

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 9 JULY 2018

HOUR CALLED: 7.30pm

PRESENT: The meeting commenced at 7.31pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

N M Campbell
P Cusick
D Hulme
R H James
P K McFarlane
J Peers
D Thurley
S von Bertouch
J Walker; present.

1. APOLOGIES
H Chong (Leave of Absence)
D Doust (Leave of Absence)

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE
General Manager
(Mr A Paul)
Corporate Treasurer
(Mr F Barta)
Principal Engineer
(Mr R Grierson)
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 8.52pm.

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 9 JULY 2018

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ATTENDANCE AND APOLOGIES	5
2.	CONFIRMATION OF MINUTES	5
3.	MAYOR’S COMMUNICATION.....	5
4.	COUNCIL WORKSHOPS.....	5
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	6
6.	TABLING OF PETITIONS	7
7.	PUBLIC QUESTION TIME	8
7.1	PUBLIC QUESTIONS ON NOTICE	8
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	8
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE	8
7.4	QUESTIONS WITHOUT NOTICE.....	10
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC.....	11
9.	MOTIONS ON NOTICE – NIL ITEMS	12
10.	REPORTS FROM OUTSIDE BODIES	13
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	13
	• SOUTHERN TASMANIAN COUNCILS AUTHORITY	
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES ..	13
11.	REPORTS OF OFFICERS	14
11.1	WEEKLY BRIEFING REPORTS	14
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS	15
11.2.1	PETITION – INVESTIGATE AND IMPLEMENT STREET WORKS TO MINIMISE TRAFFIC HAZARDS IN NORMA STREET, HOWRAH	15

11.3 PLANNING AUTHORITY MATTERS

11.3.1	DEVELOPMENT APPLICATION D-2018/172 - 6 MORGAN STREET, RICHMOND - OUTBUILDING....	17
11.3.2	DEVELOPMENT APPLICATION D-2018/169 - 153 BLESSINGTON STREET, SOUTH ARM – SHED AND CARPORT (RETROSPECTIVE).....	19
11.3.3	DEVELOPMENT APPLICATION D-2018/192 - 7 AND 9 WAVERLEY STREET, BELLERIVE - DEMOLITION AND DWELLING	21
11.3.4	DEVELOPMENT APPLICATION D-2018/292 - 1A LOWELLY ROAD, LINDISFARNE - DWELLING....	23
11.3.5	DEVELOPMENT APPLICATION D-2018/245 - 314 AND 318 EAST DERWENT HIGHWAY, GEILSTON BAY - CHANGE OF USE (HOURS).....	25
11.3.6	DEVELOPMENT APPLICATION D-2018/298 - 172 BAYVIEW ROAD, LAUDERDALE - DWELLING...	27
11.3.7	SECTION 43A AMENDMENT APPLICATION (A-2018/1) AND 30 LOT SUBDIVISION (SD-2018/19) - 22 ATKINS STREET, ROKEBY.....	29

11.4 CUSTOMER SERVICE - NIL ITEMS**11.5 ASSET MANAGEMENT - NIL ITEMS****11.6 FINANCIAL MANAGEMENT - NIL ITEMS****11.7 GOVERNANCE**

11.7.1	YOUTH PLAN 2018-2022	35
11.7.2	AMENDMENTS TO THE CONSTITUTION FOR THE LAND AND COAST CARE RESOURCE MANAGEMENT AND COMMITTEE	37
12.	ALDERMEN’S QUESTION TIME.....	39
12.1	QUESTIONS ON NOTICE	39
12.2	ANSWERS TO QUESTIONS ON NOTICE.....	39
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE	39
12.4	QUESTIONS WITHOUT NOTICE.....	39

13.	CLOSED MEETING.....	40
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	CONTRACTUAL MATTER	

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 18 June 2018 and the Special Council Meeting held on 21 June 2018, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 18 June 2018 and the Special Council Meeting held on 21 June 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

Blundstone Arena Smoke Free Zone

Tasman Highway Amenity

State Government Aboriginal and Dual Naming Policy

25 June

Recreational Needs Analysis

Southern Tasmanian Councils’ Association

Sporting Club Premises

Delegation for sign-off on Deeds of Settlement

2 July

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Hulme **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

The General Manager provides the following answer to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 18 June 2018 Ms Denise Hoggan of Rosny asked the following question:

Interim Planning Scheme 2015

With reference to the Clarence City Council's Interim Planning Scheme 2015, please justify the inclusion of the discretionary use, "visitor accommodation" in Zone 18, Recreation, when no other southern Region Council has done so, except for No 1393 Channel Highway Margate in Kingborough.

