

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 4 JULY 2016**

**HOURLY CALLED:** 7.30pm

**PRESENT:** The meeting commenced at 7.32pm with the Deputy Mayor (Ald N M Campbell) in the Chair and with Aldermen:

H Chong  
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)  
D C Chipman  
P Cusick

**ORDER OF BUSINESS**

Items 1 – 13

**IN ATTENDANCE**

General Manager  
(Mr A Paul)  
  
Corporate Secretary  
(Mr A van der Hek)  
  
Group Manager Asset Management  
(Mr J Stevens)  
  
Corporate Treasurer  
(Mr F Barta)  
  
Manager City Planning  
(Mr R Lovell)  
  
Co-ordinator Council Support  
(Ms J Ellis)

The Meeting closed at 8.08pm.

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

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

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

**COUNCIL MEETING**  
**MONDAY 4 JULY 2016**

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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 14 June 2016 and Special Council Meeting held on 27 June 2016, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 14 June 2016 and Special Council Meeting held on 27 June 2016, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

**3. MAYOR’S COMMUNICATION**

Nil.

**4. COUNCIL WORKSHOPS**

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

<b>PURPOSE</b>	<b>DATE</b>
Presentation – Richmond Road Master Plan and Greater Hobart Traffic Congestion and Traffic Modelling	
Lease Matters – Sporting Facility	
Ten Year Financial Plan	20 June
Draft Economic Development Plan	
Tollard Drive Cycleway	27 June

**RECOMMENDATION:**

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

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

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

**INTEREST DECLARED:           NIL.**

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

Nil.

**7. PUBLIC QUESTION TIME**

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

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

**7.1 PUBLIC QUESTIONS ON NOTICE**

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

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

Nil.

**7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

Nil.

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

Nil.

**7.4 QUESTIONS WITHOUT NOTICE**

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

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

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

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



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

Nil.

**9. MOTIONS ON NOTICE**

Nil.

**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**

March Quarterly Report pending.

**Representative Reporting**

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

**Quarterly Reports**

March Quarterly Report pending.

**Representative Reporting**

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

**Quarterly Reports**

September and March Quarterly Reports pending.

**Representative Reporting**

Ald James tabled the Minutes of a Meeting held on 19 May 2016.

- **TASWATER CORPORATION**

**10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****Committee of Management of Business East**

- Ald Hulme tabled Minutes of Meetings held on 12 April and 10 May 2016.

**Clarence Positive Ageing Advisory Committee**

- Ald von Bertouch tabled the Minutes of a Meeting held on 18 February 2016.

**Clarence Senior Citizens Centre Management Committee**

- Ald von Bertouch tabled the Minutes of a Meeting held on 10 May 2016.

**Clarence Bicycle Steering Committee**

- Ald von Bertouch tabled the Minutes of a Meeting held on 4 April 2016.

**Tracks and Trails Committee**

- Ald James tabled the Minutes of a Meeting held on 9 June 2016.

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

(File No 10/02/02)

The Weekly Briefing Reports of 13, 20 and 27 June 2016 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 13, 20 and 27 June 2016 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**

Nil.

**11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 AMENDMENT APPLICATION A-2015/2 - 15 DYSART STREET AND 443 CLIFTON BEACH ROAD, CLIFTON BEACH - SECTION 43A REZONING AND 13 LOT SUBDIVISION**

(File No A-2015/2)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider:

1. certification of a modified amendment to the Clarence Interim Planning Scheme 2015 at 15 Dysart Street and 443 Clifton Beach Road, Clifton Beach consistent with Council's decision of 14 June 2016;
2. a draft subdivision permit (SD-2015/50) for a 13 lot subdivision at 15 Dysart Street, Clifton Beach.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Living and not subject to any spatial codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

The proposed residential subdivision is currently prohibited under the Scheme.

Section 43A(1) of the Land Use Planning and Approvals Act, 1993 (LUPAA) provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

**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.

**CONSULTATION**

If certified the draft Amendment and draft Permit will be placed on Public Exhibition and any representations received will then be considered in accordance with Section 39 of LUPAA.

