIED

FOR

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

AGAINST

Ald James
Ald McFarlane
Ald Walker (abstained)

11.3.2 DEVELOPMENT APPLICATION D-2017/440 - 177 AXIOM WAY, ACTON PARK - DWELLING AND 2 OUTBUILDINGS
(File No D-2017/440)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider an application made for a Dwelling and 2 Outbuildings (shipping containers) at 177 Axiom Way, Acton Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living under the Clarence Interim Planning Scheme 2015 (the Scheme) and is subject to the requirements of the Bushfire Prone Areas Code, Parking and Access Code, Stormwater Management Code and the Natural Assets Code. 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 1 December 2017.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a Dwelling and 2 Outbuildings at 177 Axiom Way, Acton Park (CI Ref D-2017/440) be approved subject to the following conditions and advice:
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M9 – NONHABITABLE PURPOSES.
 3. GEN AM3 – EXTERNAL COLOURS [non-reflective, muted, dark recessive colours].

4. LAND 1A – LANDSCAPE PLAN [Details of proposed plantings including botanical names, and the height and spread at maturity with particular attention paid to the planting of screening plants along the southern and eastern elevations of the proposed shipping containers to screen the containers from the road frontage and the residential property to the south.]
5. LAND 2 – LANDSCAPE BOND (RESIDENTIAL).
6. GEN M1 – TREE REMOVAL.

ADVICE

It is advised that a wastewater assessment prepared by a suitably qualified wastewater specialist will be required to be lodged prior to or in conjunction with an application for a building permit.

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

| | |
|------------------|---|
| Decision: | MOVED Ald McFarlane SECONDED Ald Chong “That the Recommendation be adopted”. CARRIED UNANIMOUSLY |
|------------------|---|

**11.3.3 DEVELOPMENT APPLICATION D-2017/459 - 46 LINCOLN STREET,
LINDISFARNE - ALTERATIONS AND ADDITIONS TO DWELLING**
(File No D-2017/459)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for alterations and additions to Dwelling at 46 Lincoln Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and is subject to the 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 1 December 2017.

CONSULTATION

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

- overshadowing impact upon neighbouring dwelling and private open space;
- visual impact; and
- health impacts.

RECOMMENDATION:

A. That the Development Application for alterations and additions to Dwelling at 46 Lincoln Street, Lindisfarne (CI Ref D-2017/459) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.
2. GEN M9 – NON-HABITABLE PURPOSES.

3. The east facing elevation of the garage building must be coloured using colours with a light reflectance value not greater than 40%. Details of the colour scheme must be submitted and approved by Council’s Manager City Planning prior to the issue of a building permit or a Certificate of Likely Compliance for building works.
- 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 Walker declared an Interest in this Item and left the Meeting prior to discussion (8.33pm).

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

Ald Walker returned to the Meeting at this stage (8.37pm).

**11.3.4 DEVELOPMENT APPLICATION D-2017/473 - 3 ATWELL COURT,
LINDISFARNE - DWELLING**
(File No D-2017/473)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 3 Atwell Court, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the 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 29 November 2017 as agreed with the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for dwelling at 3 Atwell Court, Lindisfarne (CI Ref D-2017/473) be approved subject to the following conditions and advice:
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLANS [the inclusion of a screen with a maximum transparency of 25% extending the full length of the north-western elevation of the side boundary adjoining the deck to a height of 1.7m above the finished surface level of the deck (40.90 AHD)].

- 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 McFarlane
“That the Recommendation be adopted”.
CARRIED UNANIMOUSLY

11.3.5 DEVELOPMENT APPLICATION D-2017/245 - 96 TRANMERE ROAD, HOWRAH - 2 MULTIPLE DWELLINGS (1 EXISTING DWELLING WITH NEW ADDITION + 1 NEW DWELLING)

(File No D-2017/245)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing dwelling with new addition + 1 new dwelling) at 96 Tranmere Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Stormwater Management code and Parking & 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 10 November 2017 and was extended with the consent of the applicant until 1 December 2017.

CONSULTATION

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

- height; and
- visual bulk

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings (1 existing dwelling with new addition + 1 new dwelling) at 96 Tranmere Road, Howrah (CI Ref D-2017/245) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A2 – CROSSOVER CHANGE.
3. ENG A5 – SEALED CAR PARKING.
4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG M1 – DESIGNS DA.
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 29/06/2017 (TWDA 2017/00969-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

11.3.6 DEVELOPMENT APPLICATION D-2017/353 - 79, 81, 83, 85, 87, 89 BASS STREET AND 36, 38, 40, 42, 44, 46 LA PEROUSE STREET, WARRANE – 23 MULTIPLE DWELLINGS (11 ADDITIONAL + 12 EXISTING)

(File No D-2017/353)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for 23 Multiple Dwellings (11 additional + 12 existing) at 79, 81, 83, 85, 87, 89 Bass Street and 36, 38, 40, 42, 44, 46 La Perouse Street, Warrane.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 30 November 2017.