ANSWER

As part of the development of the Interim Scheme, the Tasmanian Planning Commission provided drafting guidelines to assist Council in translating the former Planning Scheme to the Interim Scheme.

/ contd on Page 9...

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

As the former Clarence Planning Scheme 2007 provided for tourist accommodation as a discretionary use within the use table for the Recreation Zone, the use was translated as visitor accommodation into the Interim Scheme on a like for like basis, in accordance with the drafting guidelines.

In general terms, the translation of former planning schemes into the current interim schemes has resulted in numerous inconsistencies between the planning schemes across the Southern Region. This is because the schemes, while consistent in terms of format and many of the controls, still retain controls that are unique to the particular municipality.

At Council's Meeting of 18 June 2018 Mr Peter Edwards of the Rosny Hill Friends Network asked the following question:

Rosny Hill - EOI

In relation to a statement by the Mayor of 26 March 2014: "Why Council has ignored its vision of a development the size and scale of the café/restaurant at Mt Nelson and the description on the original Expression of Interest, to now accept something like a huge tourism complex that bears no resemblance to the original Expression of Interest. It's actually 10 times bigger than the vision the Mayor had 3 years ago: The original vision projected in the Expression of Interest; why is that being ignored"?

ANSWER

The EOI does not put a limitation on the size or scale of proposals only to say that: "*the site offers significant opportunities for the establishment of commercial leasehold development that enhances and complements the public use of the area and is consistent with the use of the property for nature conservation and recreation*".

The above EOI excerpt is obviously open to interpretation and the preferred developer considers its proposal meets this requirement.

The EOI states that accommodation, conference centres and restaurants are all acceptable opportunities to pursue, which does provide some indication of size and scale of potential development proposals.

7.4 QUESTIONS WITHOUT NOTICE**Blundstone Arena**

Mr Michael Geard of Bellerive asked in regard to Blundstone Arena income to the Council is .89% of audited income which last year was approximately \$22M that is about \$198K income to Council, would it be possible to know the break up and amount of expenses incurred by Council for Blundstone Arena?

Answer

The Mayor advised that this matter would be taken on notice. The General Manager undertook to provide the information to Mr Geard by letter.

Lauderdale Boat Ramp

Mr Michael Figg of Lauderdale asked whether communications have been underway or undertaken in relation to reinstating the boat ramp at Lauderdale.

The General Manager asked Mr Figg to clarify who the communications were with.

Mr Figg advised that he referred to communications to the Crown Land department or any other department of the Government.

Answer

Council's Principal Engineer, Mr Russell Grierson, advised that Council has concept plans sufficient to move to a Development Application and further that Council are awaiting Crown land approval to proceed.

Mr Figg further sought confirmation that no representation had been made to Government, or any Government department in relation to this at this stage.

The General Manager confirmed that consultation with Government departments has occurred.

The Meeting was suspended at 7.36pm when a member of the public refused to leave the Meeting at the request of the Mayor. The Mayor left the Meeting at this stage.

The member of the public left the meeting.

The Mayor returned to the Meeting at 7.39pm and resumed the 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

Not required.

Representative Reporting

The Mayor tabled the Minutes of a Board Meeting held on 14 May 2018.

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

Quarterly Reports

Not required.

Representative Reporting

- **TASWATER CORPORATION**

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 8 May 2018.

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

(File No 10/02/02)

The Weekly Briefing Reports of 18 and 25 June and 2 July 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 18 and 25 June and 2 July 2018 be noted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.2.1 PETITION – INVESTIGATE AND IMPLEMENT STREET WORKS TO MINIMISE TRAFFIC HAZARDS IN NORMA STREET, HOWRAH

(File Nos 10-03-12; N014)

EXECUTIVE SUMMARY

PURPOSE

To consider the petition tabled at Council's Meeting of 28 May 2018 requesting Council to investigate and implement works to minimise traffic hazards at the crest of Norma Street, Howrah.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

No consultation has been undertaken with the local community in regards to any further works.

FINANCIAL IMPLICATIONS

No funds have been allocated within the 2018/2019 Annual Plan for any specific works within this location.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council requests the General Manager to co-ordinate with Council Officers to investigate the issues raised by the petition and the outcomes be reported to Council at a future Meeting.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3 PLANNING AUTHORITY MATTERS

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

**11.3.1 DEVELOPMENT APPLICATION D-2018/172 - 6 MORGAN STREET,
RICHMOND - OUTBUILDING**
(File No D-2018/172)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 6 Morgan 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 has been extended with the consent of the applicant and expires on 1 August 2018.

