

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 5 FEBRUARY 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
R H James
P K McFarlane
J Peers
D Thurley
J Walker; present.

1. APOLOGIES
S von Bertouch (Leave of Absence)
D Hulme

ORDER OF BUSINESS Items 1 – 11.2; 11.5.2; 11.3 – 11.5.1; 11.6 - 13

IN ATTENDANCE
General Manager
(Mr A Paul)
Corporate Treasurer
(Mr F Barta)
Group Manager Engineering Services
(Mr R Graham)
Corporate Secretary
(Mr A van der Hek)
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 9.12pm.

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 5 FEBRUARY

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13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 APPOINTMENT OF COMMITTEE MEMBER

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 15 January 2018, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 15 January 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
Upgrade – Alma’s Activities Centre South Arm Master Plan Lauderdale Foreshore	22 January
Tasmanian Planning Scheme – Local Planning Provisions and Southern Tasmanian Regional Land Use Strategy Hardwaste Collection IT Project Update	29 January

RECOMMENDATION:

That Council notes the workshops conducted.

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

“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.

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**Chambers Acoustic Issues**

Ms Sachie Yasuda of Lindisfarne asked if Council will consider the acoustic issues in Chambers.

The Mayor took Ms Yasuda's question on notice and advised that Council will give this further consideration.

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)

SOUTH ARM OVAL REVISED MASTER PLAN
(REFER ITEM 11.5.2)

Mr Ray Leonard addressed the Meeting regarding the above matter.

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

December Quarterly Report pending.

Representative Reporting

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

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**
TasWater Corporation has distributed its Quarterly Report to Owners' Representatives for the period ending 31 December 2017.

RECOMMENDATION:

That the TasWater Corporation Quarterly Report to Owners' Representatives for the period ending 31 December 2017 be received.

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

“That the TasWater Corporation Quarterly Report to Owners' Representatives for the period ending 31 December 2017 be received”.

CARRIED UNANIMOUSLY

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**AUDIT PANEL**

(File No 07/02/12)

Chairperson's Report 48 – January 2018

The Audit Panel held a Meeting on 17 January 2018. I attach a copy of the draft Minutes of the Meeting for tabling at Council's Meeting (Attachment 1).

The Panel was provided with an update on implementation of the new IT system and progress on the implementation of the Annual Audit Plan for 2017/18. The Panel endorsed the commencement of Project 54 – Council's actions in response to Climate change and noted that suitable consultant have not yet be sourced to undertake Project 53 - Risks associated with Council's Community Engagement.

The Panel concluded its review of the Council Audit Panel Charter and have provided the Council with a number of recommended changes, which it considers will enhance the document. These recommended changes do not make any material changes to the scope of the Panel's operational Charter and in fact improve alignment with the Act. A key recommendation is to change the length of the appointment terms for independent Panel members to establish a clear rotational sequencing that fits in with the statutory parameters; namely, the maximum 8 years that independent members may serve on the Audit Panel.

A number of suggestions were also presented by the Panel on the Fraud Management Plan implementation in regard to the staff awareness training/briefings and the recording in the Register of any incidents of possible fraud activity and the outcome of investigation; regardless of whether these arose within the organisation or were due to externally initiated activity.

It was noted that the internal review of Council's Asset Management Plans would be submitted to the next meeting of the Panel in March 2018.

A report was received from the General Manager that provided an outline of a review of Council's performance based on the recommendations which were identified in the report of the Director for Local Government on an investigation conducted into complaints received regarding the operations of the Derwent Valley Council. The Panel, in so far as the items were relevant to the Clarence Council, were satisfied that these were being appropriately managed by the organisation.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

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

“That the Chairperson's Report be received by Council”.

CARRIED UNANIMOUSLY

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

(File No 10/02/02)

The Weekly Briefing Reports of 15, 22 and 29 January 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 15, 22 and 29 January 2018 be noted.