CONSULTATION

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

- location of private open space for existing dwellings;
- fencing along road frontage;
- increased propensity for anti-social behaviour;
- future servicing capacity;
- location of shared access; and
- parking provision.

RECOMMENDATION:

- A. That the Development Application for 23 Multiple Dwellings (11 additional + 12 existing) at 79, 81, 83, 85, 87, 89 Bass Street and 36, 38, 40, 42, 44, 46 La Perouse Street, Warrane (Cl Ref D-2017/353) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Unless a valid application is made under Section 31 of the Strata Titles Act 1998, all separate titles of the subject land must be consolidated into one title prior to the issue of a building completion certificate. The sealed strata plans and all relevant documentation must then be lodged with the Land Titles Office without delay.
3. 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 car parks;
 - details of proposed plantings including botanical names and the height and spread of canopy at maturity; and
 - estimated cost of the landscaping works.

The landscaping works must be completed prior to the commencement of the use.

4. LAND 2 – LANDSCAPE BOND (RESIDENTIAL).
5. ENG A2 – CROSSOVER CHANGE [TSD-R09(URBAN)].
6. ENG A5 – SEALED CAR PARKING.
7. ENG A7 – REDUNDANT CROSSOVER.
8. ENG S1 – INFRASTRUCTURE.
9. ENG S2 – SERVICES.
10. ENG M1 – DESIGNS DA [ACCESS, CARPARK AND DRIVEWAYS, SERVICE UPGRADES OR RELOCATIONS, LIGHTING].
11. ENG M3 – GARBAGE FACILITIES.
12. The development must meet all required Conditions of Approval specified by TasWater notice dated 1 September 2017 (TWDA 2017/01309-CCC).

ADVICE

As more than half the units do not rely on common property, it may not be possible to achieve title under the Strata Titles Act 1998.

- 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 Cusick
“That the Recommendation be adopted”.
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 RISDON VALE RECREATION AND COMMUNITY FACILITIES PLAN**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Risdon Vale Recreation and Community Facilities Plan following community consultation.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

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

FINANCIAL IMPLICATIONS

The adoption of the Risdon Vale Recreation and Community Facilities Plan has no direct financial impact. The implementation of the Risdon Vale Recreation and Community Facilities Plan is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans. Council has adopted funds in the 2017/2018 Annual Plan for the change rooms and public toilets.

RECOMMENDATION:

- A. That Council adopts the Risdon Vale Recreation and Community Facilities Plan inclusive of the Recommendations contained in Clause 2.8 of this report.
- B. That Council authorises the General Manager to write to the residents of Risdon Vale advising of Council's decision.

Decision:

MOVED Ald Chong **SECONDED** Ald McFarlane

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 SOUTH ARM OVAL REVISED MASTER PLAN AND APPROVAL TO CONSULT

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council endorsement to release the South Arm Oval draft Revised Master Plan and skate park design for public consultation.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The South Arm Oval Revised Master Plan and Skate Park plan will follow the same community consultation process as for the original South Arm Oval Master Plan but on this occasion will only be sent to residents and key stakeholders of South Arm and will not include Opossum Bay residents.

FINANCIAL IMPLICATIONS

The implementation of the South Arm Oval Revised Master Plan is planned to be staged over 3 financial years, subject to Council approval of future Annual Plans. Council, in the 2016/2017 Annual Plan allocated \$150,000 to implement Stage 2 of the previously adopted South Arm Oval Master Plan. In addition, a grant of \$50,000 has been obtained from the Tasmanian Community Fund making a total amount of \$200,000 for Stage 2.

RECOMMENDATION:

- A. Council authorises the General Manager to undertake community consultation with residents and keys stakeholders of South Arm to provide feedback on the South Arm Oval draft Revised Master Plan and skate park design.
- B. Following the community consultation, feedback be provided to Council so a final Master Plan and skate park design can be considered for adoption.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.3 WAVERLEY FLORA PARK – AVENUE OF HONOUR

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Concept Landscape Plan for Waverley Flora Park Quarry Road Entrance and Avenue of Honour Concept Plan.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation to form the Concept Landscape Plan for Waverley Flora Park Quarry Road Entrance and Avenue of Honour Concept Plan has been undertaken with residents of Warrane and Mornington.

FINANCIAL IMPLICATIONS

Adoption of the Concept Landscape Plan for Waverley Flora Park Quarry Road Entrance and Avenue of Honour Concept Plan has no financial impact. The implementation of the Concept Landscape Plan for Waverley Flora Park Quarry Road Entrance and Avenue of Honour Concept Plan is planned to be staged over a number of financial years, subject to Council approval of future Annual Plans.