CONSULTATION

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

- setback;
- overshadowing;
- visual impact; and
- inconsistency with heritage values of Richmond.

RECOMMENDATION:

A. That the Development Application for an outbuilding at 6 Morgan Street, Richmond (Cl Ref D-2018/172) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

11.3.2 DEVELOPMENT APPLICATION D-2018/169 - 153 BLESSINGTON STREET, SOUTH ARM - SHED AND CARPORT (RETROSPECTIVE)
(File No D-2018/169)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for retrospective approval for a shed and carport at 153 Blessington Street, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Waterway and Coastal Protection 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 10 July 2018.

CONSULTATION

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

- height of carport;
- cladding of carport; and
- property de-valuation.

RECOMMENDATION:

- A. That the Development Application for shed and carport at 153 Blessington Street, South Arm (CI Ref D-2018/169) 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.

/ Refer to Page 20 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/169 - 153 BLESSINGTON STREET,
SOUTH ARM - SHED AND CARPORT (RETROSPECTIVE) /contd...**

Decision:

MOVED Ald Hulme **SECONDED** Ald McFarlane

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.3 DEVELOPMENT APPLICATION D-2018/192 - 7 AND 9 WAVERLEY STREET, BELLERIVE - DEMOLITION AND DWELLING
(File No D-2018/192)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a demolition of 2 dwellings and the construction of a Single Dwelling at 7 and 9 Waverley Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access Code 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 was extended with the consent of the applicant until 10 July 2018.

CONSULTATION

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

- impact on amenity during construction; and
- demolition of carport.

RECOMMENDATION:

A. That the Development Application for demolition and dwelling at 7 and 9 Waverley Street, Bellerive (CI Ref D-2018/192) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. An application to adhere the titles for 7 and 9 Waverley Street must be sealed by Council and lodged with the Land Titles Office prior to the issue of a Building Permit.

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

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.4 DEVELOPMENT APPLICATION D-2018/292 - 1A LOWELLY ROAD,
LINDISFARNE - DWELLING**
(File No D-2018/292)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 1A Lowelly 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 on 16 July 2018.

CONSULTATION

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

- setbacks; and
- overshadowing.

RECOMMENDATION:

- A. That the Development Application for dwelling at 1A Lowelly Road, Lindisfarne (C1 Ref D-2018/292) 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.

/ Refer to Page 24 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/292 - 1A LOWELLY ROAD,
LINDISFARNE – DWELLING /contd...**

Decision:

MOVED Ald Walker **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.5 DEVELOPMENT APPLICATION D-2018/245 - 314 AND 318 EAST DERWENT HIGHWAY, GEILSTON BAY - CHANGE OF USE (HOURS)
(File No D-2018/245)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use (Hours) 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 & 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 12 July 2018.

CONSULTATION

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

- noise and amenity in a residential area;
- Araluen Street traffic;
- operating hours;
- rood services classification; and
- access and parking compliance.

RECOMMENDATION:

A. That the Development Application for Change of Use (Hours) at 314 and 318 East Derwent Highway, Geilston Bay (CI Ref D-2018/245) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AM5 – TRADING HOURS – Monday to Saturday 12am to 5pm, excluding Public Holidays.
 3. To prevent vehicles entering the site from Araluen Street, a “No Entry” sign is to be installed on the property at 314 East Derwent Highway adjacent the Araluen Street driveway, prior to the commencement of use.
 4. To minimise noise levels, only one work vehicle may leave the carpark and exit onto Araluen Street before 7am Monday to Friday or before 9am 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 James **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.6 DEVELOPMENT APPLICATION D-2018/298 - 172 BAYVIEW ROAD,
LAUDERDALE - DWELLING**
(File No D-2018/298)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 172 Bayview Road, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is 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 on 17 July 2018.

CONSULTATION

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

- height of the top level of the building;
- loss of view; and
- potential to look into bedrooms/privacy.

RECOMMENDATION:

- A. That the Development Application for a Single Dwelling at 172 Bayview Road, Lauderdale (CI Ref D-2018/298) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 - AMENDED PLANS [showing the deck size reduced so that the roof is within the prescribed building envelope].

3. ENG A1 – NEW CROSSOVER, replace “3.0m” with “3.6m”, [TSD-R09].
4. ENG A7 – REDUNDANT CROSSOVER.
5. ENG S1 – INFRASTRUCTURE REPAIR.

NON-STANDARD ADVICE – due to the size of the lot it is understood that the dwelling will be connected to sewer.

