

**MINUTES OF A SPECIAL MEETING OF THE CLARENCE CITY COUNCIL
HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON
MONDAY 21 DECEMBER 2015**

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
H Chong
P Cusick
D Doust
D Hulme
R H James
P K McFarlane
J Peers
S von Bertouch
J Walker; present.

1. APOLOGIES D Thurley (Leave of Absence)

ORDER OF BUSINESS Items 1 – 5

IN ATTENDANCE General Manager
(Mr A Paul)
Corporate Treasurer
(Mr F Barta)
Acting Group Manager Asset Management
(Mr R Graham)
Corporate Secretary
(Mr A van der Hek)
Manager City Planning
(Mr R Lovell)
Manager Health and Community Development
(Mr J Toohey)

The Meeting closed at 8.22pm.

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 SPECIAL MEETING

MONDAY 21 DECEMBER 2015

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

(File No)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005 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. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

Nil.

4 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:

4.1 DEVELOPMENT APPLICATION D-2015/365 - 26 BAYFIELD STREET, ROSNY PARK – MULTI-USE DEVELOPMENT
(File No D-2015/365)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Multi-use Development at 26 Bayfield Street, Rosny Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Central Business under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development and does not provide car parking on-site.

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 was extended with the consent of the applicant until 13 January 2016.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a Multi-use Development at 26 Bayfield Street, Rosny Park (CI Ref D-2015/365) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. External lighting must be provided to illuminate the public access areas and pathways, prior to the commencement of the use.
 3. GEN C2 – CASH-IN-LIEU [\$252,000] [21]. Add an additional sentence “The amount of cash-in-lieu may be reduced at the rate of \$12,000 per space for any car parking spaces able to be provided on-site, to the satisfaction of Council’s Group Manager Asset Management and in accordance with a revised plan”.
 4. GEN S7 – SIGN MAINTENANCE.
 5. ENG A1 – NEW CROSSOVER [TSD-R09].
 6. ENG A5 – SEALED CAR PARKING.

7. ENG S1 – INFRASTRUCTURE REPAIR.
 8. ENG S4 – STORMWATER CONNECTION.
 9. ENG M1 – DESIGNS DA.
 10. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 November 2015 (TWDA 2015/01411-CCC).
 11. ADVICE – The applicant be advised that a payment plan for the payment of the cash-in-lieu contribution would be considered, on the basis of payment in suitable installations not exceeding 2½ years.
 12. ADVICE – The applicant be advised that the Part 5 Agreement requires a payment of \$9,000 to Council as the vehicle access to the lot from the road results in a loss of 2 parking spaces.
- 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 Chong

“A. That the Development Application for a Multi-use Development at 26 Bayfield Street, Rosny Park (C1 Ref D-2015/365) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. External lighting must be provided to illuminate the public access areas and pathways, prior to the commencement of the use.
3. GEN C2 – CASH-IN-LIEU [\$252,000] [21]. Add an additional sentence ‘The amount of cash-in-lieu may be reduced at the rate of \$12,000 per space for any car parking spaces able to be provided on-site, to the satisfaction of Council’s Group Manager Asset Management and in accordance with a revised plan’.
4. GEN S7 – SIGN MAINTENANCE.
5. ENG A1 – NEW CROSSOVER [TSD-R09].
6. ENG A5 – SEALED CAR PARKING.

/ Decision contd on Page 7...

DEVELOPMENT APPLICATION D-2015/365 - 26 BAYFIELD STREET, ROSNY PARK – MULTI-USE DEVELOPMENT /Decision contd...

7. ENG S1 – INFRASTRUCTURE REPAIR.
8. ENG S4 – STORMWATER CONNECTION.
9. ENG M1 – DESIGNS DA.
10. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 November 2015 (TWDA 2015/01411-CCC).
11. A contribution is required in accordance with E24.6 A1 prior to the issues of a Building Permit.
12. **ADVICE** – The applicant be advised that a payment plan for the payment of the cash-in-lieu contribution would be considered, on the basis of payment in suitable installations not exceeding 2½ years.
13. **ADVICE** – The applicant be advised that the Part 5 Agreement requires a payment of \$9,000 to Council as the vehicle access to the lot from the road results in a loss of 2 parking spaces.