RECOMMENDATION:

- A. That Council adopts the Landscape Plan for Waverley Flora Park Quarry Road Entrance and Avenue of Honour Concept Plan as outlined in this report.
- B. That Council adopts to proceed with Stages 1 and 2 as outlined in this report.
- C. That Council consider Stages 3 to 5 at a future Council Meeting before proceeding with the design and construction of these components of the Concept Landscape Plan.
- D. That Council authorises the General Manager to write to residents of Warrane and Mornington advising of Council's decision.

Decision:

MOVED Ald James **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.4 ROCHES BEACH – BEACH ENTRY MANAGEMENT AT LAUDERDALE CANAL
 (File No 12-17-06)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this Report is to consider the 16 October 2017 Notice of Motion in relation to options for providing Kayaks, Canoes and trailer able Dinghies (up to 5m) beach access to Roches Beach near Lauderdale Canal.

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

Council expressed interest at the 20 November 2017 Workshop in seeking community feedback on the 16 October 2017 Notice of Motion for Roches Beach Access Options through a public information session.

FINANCIAL IMPLICATIONS

There are no funds currently approved for this project.

RECOMMENDATION:

- A. That Council authorises the General Manager to co-ordinate a public information session on the Roches Beach access options noted in this Report, to inform and seek community feedback.
- B. That the results of the feedback from the public information session be reported at a future Council Meeting.

| | |
|------------------|---|
| Decision: | MOVED Ald James SECONDED Ald Cusick |
| | <ul style="list-style-type: none"> “A. That Council authorises the General Manager to co-ordinate a public information session on the Roches Beach access options noted in this Report, to inform and seek community feedback. B. 1. That at the public information session Council suggests the best option is for a proposed access north of the previous access, refer to Attachment 3 of the Associated Report. |

/ Decision contd on Page 37...

ROCHES BEACH – BEACH ENTRY MANAGEMENT AT LAUDERDALE CANAL
/Decision contd...

2. As approval from Crown Land Services is required prior to any work being undertaken, Council liaises with the Crown so that construction period can occur as soon as possible.

C. That the results of the feedback from the public information session be reported at a future Council Meeting”.

CARRIED

FOR

Ald Campbell
Ald Chipman
Ald Chong
Ald Cusick
Ald Hulme
Ald James
Ald Peers
Ald Thurley
Ald Walker

AGAINST

Ald Doust
Ald McFarlane
Ald von Bertouch

Ald James left the Meeting at this stage and did not return (9.10pm).

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 CULTURAL HISTORY PLAN REVIEW**

(File No 24-03-06)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to consider adopting the draft revised Cultural History Plan. The plan will provide strategic direction for Council in the area of cultural history and associated activities and events, through emphasis on the stories that are important to the history and development of Clarence.

RELATION TO EXISTING POLICY/PLANS

- Cultural Arts Plan 2012-16;
- Cultural Heritage Interpretation Plan 2012;
- Economic Development Plan 2016-2021;
- Clarence Events Plan 2014-2018;
- Clarence Tracks and Trails Strategy 2012;
- Clarence Bushland and Coastal Strategy 2011;
- Clarence Interim Planning Scheme 2015;
- Collections Management Policy 2010;
- Community Health and Wellbeing Plan 2013-2018;
- Reserve Activity Plans;
- Positive Ageing Plan 2012-2016;
- Public Art Code;
- Public Open Space Policy 2013;
- Richmond Bridge Conservation Management Plan 2010 (DIER);
- Richmond Cultural Resource Management Plan: Volume 1 – Key Issues; Recommendations (2001), Volume 3 – A thematic History of the Cultural Resources of the Township of Richmond and Statement of Cultural Significance (2000);
- Richmond Townscape Study 2014 (updated 2017);
- Disability Access Plan 2014-2018; and
- Youth Plan 2008-2012.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Internal consultation and consultation with key stakeholder groups has occurred during the review of the Cultural History Plan.

FINANCIAL IMPLICATIONS

Implementation of the strategies in the Cultural History Plan will be through the Annual Plan - Communities and People.

RECOMMENDATION:

That Council adopts the revised Cultural History Plan 2018 – 2023.

Decision:

MOVED Ald Thurley **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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 T1174/17 - ANNUAL FOOTPATH RECONSTRUCTION PROGRAM

13.3 PROPERTY MATTER - BELLERIVE

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;
- proposals to acquire land or an interest in land or for the disposal of land;
- 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 Chong

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

CARRIED UNANIMOUSLY

CLOSED MEETING /contd...

The following Closed Meeting Motions have been authorised by Council for publication in the public Minutes.

13.2 T1174/17 - ANNUAL FOOTPATH RECONSTRUCTION PROGRAM

(File No T1174/17)

| | |
|------------------|---|
| Decision: | MOVED Ald Chong SECONDED Ald Cusick |
| | “A. That the Schedule of Rates Tender from Earth Innovations Pty Ltd for the Footpath Reconstruction works be accepted. |
| | B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties. |
| | C. That Council publish its decision only in regard to this matter in the open Minutes of this Meeting”. |
| | CARRIED UNANIMOUSLY |

The Meeting closed at 9.29pm.