

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL (PLANNING AUTHORITY) HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 21 NOVEMBER 2016**

**HOURL CALLED:** 7.00pm

**PRESENT:** The meeting commenced at pm 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 P Peers  
D Thurley  
S von Bertouch  
J Walker; present

**1. APOLOGIES** D Hulme

**ORDER OF BUSINESS** Items 1 – 3

**IN ATTENDANCE** General Manager  
(Mr A Paul)  
Corporate Secretary  
(Mr A van der Hek)  
Manager City Planning  
(Mr R Lovell)  
Group Manager Asset Management  
(Mr J Stevens)  
Corporate Treasurer  
(Mr F Barta)

The Meeting closed at 7.27pm.

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.

**CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING**

**MONDAY 21 NOVEMBER 2016**

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**1. ATTENDANCE AND APOLOGIES**

Refer to cover page.

**2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**

(File No 10-03-09)

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.**

**3. REPORTS OF OFFICERS**

**PART A DEPUTATIONS**

Mr Scott Spanton (proponent) addressed the Meeting and answered questions from Aldermen.

**PART B – FORMAL PROCEEDINGS**

**3.1 DEVELOPMENT APPLICATION D-2016/417 - 30 PASS ROAD, HOWRAH - NEIGHBOURHOOD SHOPPING CENTRE**  
(File No D-2016/417)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Neighbourhood Shopping Centre at 30 Pass Road, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Business and subject to the Road and Railway Assets, Signs, Hotel Industries, Parking and Access, Stormwater Management and Public Art Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). The site is also covered by the Glebe Hill Neighbourhood Centre 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.

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the written agreement of the applicant to expire on 23 November 2016.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 5 representations were received raising the following issues:

- privacy;
- hours of operation, noise and devaluation;
- security and risk of gathering of young people;
- siting, landscaping and visual impact;
- access;
- public transport link;
- failure of Council to plan for commercial investment; and
- purpose of Specific Area Plan.

**RECOMMENDATION:**

A. That the Development Application for a Neighbourhood Shopping Centre at 30 Pass Road, Howrah (CI Ref D-2016/417) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLANS [the “Shopping Centre Entry Sign” located at the intersection of the South Arm Highway and the slip road reduced in height to not exceed 8.5m above natural ground level and a lease sign also in the same location to be reduced to 4m x 6m per face and for each face to be not greater than 2.5m above natural ground level].
3. None of the uses hereby approved may commence until all of the access roads relied upon (which includes the slip road from the South Arm Highway) are constructed and operational to the satisfaction of Council’s Group Manager Asset Management.
4. Three hundred car parking spaces, 12 motorbike spaces and 24 bicycle spaces must be provided on-site prior to the commencement of any of the uses hereby approved. Each space, including disabled parking, must be clearly marked and solely used for parking purposes. The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with Section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.
5. The temporary leasing signage at the intersection of the South Arm Highway and the slip road must be dismantled and removed from the site no later than 2 years from the date of this permit.
6. The signage hereby approved must not be illuminated without the further consent of Council as required.
7. GEN S2 – SIGN LOCATION.
8. GEN S6 – SIGN CONTEXT.
9. GEN S7 – MAINTENANCE.
10. With the exception of the approved supermarket, trading hours for the centre must be within the following hours:
  - Monday – Saturday 6.00am - 10.00pm;
  - Sundays and Public Holidays 7.00am – 9.00pm.
11. All loading and unloading and garbage removal to or from the site must be within the hours of:
  - (a) 6.00am to 10.00pm Mondays to Saturdays inclusive;
  - (b) 7.00am to 9.00pm Sundays and Public Holidays.
12. GEN AM1 – CONSTRUCTION HOURS.

13. A plan for the management of construction must be submitted and approved by Council's Group Manager Asset Management prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:
- proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
  - proposed hours of construction;
  - identification of potentially noisy construction phases, such as operation of rock-breakers, explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
  - spread of pathogens which may include noxious weeds such as Texas needle grass;
  - control of dust and emissions during working hours;
  - construction parking;
  - proposed screening of the site and vehicular access points during work; and
  - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.
14. All external lighting (excepting security lighting) within 50m of the General Residential zone (as shown on the approved Ground Floor Plan) must be turned off between the hours of 11.00pm and 6.00am and all lighting must be baffled to ensure emission of light outside the site will not occur.
15. Noise emissions measured at the boundary of a residential zone must not exceed the following:
- (a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;
  - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;
  - (c) 65dB(A) (LAm<sub>ax</sub>) at any time.

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

Within 60 days after the supermarket use has commenced, a report from a suitably qualified acoustic engineer must be submitted in a form acceptable to Council's Senior Environmental Health Officer. Should the above parameters be exceeded, suitable mitigation and/or management measures must be undertaken within an agreed timeframe to the satisfaction of Council's Senior Environmental Health Officer.

16. A detailed landscape plan must be submitted to and approved by Council's Manager City Planning prior to the issue of a Building Permit. The plan must be to a standard scale, provide the designers contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system;
- details of proposed drainage system;
- estimate of cost for the installation of landscape works.

All landscaping works must be completed and signed off by Council's Manager City Planning prior to the commencement of the use.

**In addition to the general requirements, the landscaping proposal must provide specific details of the continuous avenue of trees and screen plantings between the South Arm Highway and the development. Specifically, it must be demonstrated that proposed species are appropriate given the relatively small width of setback between the spoon drain and retaining wall and that genuine screening of the roof expanse is provided by specimens of suitable maturity.**

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released the works must be deemed satisfactory by Council's Landscape Design Officer.

All landscape works must be maintained:

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



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

17. LAND 3 - LANDSCAPE BOND (COMMERCIAL).
18. Public art works valued not less than \$15,000 must be provided in a form and location in accordance with Council's documented guidelines, procedure and criteria to the satisfaction of Council's Manager City Planning. The form and location must be agreed prior to the issue of a Building Permit and installation of the art works must occur prior to the commencement of any uses hereby approved.
19. ENG A1 – NEW CROSSOVER [TSD-R09 (urban)].
20. ENG A5 – SEALED CAR PARKING.
21. ENG S1 – INFRASTRUCTURE REPAIR.
22. ENG M1 – DESIGNS DA.
23. ENG M5 – EROSION CONTROL.
24. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council's Group Manager Asset Management for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.  
  
Prior to commencement of use or the issuing of a completion certificate, a Part 5 Agreement is to be included on the sealed plan. This Part 5 Agreement is to incorporate the Maintenance Management Schedule/Regime obligations for the stormwater treatment facility and a requirement to report to Council on an annual basis confirming that all maintenance requirements for the facility have been met.
25. The development must meet all required Conditions of Approval specified by TasWater notice dated 14 October 2016 (TWDA 2016/01464-CCC).

26. ADVICE 5 – FOOD SPECIFICATIONS ADVICE.

27. ADVICE 6 – FOOD REGISTRATION ADVICE

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.

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

The Meeting closed at 7.27pm.