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

CHANGE TO ORDER OF BUSINESS

Decision:

PROCEDURAL MOTION

MOVED Ald McFarlane **SECONDED** Ald Cusick

“That Leave of the Meeting be granted to amend the Order of Business to allow Item 11.5.2 to be dealt with at this stage of the Meeting”.

CARRIED

FOR

Ald Campbell
Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald James
Ald McFarlane
Ald Peers
Ald Thurley

AGAINST

Ald Walker (abstained)

Refer to Page 39 for Decision in respect to Item 11.5.2

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-2017/555 - 69A HOWRAH ROAD,
HOWRAH - DWELLING**
(File No D-2017/555)**EXECUTIVE SUMMARY****PURPOSE**

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

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and 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 7 February 2018 as agreed with the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a Dwelling at 69a Howrah Road, Howrah (CI Ref D-2017/555) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [a reduction in the width of the south-west facing deck to maintain a 4m setback from the rear boundary].

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

**11.3.2 DEVELOPMENT APPLICATION D-2017/572 – 69 CONNEMARA PLACE,
SANDFORD - DWELLING**
(File No D-2017/572)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 69 Connemara Place, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Natural Assets Code under the Clarence Interim Planning Scheme 2015 (the Scheme). The proposal is also subject to the requirements of the Sandford Specific Area Plan. In accordance with the Scheme, the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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 expired on 21 January 2018 but has been extended until 7 February 2018 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of proximity of the building to the road and its visual appearance.

RECOMMENDATION:

- A. That the Development Application for a Single Dwelling at 69 Connemara Place, Sandford (CI Ref D-2017/572) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [USE OF DOUBLE GLAZING IN ALL WINDOWS ASSOCIATED WITH A HABITABLE USE].

ADVICE

It is advised that the property is located within a bushfire prone area. An accredited bushfire assessor must be engaged to determine a BAL rating for the habitable use with such documentation submitted as part of a future building permit application.

- 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 Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.3 DEVELOPMENT APPLICATION D-2017/596 - 624 CAMBRIDGE ROAD,
CAMBRIDGE - OUTBUILDING**
(File No D-2017/596)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 624 Cambridge Road, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire Prone Areas, Landslide, Stormwater Management and Parking and 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 with the consent of the applicant on 7 February 2018.

CONSULTATION

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

- building use; and
- noise.

RECOMMENDATION:

A. That the Development Application for an outbuilding at 624 Cambridge Road, Cambridge (CI Ref D-2017/596) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN M7 – DOMESTIC USE.

- 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:	<p>MOVED Ald Thurley SECONDED Ald Peers</p> <p>“A. That Council adopts the officer’s recommendation, subject to the addition of the following Advice:</p> <p style="padding-left: 40px;">ADVICE – Noise emissions from the building must not create a nuisance for other people and are regulated by the Environmental Management and Pollution Control (Noise) Regulations 2016 and the Environmental Management and Pollution Contract Act 1994 (EMPCA). Both can be viewed at: https://www.legislation.tas.gov.au/browse/inforce</p> <p>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 and further include:</p> <ul style="list-style-type: none"> • There have been concerns raised about noise from the property and it is appropriate that the developer is made aware that in using the outbuilding for domestic purposes, that unreasonable noise levels associated with the use of the building must be controlled”. <p style="text-align: right;">CARRIED</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;">FOR</td> <td style="width: 50%; vertical-align: top;">AGAINST</td> </tr> <tr> <td>Ald Campbell</td> <td>Ald James</td> </tr> <tr> <td>Ald Chipman</td> <td>Ald Walker (abstained)</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 McFarlane</td> <td></td> </tr> <tr> <td>Ald Peers</td> <td></td> </tr> <tr> <td>Ald Thurley</td> <td></td> </tr> </table>	FOR	AGAINST	Ald Campbell	Ald James	Ald Chipman	Ald Walker (abstained)	Ald Chong		Ald Cusick		Ald Doust		Ald McFarlane		Ald Peers		Ald Thurley	
FOR	AGAINST																		
Ald Campbell	Ald James																		
Ald Chipman	Ald Walker (abstained)																		
Ald Chong																			
Ald Cusick																			
Ald Doust																			
Ald McFarlane																			
Ald Peers																			
Ald Thurley																			

