

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 28 MAY 2018

HOUR CALLED: 7.30pm

PRESENT: The meeting commenced at 7.32pm 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
S von Bertouch
J Walker; present.

1. APOLOGIES D Thurley (Leave of Absence)

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr A Paul)

Corporate Treasurer
(Mr F Barta)

Group Manager Engineering Services
(Mr R Graham)

Corporate Secretary
(Mr I Nelson)

Manager Health and Community Development
(Mr J Toohey)

Manager City Planning
(Mr R Lovell)

Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 9.43pm.

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

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

The Mayor also advised the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 28 MAY 2018

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 7 May 2018, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 7 May 2018, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

Nil.

4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Capital Works Program Budget	14 May
Budget List of Fees and Charges Blundstone Smoke Free Area Review of Investment Policy	21 May

RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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

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

INTEREST DECLARED: NIL.

6. TABLING OF PETITIONS

(File No 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) days after receiving the petition.

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager tabled the following petitions which comply with the Act requirements:

- Received from 45 signatories requesting Council investigate and implement street works and other improvements that will minimise traffic hazards at the crest of Norma Street, Howrah, between Eden Place and Medika Court.
- Received from 1204 signatories requesting Council hold a public meeting about the proposed development by Hunter Developments on Rosny Hill.

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

BELLERIVE BEACH CARPARK

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

ANSWER

The Mayor advised that this matter would be taken on notice and an answer will be provided at the next Council Meeting.

/ contd on Page 9...

QUESTIONS WITHOUT NOTICE /contd...

PUMP STATION – SOUTH ARM ROAD

Mr Michael Figg of Lauderdale asked, that given the 2 major recent rain events, when will Council connect power to the pump behind the church?

ANSWER

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

DECLARATIONS OF INTEREST

Mr Michael Figg of Lauderdale asked, under the Local Government Act that if an Alderman does not declare an interest in a matter and votes, is the vote invalidated?

ANSWER

The Mayor advised that the matter of declaring an interest is up to the individual Alderman concerned and it does not invalidate the vote. If there is a conflict of interest and it is not declared, it does not determine the vote.

The General Manager further advised that if an Alderman declares an interest in a matter they are required to leave the meeting for that item. If they do not declare an interest they are not required to leave and the vote is not invalidated. If they do not declare an interest and participate in a vote and are subsequently found to have had an interest, it is our understanding that it does not invalidate the vote.

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-2018/153 – 21 HARMONY LANE, SOUTH ARM – SKATE PARK AND RECREATIONAL FACILITIES

(REFER ITEM 11.3.4)

William Barwick, Samuel Barwick and Liam Meagher addressed the Meeting regarding the above Development Application.

DEVELOPMENT APPLICATION D-2018/190 – 27 KING STREET, BELLERIVE – PARTIAL DEMOLITION, ALTERATIONS AND ADDITIONS TO DWELLING

(REFER ITEM 11.3.3)

Mr Brian Chapman addressed the Meeting regarding the above Development Application.

Mrs Lesley Riewoldt addressed the Meeting regarding the above Development Application.

9. MOTIONS ON NOTICE

**9.1 NOTICE OF MOTION- ALD JAMES
SPEED LIMIT – EAST DERWENT HIGHWAY**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald James **SECONDED** Ald Cusick

“That Council writes to the Department of State Growth (DSG) and recommend the current speed limit on the East Derwent Highway between Geilston Bay and the Clarence Lifestyle Village be reduced from 100km/h to 80km/h”.

CARRIED UNANIMOUSLY

**9.2 NOTICE OF MOTION- ALD JAMES
PUBLIC MEETING - ROSNY HILL DEVELOPMENT**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald James **SECONDED** Ald Cusick

“That Council holds a public meeting about the proposed Rosny Hill development within 7 or 14 days or earlier of the decision of Council for the purposes of community consultation and information sharing”.

The **MOTION** was **put** and **LOST**

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

10. REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**
Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

Not required.

Representative Reporting

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

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

The Mayor advised, in regard to progressing the MOU between TasWater, its owners and the State Government on the government becoming a part owner, Councils will receive a full information pack, which includes financial modelling and proposed constitutional and legislative changes in mid to late July.