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”.

CARRIED

FOR

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

AGAINST

Ald McFarlane

4.2 DEVELOPMENT APPLICATION D-2015/464 - 6 BRITANNIA PLACE, BELLERIVE - ADDITIONS TO DWELLING
(File No D-2015/464)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for dwelling additions at 6 Britannia Place, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the development standards for the front boundary setback.

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 consent of the applicant until 23 December 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of proposed wall cladding is inappropriate for the surrounding area.

RECOMMENDATION:

- A. That the Development Application for additions to dwelling at 6 Britannia Place, Bellerive (CI Ref D-2015/464) 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 9 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2015/464 - 6 BRITANNIA PLACE, BELLERIVE
- ADDITIONS TO DWELLING /contd...**

Decision:	MOVED Ald James SECONDED Ald Peers																						
	“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 Hulme</td><td></td></tr><tr><td>Ald James</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald von Bertouch</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 Hulme		Ald James		Ald Peers		Ald von Bertouch		Ald Walker	
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4.3 DEVELOPMENT APPLICATION D-2015/379 - UNITS 2, 4 AND 5 OF 5 CLARENCE STREET AND 2 PERCY STREET, BELLERIVE - PARTIAL CHANGE OF USE

(File No D-2015/379)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a partial Change of Use at Units 2, 4 and 5 of 5 Clarence Street and 2 Percy Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business 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.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 13 January 2016.

CONSULTATION

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

- car parking; and
- BCA compliance.

RECOMMENDATION:

A. That the Development Application for partial Change of Use at Units 2, 4 and 5 of 5 Clarence Street and 2 Percy Street, Bellerive (Cl Ref D-2015/379) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Any mechanical plant and miscellaneous equipment must be screened from view from the street and other public/common spaces.
3. Security shutters must not be fitted over windows and/or doors facing the Clarence Street frontage.
4. ADVICE - All relevant BCA standards must be met in the building permit application and subsequent works undertaken on-site for this change of use prior to the commencement of the use.

5. **ADVICE** - This approval is only for the modifications to Units 2, 4 and 5 of 5 Clarence Street and does not cover any of the structural elements of the plans which are not associated with these specified tenancies.

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

4.4 SUBDIVISION APPLICATION SD-2015/38 - 150 HOUSTON DRIVE, CAMBRIDGE - 16 LOT SUBDIVISION
(File No SD-2015/38)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 16 lot subdivision at 150 Houston Drive, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential and subject to the Mount Canopus and Vegetation Management Overlays under the Clarence Planning Scheme 2007 (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.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 13 January 2016.

CONSULTATION

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

- issues with use of the existing access strips and potential conflict with users of the existing right-of-way;
- driveway to adjacent lots not wholly contained within the right-of-way as shown on the title;
- potential to use the access strips for public access ways;
- suggested changes to the location of access strips to Lots 9 and 10; and
- building envelopes.

RECOMMENDATION:

A. That the application for a 16 lot Subdivision at 150 Houston Drive, Cambridge (CI Ref SD-2015/38) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS 3 – AMENDED PLANS - remove second and third dot point, delete the first dot point and replace with “the provision of public open space with a minimum width of 10m from the eastern most access points on Mount Rumney Road to Houston Drive to be located along the eastern boundary of Lot 8 and the south-eastern boundary of Lot 8”.
3. GEN POS 4 – POS CONTRIBUTION [2%] [1-16].

4. PROP 3 – TRANSFER.
 5. PROP 2 – POS FENCING.
 6. ENG A1 – NEW CROSSOVER - Replace “3.0m” with “3.6m” [MSD-02].
 7. ENG A3 - COMBINED ACCESSES [MSD-02].
 8. ENG S1 – INFRASTRUCTURE REPAIR.
 9. ENG S2 – SERVICES.
 10. ENG M2 – DESIGNS SD.
 11. ENG M5 – EROSION CONTROL.
 12. ENG M7 – WEED MANAGEMENT PLAN.
 13. ENG M8 – EASEMENTS.
 14. ENG R3 - RURAL ROAD.
 15. ENG R5 – ROAD EXTENSION.
 16. EHO 4 – NO BURNING.
- ADVICE 16 – THREATENED SPECIES 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.