**11.3.4 DEVELOPMENT APPLICATION D-2017/570 - 56 SILWOOD AVENUE,
HOWRAH - DWELLING ALTERATIONS AND ADDITIONS**
(File No D-2017/570)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for dwelling alterations and additions at 56 Silwood Avenue, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential 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 with the consent of the applicant on 7 February 2018.

CONSULTATION

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

- privacy;
- visual impact; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for dwelling alterations and additions at 56 Silwood Avenue, Howrah (Cl Ref D-2017/570) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Cusick
“That the Recommendation be adopted”.
CARRIED UNANIMOUSLY

**11.3.5 DEVELOPMENT APPLICATION D-2017/577 - 59 HANSLOWS ROAD,
CAMBRIDGE - VISITOR ACCOMMODATION**
(File No D-2017/577)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a visitor accommodation at 59 Hanslows Road, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Significant Agriculture and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Natural Assets 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 7 February 2018 as agreed with the applicant.

CONSULTATION

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

- suitability of Hanslows Road to accommodate increased traffic; and
- runoff impacts from proposed driveway.

RECOMMENDATION:

A. That the Development Application for Visitor Accommodation at 59 Hanslows Road, Cambridge (CI Ref D-2017/577) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The building is approved for the purposes of visitor accommodation (holiday cabin) providing for short or medium term accommodation for persons away from their normal place of residence and cannot be used as a dwelling.
3. Occupancy of the visitor accommodation building is not to exceed 6 persons at any given time.
4. GEN S1 – SIGN CONSENT.
5. GEN AM3 – EXTERNAL COLOURS.

ADVICE

In relation to Condition 2, if in the future it becomes necessary to confirm the nature of the use of the building, it is advised that you maintain records in relation to the length of the stays and/or number of bookings per year in order to verify the conduct of a visitor accommodation business.

- 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 Walker

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.6 DEVELOPMENT APPLICATION D-2017/468 - 52 MERINDAH STREET,
HOWRAH - DECK**
(File No D-2017/468)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a replacement deck at 52 Merindah Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Stormwater Management and Parking & 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 9 February 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of Loss of privacy due to size.

However, the proposal was readvertised following design changes involving a reduction in size of the proposal and no representations were received during the second advertising period.

RECOMMENDATION:

- A. That the Development Application for Deck at 52 Merindah Street, Howrah (CI Ref D-2017/468) be approved subject to the following conditions and advice.
 1. GEN AP1 – ENDORSED PLANS.

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

Decision: **MOVED** Ald James **SECONDED** Ald Cong
“That the Recommendation be adopted”.
CARRIED UNANIMOUSLY

**11.3.7 DEVELOPMENT APPLICATION D-2017/470 - 68 MALUNNA ROAD,
LINDISFARNE - 3 MULTIPLE DWELLINGS**
(File No D-2017/470)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings at 68 Malunna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and 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 written consent of the applicant on 7 February 2018.

CONSULTATION

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

- loss of views;
- noise;
- privacy; and
- overshadowing.

RECOMMENDATION:

- A. That the Development Application for 3 Multiple Dwellings at 68 Malunna Road, Lindisfarne (CI Ref D-2017/470) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A2 – CROSSOVER CHANGE [5.5m].