Regional forums open to all elected members (convened by Chair of TasWater and the Treasurer) will be conducted mid to late August, as well as an Owner's Representative meeting late August to further discuss detail.

There will be a special meeting in late September to vote on the constitutional changes, by which time Councils will have needed to form a position and formally authorise their owner representative to vote on those matters.

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

BOARD OF MANAGEMENT OF BUSINESS EAST

- Ald Hulme tabled the Minutes of a Meeting held on 10 April 2018.

COMMUNITY HEALTH AND WELLBEING ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 28 February 2018.

RICHMOND ADVISORY COMMITTEE

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

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

- Ald Chong tabled the Minutes of a Meeting held on 18 May 2018.

ALMAS ACTIVITIES CENTRE CLARENCE

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

CLARENCE POSITIVE AGEING ADVISORY COMMITTEE

- Ald von Bertouch tabled the Minutes of a Meeting held on 15 March 2018.

WASTE STRATEGY SOUTH

- Ald von Bertouch tabled the Minutes of Meeting held on 26 February 2018

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

(File No 10/02/02)

The Weekly Briefing Reports of 7, 14 and 21 May 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 7, 14 and 21 May 2018 be noted.

Decision: **MOVED** Ald Campbell **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2017/416 - 170 MOCKRIDGE ROAD, ROKEBY - SIGNAGE
(File No D-2017/416)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a signage at 170 Mockridge Road, Rokeby.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 28 May 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the Development Application for signage at 170 Mockridge Road, Rokeby (CI Ref D-2017/416) be refused for the following reasons.
1. The proposal does not meet the Performance Criteria in Clause E17.7.1 P1 for the following reasons:
 - as the size and design of the signs are not integrated into the streetscape;
 - the signs will dominate the streetscape;
 - the signs will exacerbate visual clutter in the streetscape;
 - the signs involve repetition of messages on the same street frontage;

- the size and illumination of the signs will result in a loss of amenity for the adjacent residential properties; and
 - the signs will cause a safety hazard for road users.
2. The proposal does not meet the Performance Criteria in Clause E17.7.1 P2 for the following reasons:
- it will result in an increase in the level of visual clutter in the streetscape; and
 - the signs involve repetition of messages.
- 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.

The Applicant sought leave of the Meeting to **Withdraw** consideration of this Item pending further consultation.

Decision:	PROCEDURAL MOTION MOVED Ald Peers SECONDED Ald Campbell
	“That consideration of this matter be deferred”.
	CARRIED UNANIMOUSLY

11.3.2 SUBDIVISION APPLICATION SD-2017/24 - 4 YORK STREET AND 55 CAMBRIDGE ROAD, BELLERIVE - 4 LOT SUBDIVISION (2 ADDITIONAL LOTS) INCLUDING WORKS WITHIN THE ROAD RESERVATION

(File No Sd-2017/24)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a 4 lot subdivision (2 additional lots) including works within the road reservation at 4 York Street and 55 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and the Historic Heritage 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 the 1 June 2018.

CONSULTATION

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

- stormwater drainage impacts; and
- design of road upgrade.

RECOMMENDATION:

A. That the application for a 4 lot subdivision (2 additional lots) including works within the road reservation at 4 York Street and 55 Cambridge Road, Bellerive (CI Ref SD-2017/24) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS1 – POS CONTRIBUTION [5% OF LOTS 2 AND 3].

3. PROP 3 – TRANSFER.
 4. Two car parking spaces must be provided on-site for 55 Cambridge Road prior to the sealing of the Final Plan of Survey. Each space, including disabled parking, must be clearly marked and used solely for parking purposes. Plans showing the layout of the car parking area, designed with suitable manoeuvring areas to facilitate the forward egress of vehicles from the site onto Cambridge Road in accordance with Clarence Interim Planning Scheme 2015, must be submitted to and approved by Council’s Group Manager Engineering Services prior to the sealing of the Final Plan of Survey.
 5. ENG A1 – NEW CROSSOVER [3.6M].
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. ENG S2 – SERVICES.
 8. ENG S4 – STORMWATER CONNECTION.
 9. ENG S10 – UNDERGROUND SERVICES.
 10. ENG M2 – DESIGNS SD.
 11. ENG M8 – EASEMENTS.
 12. ENG R2 – URBAN ROAD.
 13. ENG R5 – ROAD EXTENSION
 14. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 April 2018 (TWDA 2017/01169-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 von Bertouch SECONDED Ald Hulme “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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11.3.3 DEVELOPMENT APPLICATION D-2018/190 - 27 KING STREET, BELLERIVE – PARTIAL DEMOLITION, ALTERATIONS AND ADDITIONS TO DWELLING