- 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 von Bertouch “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
------------------	---

11.3.7 SECTION 43A AMENDMENT APPLICATION (A-2018/1) AND 30 LOT SUBDIVISION (SD-2018/19) - 22 ATKINS STREET, ROKEBY
(File No A-2018/1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a combined Section 43A application for a planning scheme amendment and 30 lot subdivision at 22 Attkins Street, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Environmental Living under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the Bushfire Prone Areas, Landslide Hazard Area and Natural Assets codes.

The proposed subdivision is currently Prohibited under the Scheme.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) are references to the former provisions of the LUPAA 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.

Essentially, the savings and transitional provisions apply to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule and includes the Clarence Interim Planning Scheme 2015.

Section 43A(1) of 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

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment (rezoning and Specific Area Plan) and development of the site.

RECOMMENDATION:

- A. That Council resolves not to initiate draft Amendment A-2018/1 at 22 Atkins Street, Rokeby (CI Ref A-2018/1) under Section 34 of the Land Use Planning and Approvals Act 1993 respectively.
- B. That Council urges the Minister to urgently undertake a comprehensive review of the Southern Tasmanian Regional Land Use Strategy and provide an appropriate structure to ensure its ongoing maintenance and review.
- C. 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 James SECONDED Ald Peers</p> <p>“A. That Council resolves, under Section 34(1)(a) of the Land Use Planning and Approvals Act, 1993 to initiate draft Amendment A-2018/1 at 22 Atkins Street, Rokeby.</p> <p>B. That Council resolves to prepare a modified draft Amendment A-2018/1 to the Clarence Interim Planning Scheme 2015 as detailed at Section 3.3 of the Officer’s Report.</p> <p>C. That Council resolves to advise the applicant of the above and that:</p> <ul style="list-style-type: none"> (i) further information relating to stormwater capacity and design is required to enable final assessment of the subdivision SD-2018/19; and (ii) the subdivision is to be redesigned as required to address the submitted stormwater response. <p>D. That Council resolves that following the receipt of applicant’s response to the request for further stormwater information; a further report is to be prepared for Council’s consideration to:</p> <ul style="list-style-type: none"> (i) complete the assessment of subdivision SD-2018/19; and (ii) consider the certification of the modified amendment A-2018/1. <p>E. That Council urges the Minister to urgently undertake a comprehensive view of the Southern Tasmanian Regional Land Use Strategy and provide an appropriate structure to ensure its ongoing maintenance review.</p>
------------------	---

/ Decision contd on Page 31...

SECTION 43A AMENDMENT APPLICATION (A-2018/1) AND 30 LOT SUBDIVISION (SD-2018/19) - 22 ATKINS STREET, ROKEBY /Decision contd...

F. That the reasons for Council’s decision in respect of this matter be recorded as follows:

The proposal meets the requirements of Section 32 of the Land Use Planning and Approvals Act, 1993 (LUPAA) – Requirements for preparation of an amendment as:

- it furthers the objectives set out in Schedule 1 of LUPAA as detailed in the applicant’s submission;
- it does not compromise the objectives of any State Policies;
- the land in question shares common boundaries with residential area of Atkins Street and Joseph Street, Rokeby where water, sewerage infrastructure and other services are readily available; and
- the realignment of the Urban Growth Boundary to include land at 22 Atkins Street would include an extension to residential development in close proximity to Rokeby suburban area”.

CARRIED

FOR

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

AGAINST

Ald McFarlane
Ald von Bertouch

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 YOUTH PLAN 2018-2022**

(File No 09-06-01)

EXECUTIVE SUMMARY**PURPOSE**

To adopt the “Youth Plan 2018-2022”.

RELATION TO EXISTING POLICY/PLANS

The Youth Plan is related to:

- Strategic Plan 2016-2026;
- Access and Inclusion Plan 2014-2018;
- Bicycle Strategy and Action Plan 2013-2017;
- Community Grants Policy and Program;
- Community Health and Wellbeing Plan 2013-2018;
- Community Participation Policy (in review);
- Community Safety Plan 2016-2021;
- Cultural Arts Plan 2012-2016 (in review);
- DRAFT Community Planning and Development Framework;
- Economic Development Plan 2016-2021;
- Emergency Management Plan 2015;
- Events Plan 2014-2018;
- Planning Scheme;
- Public Open Space Strategy 2013; and
- Sport and Active Recreation Strategy (in development).

LEGISLATIVE REQUIREMENTS

Not applicable.

CONSULTATION

An extensive and innovative consultation process included surveys and focus groups held within local schools (primary, high and college) and the community.