<p>Decision: MOVED Ald Campbell SECONDED Ald Walker</p> <p> “That the Recommendation be adopted”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

5. 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.

5.1 PROPERTY MATTER – ROSNY PARK

5.2 REPORT – ASSESSMENT OF QUOTATIONS AND CONTRACTS FOR VOLUNTARY AMALGAMATIONS/SHARED SERVICES, SOUTH-EAST COUNCILS FEASIBILITY STUDY

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 that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council; or reveal a trade secret;
- contracts and tenders for the supply of goods and services;
- proposals to acquire land or an interest in land or for the disposal of land.

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

Decision:

PROCEDURAL MOTION

MOVED Ald Peers **SECONDED** Ald Chong

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

CARRIED UNANIMOUSLY

CLOSED MEETING /contd...

The following Closed Meeting Motions have been authorised by Council for publication in the public Minutes.

5.1 TASNETWORKS SUBSTATION – EASEMENT AND PROPERTY ARRANGEMENTS
(File No C004-124)

- Decision:** **MOVED** Ald von Bertouch **SECONDED** Ald Chong
- “A. That Council reaffirms its earlier decision to approve the creation of a right-of-way and easement in favour of TasNetworks over the Council owned Winkleigh Street Car Park.
 - B. That the compensation payable by TasNetworks for the creation of the right-of-way and easement to provide access and underground electrical cables to 124 Cambridge Road be based on the valuation assessed at \$78,000.
 - C. That Council approves the purchase of an area of TasNetworks land at 124 Cambridge Road comprising approximately 180 square metres at the valuation price of \$61,000.
 - D. That Council authorises the General Manager to enter into 2 separate agreements with TasNetworks for the purchase of the land and for the creation of right-of-way and easements.
 - E. That cost of survey to support the proposed land transactions be shared by the parties and that each party meet its own cost for all other outlays associated with the creation of the right-of-way on the title and land sale.
 - F. That the sale and agreements be subject to TasNetworks obtaining Planning approval for the subdivision of the portion of 124 Cambridge Road and subject to the area being adhered to Council’s Winkleigh Street Car Park.

/ Decision contd on Page 16...

TASNETWORKS SUBSTATION – EASEMENT AND PROPERTY ARRANGEMENTS /Decision contd...

- G. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- H. That the Council decision only be recorded in the public Minutes”.

CARRIED UNANIMOUSLY

5.2 REPORT – ASSESSMENT OF QUOTATIONS AND CONTRACTS FOR VOLUNTARY AMALGAMATIONS/SHARED SERVICES, SOUTH-EAST COUNCILS FEASIBILITY STUDY

(File No 10-13-01)

Decision:	<p>MOVED Ald Walker SECONDED Ald von Bertouch</p> <p>“A. That Council receives and notes the report that the preferred proposal of the steering committee is from [consultant].</p> <p>B. That Council defers the appointment of the consultant to undertake the feasibility study to a later stage to enable Aldermen to:</p> <ul style="list-style-type: none"> • fully consider the details of the proposed consultancies and scope of work; and • to hold further discussion at an Alderman’s Workshop(s) regarding the details. <p>C. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.</p> <p>D. That the Council decision only be recorded in the public Minutes”.</p> <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 Doust</td> <td>Ald Campbell</td> </tr> <tr> <td>Ald Hulme</td> <td>Ald Chong</td> </tr> <tr> <td>Ald McFarlane</td> <td>Ald Cusick</td> </tr> <tr> <td>Ald Peers</td> <td>Ald James</td> </tr> <tr> <td>Ald von Bertouch</td> <td>Ald Chipman (abstained)</td> </tr> <tr> <td>Ald Walker</td> <td></td> </tr> </table>	FOR	AGAINST	Ald Doust	Ald Campbell	Ald Hulme	Ald Chong	Ald McFarlane	Ald Cusick	Ald Peers	Ald James	Ald von Bertouch	Ald Chipman (abstained)	Ald Walker	
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The Meeting Closed at 8.22pm.