(File No D-2018/190)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for partial demolition, alterations and additions to the existing dwelling at 27 King Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the requirements of the Parking and Access Code, Stormwater Management Code and Historic Heritage 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 the 30 May 2018 as agreed with applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- overshadowing;
- visual impact;
- streetscape impact;
- heritage impact;
- loss of privacy;
- noise impact;
- location of wood heater chimney; and
- alternative uses for building.

RECOMMENDATION:

- A. That the Development Application for partial demolition, alterations and additions to dwelling at 27 King Street, Bellerive (Cl Ref D-2018/190) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
 2. All external surfaces must be finished in non-reflective, muted colours and complement the colour scheme of the existing dwelling to the satisfaction of Council’s Manager City Planning. Details of the colour scheme must be submitted and approved prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.
 3. The development must meet all conditions specified by the Tasmanian Heritage Council notice dated 16 May 2018 (THC ref 5564).
- 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 Peers		
	<p>“A. That the Development Application for partial demolition, alterations and additions to dwelling at 27 King Street, Bellerive (C1 Ref D-2018/190) be refused for the following reasons.</p> <ol style="list-style-type: none"> 1. The proposal will not satisfy Clause 13.7.2 P2 of the Clarence Interim Planning Scheme 2015, in that the overall scale and bulk, materials and built form significantly detracts from the historic heritage of the place and with adjoining properties. <p>B. That the reason for Council’s decision in respect of this matter be recorded as follows.</p> <ul style="list-style-type: none"> • The design of the building alterations and additions are an unsatisfactory response to the historic place and streetscape setting”. 		
	CARRIED		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>FOR</p> <p>Ald Campbell Ald Chipman Ald Chong Ald Cusick Ald Doust Ald James Ald McFarlane Ald Peers Ald von Bertouch Ald Walker</p> </td> <td style="width: 50%; vertical-align: top;"> <p>AGAINST</p> <p>Ald Hulme</p> </td> </tr> </table>	<p>FOR</p> <p>Ald Campbell Ald Chipman Ald Chong Ald Cusick Ald Doust Ald James Ald McFarlane Ald Peers Ald von Bertouch Ald Walker</p>	<p>AGAINST</p> <p>Ald Hulme</p>
<p>FOR</p> <p>Ald Campbell Ald Chipman Ald Chong Ald Cusick Ald Doust Ald James Ald McFarlane Ald Peers Ald von Bertouch Ald Walker</p>	<p>AGAINST</p> <p>Ald Hulme</p>		

**11.3.4 DEVELOPMENT APPLICATION D-2018/153 - 21 HARMONY LANE,
SOUTH ARM - SKATE PARK AND RECREATIONAL FACILITIES**
(File No D-2018/153)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made by the Clarence City Council for a multi-use hardstand area (skate park, basketball court and tennis wall) at 21 Harmony Lane, South Arm (South Arm Recreation Grounds).

RELATION TO PLANNING PROVISIONS

The site is subject to a split zoning with 37.5% zoned Community Purpose and the remaining 62.5% zoned Recreation under the Clarence Interim Planning Scheme 2015 (the Scheme). The site is not subject to any spatial Codes. 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 the 30 May 2018 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 137 representations were received within the statutory timeframe. Out of the 137 representations received, 72 were against the proposed development and 65 were in support. It is also acknowledged that 2 representations were received outside of the statutory timeframe in support of the proposal.

Of those representations received within the statutory timeframe, the following issues were raised:

- lack of recognised need for the skate park;
- consideration of alternative sites;
- impacts on the amenity and privacy of local residents;
- antisocial behaviour as a result of the proposed development, including drinking, litter and graffiti;

- noise impacts from the use of the skate park;
- safety concerns; and
- lack of community consultation.