**RECOMMENDATION:**

- A. That Council resolves, draft Amendment A-2015/2 (as modified) meets the requirements specified in Section 32 of the Land Use Planning and Approvals Act, 1993.
- B. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to certify draft Amendment A-2015/2 (as modified) and sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- C. That the 13 lot subdivision (SD-2015/50) at 15 Dysart Street, Clifton Beach be approved subject to the following conditions and advice.
  1. GEN AP1 – ENDORSED PLANS.



2. GEN AP3 – AMENDED PLANS [Staging of lots].
3. GEN F2 – COVENANTS
  1. Unless the lot is connected to a municipal reticulated wastewater collection system, the lot must not be developed without adequate provision for on-site wastewater management to the satisfaction of Council including the required reserve area.
  2. The installation or construction of any development, including paving, must ensure the retention of a 100% reserve land application area consistent with the approved wastewater system.]
4. GEN POS 4 - POS CONTRIBUTION (post 11/11/13) [5%] [2 - 13].
5. ENG A1 – NEW CROSSOVER [3.6m Minimum TSD-R03 and 4].
6. ENG M2 – DESIGNS SD.
7. A stormwater detention/soakage/rain garden facility, located in the Dysart Street public open space, is to be incorporated within the detailed engineering design. This facility is to be sized to include Dysart Street drainage and be sympathetic to the uses of the park. Landscaping is to be provided with this facility and have a maintenance period of 3 years. The landscaping and maintenance of this facility will be the primary requirement for the subdivision landscaping.
8. ENG M5 – EROSION CONTROL.
9. ENG M8 – EASEMENTS.
10. ENG R1 – ROAD NAMES.
11. ENG R3 – RURAL ROAD.
12. ENG R5 – ROAD EXTENSION.
13. ENG R6 – VEHICLE BARRIERS.
14. ENG S1 - INFRASTRUCTURE REPAIR.
15. ENG S4 – STORMWATER CONNECTION, Delete “Each lot” and replace with “Lots 9, 10, 11 and 12”.
16. ENG S10 – UNDERGROUND SERVICES.
17. LAND 5 – SUBDIVISION LANDSCAPING.



**11.4 CUSTOMER SERVICE**

Nil Items.

**11.5 ASSET MANAGEMENT****11.5.1 TOLLARD DRIVE SAFETY IMPROVEMENT UPGRADE – APPROVAL TO CONSULT**

(File No T014)

**EXECUTIVE SUMMARY****PURPOSE**

To seek Council endorsement to release the Tollard Drive Safety Improvement Upgrade Plan for public consultation in order to obtain feedback on the Plan from the community.

**RELATION TO EXISTING POLICY/PLANS**

Council's adopted Strategic Plan 2010-2015, Community Participation Policy, Bicycle Strategy 2013-2017 and associated Bicycle Action Plan 2013-2017 are relevant.

**LEGISLATIVE REQUIREMENTS**

Not applicable.

**CONSULTATION**

Officers from the Department of State Growth, as well as Council Officers and the Bicycle Steering Committee have provided input and feedback on the Plan in preparation for seeking approval to carry out community consultation.

**FINANCIAL IMPLICATIONS**

Funds have been allocated in the 2015/2016 Annual Plan to undertake the draft Tollard Drive Safety Improvement Upgrade Plan.

**RECOMMENDATION:**

- A. That Council authorises the General Manager to undertake community consultation for the draft Tollard Drive Safety Improvement Upgrade Plan as outlined in the Associated Report.
- B. That the results of the community consultation be presented to Council at a future workshop.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE**

Nil Items.

**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 SPORTING FACILITY – LEASE AGREEMENT

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:

- information that, if disclosed, is likely to give a commercial advantage or disadvantage to a person with whom council is conducting or proposes to conduct, business;
- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council;
- security of property of the council;
- 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.**

<b>Decision:</b>	<p><b>PROCEDURAL MOTION</b>  <b>MOVED</b> Ald Chong <b>SECONDED</b> Ald Peers</p> <p>“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”.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p>
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The Meeting closed at 8.08pm.