3. ENG A5 – SEALED CAR PARKING.
 4. ENG M1 – DESIGNS DA.
 5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. The site must be provided with minimum 150mm diameter stormwater drainage connected to Council’s main. An extension to Council’s stormwater main may be required at the owner’s expense.
 7. Stormwater designs must incorporate Water Sensitive Urban Design principles to the satisfaction of Council’s Group Manager Engineering Services.
 8. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 January 2018 (TWDA 2017/01644-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 Cusick SECONDED Ald Walker	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR Ald Campbell Ald Chipman Ald Chong Ald Cusick Ald Doust Ald McFarlane Ald Peers Ald Thurley Ald Walker	AGAINST Ald James (abstained)

**11.3.8 DEVELOPMENT APPLICATION D-2017/580 - 9 GUNNING STREET,
RICHMOND - INTERNAL AND EXTERNAL BUILDING ALTERATIONS
(FOR VISITOR ACCOMMODATION)**

(File No D-2017/580)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for internal and external building alterations (for the purposes of visitor accommodation) at 9 Gunning Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Historic Heritage and Parking and 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 with the written consent of the applicant on 7 February 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 6 representations were received raising the following issues:

- accuracy of plans;
- lack of supporting documentation;
- noise;
- privacy;
- lighting;
- structural failing;
- impact upon Heritage Place, and townscape;
- access for works;
- safety; and
- alternative uses/designs.

RECOMMENDATION:

A. That the Development Application for internal and external building alterations (for visitor accommodation) at 9 Gunning Street, Richmond (CI Ref D-2017/580) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The development must meet all required Conditions of Approval specified by Notice of Heritage Decision dated 19 January 2018 (07-66-41 THC).
3. The development must meet all required Conditions of Approval specified by TasWater notice dated 8 December 2017 (TWDA 2017/01960-CCC).

ADVICE

The Building Assessment Form, attached to the Associated Report, is to be completed and provided to Council prior to commencement of the use of the site for visitor accommodation.

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 McFarlane

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Campbell
Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald McFarlane
Ald Peers
Ald Thurley
Ald Walker

AGAINST

(Ald James)

11.3.9 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY

(File No 10-12-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider proposed revisions to the Southern Tasmanian Regional Land Use Strategy (STRLUS), following a request for feedback from the Minister for Planning and Local Government.

RELATION TO PLANNING PROVISIONS

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

Not Applicable.

CONSULTATION

The Minister has asked for any comments by 16 February 2018.

FINANCIAL IMPLICATIONS

None.

RECOMMENDATION:

- A. That Council thanks the Minister for the opportunity to comment on the proposed amendment to the Southern Tasmanian Regional Strategy Plan and that he be advised that:
- SRD 1.4 should be deleted as part of the amendment, since it is in conflict with the State Planning Provisions.
 - Council is concerned that continued ad hoc expansion of the Urban Growth Boundary has potential to prejudice the implementation of the Strategy, with significant impacts on current and future planning for a sustainable and affordable city.
 - That Council urges the Minister to create an appropriate structure to urgently undertake a major review of the Strategy Plan and to provide ongoing monitoring of the STRLUS.
- B. That the officer report accompany the response to the Minister in order to provide clarification of the above matters.

/ Refer to Page 35 for Decision on this Item...

SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY /contd...

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

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 MEMORANDUM OF UNDERSTANDING – METRO TASMANIA PTY LTD**

(File No 25-06-00)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council's authorisation to the signing of a new Memorandum of Understanding between Clarence City Council and Metro Tasmania Pty Ltd.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That the General Manager be authorised to sign the Memorandum of Understanding with Metro Tasmania Pty Ltd.

Decision: **MOVED** Ald Cusick **SECONDED** Ald Thurley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 SOUTH ARM OVAL REVISED MASTER PLAN

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the South Arm Oval Revised Master 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

Residents within the South Arm Peninsula area and key stakeholders have been consulted.

FINANCIAL IMPLICATIONS

The implementation of the South Arm Oval Revised Master Plan is planned to be staged over at least 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. Council has allocated \$223,000 in the 2017/2018 Annual Plan to implement Stage 3.