RECOMMENDATION:

A. That the Development Application for multi-use hardstand area (skate park, basketball court and tennis wall) at 21 Harmony Lane, South Arm (CI Ref D-2018/153) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM6 – PA SYSTEM.
3. GEN S1 – SIGN CONSENT.
4. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the issue of a certificate of likely compliance (CLC) for building works. The plan must be to a standard scale, provide the designers contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred). Particular attention is to be paid to landscaping providing for noise reduction (with a minimum maturity height of 3m and suitable density) along the boundaries with 43a, and 67 Harmony Lane and 15, 17, 19 and 21 Calverton Place, South Arm;
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

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

All landscape works must be maintained:

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

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

5. Noise monitoring by a suitably qualified person is to be undertaken within 30 days of the commencement of the use. The exact noise monitoring location is to be determined by a suitably qualified person and agreed with by Council’s Senior Environmental Health Officer. A report, from a suitably qualified person verifying the noise levels is to be submitted to Council within 14 days of having undertaken noise monitoring.

If this noise level cannot be achieved to a satisfactory level, noise attenuation measures to be determined by a suitably qualified person must be implemented to the satisfaction of Council’s Senior Environmental Health Officer.

Note: Measurements of noise must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged out over a 15 minute time interval.

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

11.3.5 DEVELOPMENT APPLICATION D-2018/106 - 314 AND 318 EAST DERWENT HIGHWAY, GEILSTON BAY - FOOD SERVICES (AMENDMENTS TO ACCESS AND CAR PARKING ARRANGEMENTS)

(File No D-2018/106)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for Food Services (amendments to access and car parking arrangements) at 314 and 318 East Derwent Highway, Geilston Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Bushfire Prone Area, Road and Rail Assets, Signs, Stormwater Management and Parking & 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 31 May 2018.

CONSULTATION

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

- staff car parking;
- commercial deliveries;
- Parking and Access code assessment.

RECOMMENDATION:

A. That the Development Application for Food Services (amendments to access and car parking arrangements) at 314 and 318 East Derwent Highway, Geilston Bay (CI Ref D-2018/106) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AM5 – TRADING HOURS - Monday to Saturday 3am to 5pm, excluding Public Holidays.
 3. To minimise noise levels caused by commercial vehicle movements, no delivery vehicles are to leave the carpark and exit onto Araluen Street before 7.00am Monday to Friday or before 9.00am on Saturday.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.6 DEVELOPMENT APPLICATION D-2018/61 - 509 GELLIBRAND DRIVE,
SANDFORD - ANCILLARY DWELLING AND OUTBUILDING**
(File No. D-2018/61)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an ancillary dwelling and outbuilding at 509 Gellibrand Drive, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire Prone Areas, Landslide (Low), Natural Assets (High), On-site Wastewater Management, Stormwater Management 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 31 May 2018.

CONSULTATION

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

- title covenants;
- tree removal; and
- animal management.

RECOMMENDATION:

A. That the Development Application for an ancillary dwelling and outbuilding at 509 Gellibrand Drive, Sandford (CI Ref D-2018/61) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN (showing a 12m setback of the outbuilding to the frontage).

3. LANDSCAPE PLAN - A landscape plan prepared by a suitably qualified person must be submitted to show replacement vegetation as an offset for the vegetation removed from the development site, to the satisfaction of Council's Manager City Planning. The plan must be implemented in accordance with a planting schedule to be incorporated in the plan.
4. No vegetation shall be removed for construction of the outbuilding and ancillary dwelling without the prior consent of Council.
5. The ancillary dwelling is an additional dwelling and must comply with the following:
 - (a) have a floor area not greater than 60m²;
 - (b) be appurtenant to a single dwelling; and
 - (c) share with the single dwelling access and parking, and water, sewerage, gas, electricity and telecommunications and meters.