FINANCIAL IMPLICATIONS

Priorities will be identified annually in the plan and any strategies requiring funding will be considered by Council as a part of its budgeting consideration in developing the Annual Plan, including the capital works program.

RECOMMENDATION:

That Council endorse and adopt the “Youth Plan 2018-2022”.

/ Refer to Page 36 for Decision on this Item...

YOUTH PLAN 2018-2022 /contd...

<p>Decision:</p>	<p>MOVED Ald McFarlane SECONDED Ald von Bertouch</p> <p>“That the Recommendation be adopted, subject to the words ‘at the integrated care centre’ being removed from the Action relating to a drop in Youth Health Space on Page 20 of the Plan”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
-------------------------	--

**11.7.2 AMENDMENTS TO THE CONSTITUTION FOR THE LAND AND COAST
CARE RESOURCE MANAGEMENT AND COMMITTEE**
(File No)**EXECUTIVE SUMMARY****PURPOSE**

To consider a revised Constitution for the Committee pertaining to the Land and Coast Care Resource Management Committee, including a name change to the Natural Resource Management and Grants Committee.

RELATION TO EXISTING POLICY/PLANS

The Land and Coast Care Resource Management Committee is established to support the delivery of Councils “Clarence Bushland and Coastal Strategy”.

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 Council’s Coast and Landcare interests.

CONSULTATION

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

FINANCIAL IMPLICATIONS

There are no financial implications as a result of Council adopting the revised Constitution.

RECOMMENDATION:

- A. The name of the Land and Coast Care Resource Management Committee be changed to the Natural Resource Management and Grants Committee.
- B. That Council formally adopts the Constitution for the Natural Resource Management and Grants Committee.

/ Refer to Page 38 for Decision on this Item...

**AMENDMENTS TO THE CONSTITUTION FOR THE LAND AND COAST CARE
RESOURCE MANAGEMENT AND COMMITTEE /CONTD...**

Decision:	MOVED Ald McFarlane SECONDED Ald von Bertouch														
	“That the Recommendation be adopted”.														
	PROCEDURAL MOTION														
	MOVED Ald Walker SECONDED Ald James														
	“That Council defer the Motion until after the Council elections”.														
	The PROCEDURAL MOTION was put and LOST														
	<table> <tr> <td>FOR</td> <td>AGAINST</td> </tr> <tr> <td>Ald Campbell</td> <td>Ald Cusick</td> </tr> <tr> <td>Ald Chipman</td> <td>Ald Hulme</td> </tr> <tr> <td>Ald James</td> <td>Ald McFarlane</td> </tr> <tr> <td>Ald Walker</td> <td>Ald Peers</td> </tr> <tr> <td></td> <td>Ald Thurley</td> </tr> <tr> <td></td> <td>Ald von Bertouch</td> </tr> </table>	FOR	AGAINST	Ald Campbell	Ald Cusick	Ald Chipman	Ald Hulme	Ald James	Ald McFarlane	Ald Walker	Ald Peers		Ald Thurley		Ald von Bertouch
FOR	AGAINST														
Ald Campbell	Ald Cusick														
Ald Chipman	Ald Hulme														
Ald James	Ald McFarlane														
Ald Walker	Ald Peers														
	Ald Thurley														
	Ald von Bertouch														
	The MOTION was put and CARRIED														
	<table> <tr> <td>FOR</td> <td>AGAINST</td> </tr> <tr> <td>Ald Cusick</td> <td>Ald Campbell</td> </tr> <tr> <td>Ald Hulme</td> <td>Ald Chipman</td> </tr> <tr> <td>Ald McFarlane</td> <td>Ald James</td> </tr> <tr> <td>Ald Peers</td> <td>Ald Walker</td> </tr> <tr> <td>Ald Thurley</td> <td></td> </tr> <tr> <td>Ald von Bertouch</td> <td></td> </tr> </table>	FOR	AGAINST	Ald Cusick	Ald Campbell	Ald Hulme	Ald Chipman	Ald McFarlane	Ald James	Ald Peers	Ald Walker	Ald Thurley		Ald von Bertouch	
FOR	AGAINST														
Ald Cusick	Ald Campbell														
Ald Hulme	Ald Chipman														
Ald McFarlane	Ald James														
Ald Peers	Ald Walker														
Ald Thurley															
Ald von Bertouch															

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 CONTRACTUAL MATTER

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:

- commercial information of a confidential nature;
- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence;
- matters relating to actual or possible litigation taken, or to be taken, by or involving the council.

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 Hulme SECONDED Ald Cusick</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>
------------------	--

The Meeting closed at 8.52pm.