RECOMMENDATION:

- A. That Council removes the following items from the draft South Arm Oval Revised Master Plan circulated as part of the community consultation process:
- bollards at the Calverton Hall surrounds; and
 - the fitness path.
- B. That Council adopts the South Arm Oval Revised Master Plan as the Master Plan set out in Attachment 1 of the Associated Report and modified by the requirements of "A" above.
- C. That Council stage the development over a number of financial years as per this report and subject to funding approval in future Annual Plans.
- D. That Council authorises the General Manager to write to the residents of South Arm Peninsula and inform them of Council's decision.

/ Refer to Page 39 for Decision on this Item...

OUTH ARM OVAL REVISED MASTER PLAN /contd...

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

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 REVIEW OF THE AUDIT PANEL CHARTER AND INDEPENDENT MEMBER REMUNERATION**

(File No 07-02-12)

EXECUTIVE SUMMARY**PURPOSE**

To consider recommended changes to the existing Audit Panel Charter following the review of the document recently undertaken by the Panel.

RELATION TO EXISTING POLICY/PLANS

The Audit Panel is consistent with the governance and leadership principles and objectives set out in Council's Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

New statutory requirements have been introduced requiring all Tasmanian Councils to establish Audit Panels. The Audit Panels have a range of responsibilities outlined in the Act and Regulations to overview Council's strategic finance and asset management plans and related aspects associated with Council's overall long term financial stability and sustainability. Council has previously incorporated the new statutory requirements in the Audit Panel's Charter.

CONSULTATION

No consultation with the community is required in respect of this matter.

FINANCIAL IMPLICATIONS

None identified.

RECOMMENDATION:

- A. That Council endorse the 4 year rotational appointment model for independent members as detailed in Attachment 2 to the Associated Report.
- B. That Council adopts the revised Charter and Terms of Reference for the new Audit Panel as detailed in Attachment 1 to the Associated Report.

/ Refer to Page 42 for Decision on this Item...

REVIEW OF THE AUDIT PANEL CHARTER AND INDEPENDENT MEMBER REMUNERATION /contd...

Decision:	MOVED Ald Chong SECONDED Ald Cusick																				
	“That the Recommendation be adopted”.																				
	CARRIED																				
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Campbell</td><td>Ald James (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 McFarlane</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Thurley</td><td></td></tr><tr><td>Ald Walker</td><td></td></tr></table>	FOR	AGAINST	Ald Campbell	Ald James (abstained)	Ald Chipman		Ald Chong		Ald Cusick		Ald Doust		Ald McFarlane		Ald Peers		Ald Thurley		Ald Walker	
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11.7.2 CONSTITUTION FOR ALMAS ACTIVITIES CENTRE MANAGEMENT COMMITTEE
(File No H023-11)**EXECUTIVE SUMMARY****PURPOSE**

To consider a revised Constitution for Alma's Activities Centre Management Committee (formerly Clarence Seniors' and Citizens' Centre).

RELATION TO EXISTING POLICY/PLANS

The operations of the facility align with Council's Strategic Plan 2016-2026 goals and strategies to provide for "...a people city and...a well-planned liveable city...".

LEGISLATIVE REQUIREMENTS

Council has established a number of Management Committees as Special Committees under the provisions of Section 24 of the Local Government Act, 1993 including a Committee to manage the Alma's Activities Centre.

CONSULTATION

Consultation has occurred between the appointed Representatives, Council officers and the Management Committee in respect to the newly drafted Constitution.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That the revised Committee Constitution for the Alma's Activities Centre be adopted.

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

"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 APPOINTMENT OF COMMITTEE MEMBER

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:

- personnel matters,
- 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:	<p>PROCEDURAL MOTION MOVED Ald Chong SECONDED Ald Thurley</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;">CARRIED UNANIMOUSLY</p>
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The Meeting closed at 9.12pm.