ADVICE

- (a) As the property is within a Bushfire Prone Area and garage is closer than 6.0m from the dwelling, a Bushfire Risk Assessment prepared by a certified Bushfire Hazard Practitioner must be provided as part of your Building Application.
 - (b) Please note that complying with covenants on the property is your legal responsibility. These may prevent or alter your ability to proceed with the development. In the circumstances you should seek your own legal advice before proceeding.
- 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 UNANIMOUSLY
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**11.3.7 DEVELOPMENT APPLICATION D-2016/439 - 14A VICTORIA
ESPLANADE, BELLERIVE - PUBLIC PIER**
(File No D-2016/439)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Public Pier at 14A Victoria Esplanade, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Open Space and subject to the Waterway and Coastal Protection, Inundation Prone Areas, Public Art, Parking & Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the consent of the applicant on 30 May 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 7 representations (including responses from MAST and DPIPWE Policy and Conservation Assessment Branch) were received raising the following issues:

- the proposal is a breakwater;
- navigation hazard and narrowing of entrance;
- increase in sedimentation;
- ferry wharf;
- widen the pier;
- silt disturbance;
- detract from the natural beauty of the bay;
- fishing;
- funding;
- community benefits; and
- MAST issues.

RECOMMENDATION:

- A. That the Development Application for Public Pier at 14A Victoria Esplanade, Bellerive (CI Ref D-2016/439) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. All exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.
 3. ENG S1 – INFRASTRUCTURE REPAIR.
 4. The structure is to be designed and constructed in accordance with MAST requirements and maintained in accordance with the recommendations of the Engineering Assessment prepared by Burbury Consulting, dated 18 October 2016 and submitted with the proposal. Upon completion, the facility is to be inspected every 3 years by a suitably qualified and experienced engineer with maintenance undertaken in accordance with any recommendations.
 5. A plan for the management of construction must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building Permit. The plan must outline the proposed demolition and construction practices in relation to:
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - proposed hours of construction not exceeding accepted guidelines;
 - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
 - construction parking and temporary displacement of public carparks;
 - alternative arrangements for pedestrian and cycling along the Boardwalk; and
 - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.
 6. In addition to the requirements of Condition 5, a Construction Environmental Management Plan in accordance with the recommendations of Marine Solutions, Marine Environmental Assessment dated October 2017 and the comments of the Policy and Conservation Advice Branch of DPIPWE is required to address the following points relevant to the marine environment:
 - translocation of marine pests by machinery working on-site;
 - management of silt and acid sulphate soil disturbance during construction;

- survey of the development site below the high-water mark and up to and including the proposed location of any silt curtain to be performed prior to the installation of the silt curtain to identify any handfish [spotted handfish (*Brachionichthys hirsutus*)] or red handfish (*Thymichthys politus*) or sea stars (*Pateriella vivipara*, *Smilasterias tasmaniae* and *Marginaster littoralis*) and process for relocating any species if found;
- methodology to prevent debris from entering the bay during construction;
- water quality monitoring to be undertaken during piling or other construction within the water beyond the area of the silt curtain directed to monitor any resuspension of sediments;
- marine spill kit and methodology to employ it;
- piling (if required), and appropriate cetacean/pinniped management;
- seasonality of construction timing to minimise risk to spotted handfish breeding. Reclamation works, piling or other construction within the water must not occur between September to January inclusive;
- construction must be confined to calm weather conditions to minimise sediment plume dispersion;
- a slow start up of construction must be practised if underwater noise is expected during construction in order to allow any marine mammals within the vicinity to leave the area. Should any construction activities generate impulse shock marine noise, they should be ceased if any marine mammals are seen within 300m, until such a time that no marine mammals have been sighted for 30 minutes;
- prior to each day of pile installation activities, the immediate area should be scanned for the presence of cetaceans, pinnipeds, turtles, and/or penguins;
- construction activities must not occur, or must cease, if any listed cetacean and pinniped/turtle/penguin species are known to be present within 500m of construction activities;
- the Wildlife Management Branch within DPIPWE is to be consulted immediately prior to construction activities, to determine whether there has been any recent marine mammal sightings in the proposed work area [24hr Whale Hotline on 0427 WHALES (0427 942 537)];
- occurrences of cetaceans, pinnipeds, turtles, and/or penguins should be reported to DPIPWE within 90 days of collection. Reference data should include species name, location-GPS (grid reference GDA94), observer name, date, number of individuals and area.

7. Public art works must be provided at a value ratio of at least 1% of the cost of the development (up to a maximum of \$20,000). Such contribution must be provided in a form and location in accordance with Council’s documented guidelines, procedure and criteria to the satisfaction of Council’s Manager City Planning. The form and location must be agreed prior to the issue of a Building Permit and installation of the art works must occur prior to the commencement of any uses hereby approved.
8. The development must meet all required Conditions of Approval specified by TasWater notice dated 18 October 2016 (TWDA 2016/01555-CCC).

ADVICE

- (a) MAST notes the following moorings will be affected.
 - 8567 is approximately 38m away with a 12.5m approved vessel length and is in approximately 5m water giving total scope of 27.5m. This will give around 10.5m on the wall;
 - 8566 is 25m away from the end of the wall; and
 - 4212 is 50m away from the end of the wall.

These moorings would need to be relocated to an area to which the owners are satisfied and MAST approves. This cost would be met by the developer.

There would also need to be a starboard hand light on the end of the structure. This would be needed to be provided by the developer and would also need to be maintained by the developer.

- 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 Hulme
	“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 DEMOLITION OF 92 CAMBRIDGE ROAD, BELLERIVE**

(File No C004-92)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the demolition of 92 Cambridge Road, Bellerive.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 with the Strategy: "A prosperous city" is relevant.

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements.

CONSULTATION

Community and Stakeholder consultation led to the formal adoption of the Kangaroo Bay Urban Design Strategy and Concept Plan (Master Plan).

There has been no consultation in relation to the demolition of 92 Cambridge Road, Bellerive.

FINANCIAL IMPLICATIONS

Council's 2016/2017 Annual Plan provided funding of \$20,000 for the demolition of the house at 92 Cambridge Road, Bellerive.

RECOMMENDATION:

That Council authorises the General Manager to proceed with the demolition of the house at 92 Cambridge Road, Bellerive.

/ Refer to Page 37 for Decision on this Item...

DEMOLITION OF 92 CAMBRIDGE ROAD, BELLERIVE /contd...

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

11.5.2 CYCLE STRATEGY – CLARENCE STREET TO KANGAROO BAY

(File No 04-03-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider strategic options to connect cycle infrastructure from Clarence Street along Cambridge Road to Kangaroo Bay Drive, Kangaroo Bay.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements.

CONSULTATION

There has been consultation with the immediate property interests being the Department of State Growth, Bellerive Yacht Club and circa morris nunn architects as consultants for the Hotel and Hospitality School site. No broader consultation has been undertaken.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for Council adopting the strategic options for cycle infrastructure. Implementing the strategy will be subject to funding approval in future Annual Plans.

RECOMMENDATION:

That Council continues to pursue Strategic Option 3 as reported for the connection of cycling infrastructure between Clarence Street and Kangaroo Bay Drive, Kangaroo Bay.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 HOWRAH MENS SHED AND HOWRAH BOWLS CLUB - VARIATION OF LEASE AGREEMENTS**

(File Nos H023-11; 11B)

EXECUTIVE SUMMARY**PURPOSE**

To consider a request from the Howrah Men's Shed Inc to extend its lease area to accommodate a new enclosed shed to house equipment that produce a high level of noise when in use.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy is applicable.

LEGISLATIVE REQUIREMENTS

Section 177 of the Local Government Act, 1993 is applicable.

CONSULTATION

Consultation has occurred between Howrah Community Centre Committee, Howrah Bowls Club, Howrah Men's Shed and Council officers.

FINANCIAL IMPLICATIONS

The Recommendation has no direct implications on Council's Annual Plan.

RECOMMENDATION:

- A. That, should a Development Application be required, and subject to the Howrah Men's Shed lodging an Development Application for the proposed shed and Council approving that application, Council approves the variation of the lease agreements with the Howrah Men's Shed Inc and Howrah Bowls Club Inc to amend the boundaries.
- B. That the lease variation agreement for the Howrah Men's Shed Inc include a condition consistent with the Howrah Community Centre Constitution that the Howrah Men's Shed Inc is an affiliated Organisation and its members are to be members of the Howrah Community Centre.

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

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.7.2 TASWATER CREATION OF EASEMENT – 54A TOLLARD DRIVE

(File Nos SD-2010-44; T14-85)

EXECUTIVE SUMMARY**PURPOSE**

To consider the creation of an additional easement in favour of TasWater over Council owned land at 54a Tollard Drive, Rokeby.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the Local Government Act 1993 (Tas) and requires an Absolute Majority decision of Council.

CONSULTATION

Council officers have worked closely with TasWater representatives and the developer's Surveyor.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by the beneficiary and will not impact on Council's Annual Plan.

RECOMMENDATION:

- A. That Council endorses the creation of a pipeline and service easement in favour of Tasmanian Water and Sewerage Corporation over the Council land at 54a Tollard Drive, Rokeby.
- B. All costs associated with the creation of the easement, including Council's legal costs, are to be borne by the developer.

Decision: **MOVED** Ald Campbell **SECONDED** Ald James

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.3 ROSNY HILL NATURE RECREATION AREA EXPRESSION OF INTEREST PROCESS

(File No A008-12A)

EXECUTIVE SUMMARY**PURPOSE**

To waive the requirement contained in Council's Preferred Developer Agreement with Hunter Developments Pty Ltd that a development application be lodged with Council within 60 days of Council approving the developer's proposal and to waive the requirement that Council and Hunter Developments enter into a "Stage 4 Agreement" for the proposed development at the Rosny Hill Nature Recreation Area.

RELATION TO EXISTING POLICY/PLANS

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

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

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

As this is an internal procedural matter, community consultation is not required.

FINANCIAL IMPLICATIONS

There are no cost implications.

RECOMMENDATION:

- A. That Council waive the requirement contained in its Preferred Developer Agreement with Hunter Developments Pty Ltd for a development application to be submitted within 60 days of Council approving the developer's proposal, on the basis that the requirement was not practically achievable within that timeframe.
- B. That Council acknowledges that it has received a Development Application from Hunter Developments Pty Ltd that is currently being assessed in accordance with Council's usual processes and statutory requirements under the Land Use Planning and Approvals Act 1993 (Tas).

- C. That Council waives the requirement for Hunter Developments Pty Ltd to enter into a “Stage 4 Agreement” with Council and authorises the General Manager to progress Stage 4 of the EOI as described in the Preferred Developer Agreement, to provide periodic progress reports to Council and other parties, and to do all other things necessary to progress the project within relevant statutory requirements.

The Mayor advised that this matter had been **Withdrawn** for the purposes of seeking further information and will be relisted at a later.

11.7.4 C CELL UNIT TRUST – SALE OF UNITS

(File No 30-05-00)

EXECUTIVE SUMMARY

PURPOSE

To confirm the sale of Clarence City Council C Cell Units to Kingborough Council.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

Not applicable.

CONSULTATION

No public consultation is required in relation to this matter because it is commercial in nature.

FINANCIAL IMPLICATIONS

Council has previously agreed in-principle to sell 20% of its Units in the C Cell Unit Trust to Kingborough Council. Twenty percent of Council’s Units is 320,008 Units. Each Unit has a value of \$1.00. The Units may be transferred only in accordance with the Unitholders Agreement. The Unitholders Agreement requires the Authority to waive its right to purchase the Units and support the sale.

RECOMMENDATION:

- A. That, subject to the Copping Refuse Disposal Site Joint Authority providing advice that it has no interest in purchasing the relevant Units and supports the sale of the Units to Kingborough Council, Council approves the sale of 320,008 Units in the C Cell Unit Trust to Kingborough Council at a total price of \$320,008.
- B. That Council authorises the General Manager to do all things necessary to complete the sale of the Units to Kingborough Council.

Decision:

MOVED Ald Campbell **SECONDED** Ald Walker

“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 JOINT AUTHORITY MATTER

13.3 CONTRACT FOR SERVICES – STATUTORY VALUATION SERVICES

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the reports in the Closed Meeting section of the Council Agenda were dealt with on the grounds that the detail covered in the reports relates to:

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence;

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

Decision:

PROCEDURAL MOTION

MOVED Ald Hulme **SECONDED** Ald Cusick

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

CARRIED UNANIMOUSLY

The Meeting closed at 9.43pm.