

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL (PLANNING AUTHORITY) HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 29 FEBRUARY 2016

HOUR CALLED: 7.00pm

PRESENT: The meeting commenced at 7.01pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

H Chong
P Cusick
D Doust
R H James
P K McFarlane
J P Peers
D Thurley
S von Bertouch
J Walker

1. APOLOGIES N M Campbell
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)
Principal Engineer
(Mr R Graham)
Corporate Treasurer
(Mr F Barta)
Manager Health and Community Development
(Mr J Toohey)

The Meeting closed at 7.20pm.

CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING

MONDAY 29 FEBRUARY 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

3.1 DEVELOPMENT APPLICATION D-2015/459 - 170 SUGARLOAF ROAD AND 1 ELAIA DRIVE, RISDON VALE - AGED CARE FACILITY
(File No D-2015/459)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an Aged Care Facility at 170 Sugarloaf Road and 1 Elaia Drive, Risdon Vale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential, is subject to the Bushfire Prone Areas, Parking and Access and Stormwater Management Codes, and the Olive Grove Specific Area Plan 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 expires on 10 March 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the Development Application for an Aged Care Facility at 170 Sugarloaf Road and 1 Elaia Drive, Risdon Vale (CI Ref D-2015/459) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN F5 – PART 5 AGREEMENT (BUSHFIRE).
 3. The developer of the site is to implement the measures prescribed in the Bushfire Hazard Management Plan prior to the commencement of the use of the site. The operators of the site are to then maintain the prescribed measures for the duration of the use of the site in accordance with the approved permit.
 4. Emergency evacuation plans, including designated emergency meeting points, which provide protection to fire fighters and evacuees must be developed and endorsed by a suitably qualified person. These plans must be submitted to Council's Manager City Planning prior to the commencement of the use of the site.

Information to staff, occupants and visitors on bushfire safety and evacuation procedures must also be clearly displayed in publicly accessible areas of the site at all times.

5. No works are to commence on-site prior to the creation of the lot as a separate title with completed road access.
6. GEN C1 – ON-SITE CAR PARKING [28] Delete last sentence.
7. GEN V8 – BICYCLE STORAGE [16].
8. GEN M14 – STORAGE AREAS.
9. GEN S1 – SIGN CONSENT.
10. ENG A5 – SEALED CAR PARKING.
11. ENG S1 – INFRASTRUCTURE REPAIR.
12. ENG S5 – STORMWATER PRINCIPLES.
13. ENG S10 – UNDERGROUND SERVICES.
14. ENG M1 – DESIGNS DA.
15. ENG M5 – EROSION CONTROL.
16. ENG R5 – ROAD EXTENSION.
17. 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.
18. Prior to the commencement of the use, the landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:
 - the Maintenance Management Schedule/Regime obligations for the stormwater treatment facility and a requirement to report to Council on an annual basis stating that all maintenance requirements for the facility have been met.

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

19. LAND 1A – LANDSCAPE PLAN.
20. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
21. LAND 7 – WATERING.
22. The development must meet all required Conditions of Approval specified by TasWater notice dated 9/11/2015 (TWDA D-2015/459).
23. ADVICE 5 – FOOD SPECIFICATIONS ADVICE.
24. 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.

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| <p>Decision: MOVED Ald Walker SECONDED Ald Chong</p> <p> “That the Recommendation be adopted”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p> |
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3.2 DEVELOPMENT APPLICATION D-2015/532 - 1 ELAIA DRIVE, RISDON VALE - RETIREMENT VILLAGE
(File No D-2015/532)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Retirement Village at 1 Elaia Drive, Risdon Vale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential, is subject to the Bushfire Prone Areas and Parking & Access codes, and the Olive Grove Specific Area Plan 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 expires on 17 March 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the Development Application for Retirement Village at 1 Elaia Drive, Risdon Vale (Cl Ref D-2015/532) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLANS
 - clarifying the number of dwellings proposed for the site. An updated site plan showing the correct unit numbers, identifying a total of 82 dwellings for the proposal.
 - an amended site plan, including no less than 10 car parking spaces adjacent to the eastern side of the community building;
 - the southern side of all decks with a finished floor level greater than 1m above natural ground level must be screened to a height of 1.6m with a transparency no greater than 25%].

3. The “community centre” is approved as part of the retirement village use of the site. As such, it must be available for use by residents at all times and is not to be made available for use or hire by non-residents of the village.
4. GEN F5 – PART 5 AGREEMENT (BUSHFIRE).
5. The developer of the site is to implement the measures prescribed in the bushfire hazard management plan prior to the commencement of the use of the site. The operators of the site are to then maintain the prescribed measures for the duration of the use of the site in accordance with the approved permit.
6. Emergency evacuation plans including designated emergency meeting points, which provide protection to fire fighters and evacuees must be developed and endorsed by a suitably qualified person. These plans must be submitted to Council’s Manager City Planning prior to the commencement of the use of the site.

Information to staff, occupants and visitors on bushfire safety and evacuation procedures must also be clearly displayed in publicly accessible areas of the site at all times.
7. GEN C1 – ON-SITE CAR PARKING [113] delete last 2 sentences. Add: “A minimum of 92 of these must be provided as per Conditions 1 and 2, with the balance able to be provided informally throughout the site” after the first sentence.
8. GEN M14 – STORAGE AREAS.
9. GEN S1 – SIGN CONSENT.
10. LAND 1A – LANDSCAPE PLAN [add dot points as follows:
 - landscaping of the “future reserve” and “20m wide reserve”, consistent with any bushfire management that may be required for the site, must be included in the landscape plan;
 - rehabilitation and landscaping of the excavated area at the northern end of the Sugarloaf Road frontage is to be included in the landscape plan.
11. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
12. LAND 7 – WATERING.
13. ENG A5 – SEALED CAR PARKING.
14. ENS S1 –INFRASTRUCTURE REPAIR.
15. ENG S5 – STORMWATER PRINCIPLES.

16. ENG S10 – UNDERGROUND SERVICES
 17. ENG M1 – DESIGNS DA. After “Such designs must be” add “compliant with all current Council By-Laws and adopted standards. These designs, together with the safety in design report”.
 18. 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.
 19. Prior to the commencement of the use, the landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the Maintenance Management Schedule/Regime obligations for the stormwater treatment facility and a requirement to report to Council on an annual basis stating that all maintenance requirements for the facility have been met.

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.
 20. The development must meet all required Conditions of Approval specified by TasWater notice dated 16/02/2016 (TWDA 2015/01937-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 von Bertouch **SECONDED** Ald Peers

“A. That Council adopts the officer’s recommendation, subject to the additional Advice being provided:

That in the event that the developer seeks approval to introduce a staging program for the construction and release of components of the retirement village, Council wishes to foreshadow that the community centre would be required as part of the first stage.

/ Decision contd on Page 9...

**DEVELOPMENT APPLICATION D-2015/532 - 1 ELAIA DRIVE, RISDON VALE -
RETIREMENT VILLAGE /Decision contd...**

B. That the reasons recorded for Council’s decision in respect of this matter further include:

- To ensure any future staging ensures that the use operates as a fully services retirement village from the outset, it is appropriate to ensure that the community facilities are provided at Stage 1.
- This approach is consistent with the approach taken with other retirement village approvals granted in Clarence”.

CARRIED

FOR

Ald Chipman
Ald Chong
Ald Cusick
Ald Doust
Ald McFarlane
Ald Peers
Ald Thurley
Ald von Bertouch

AGAINST

Ald James
Ald Walker (abstained)

The Meeting closed at 7.20pm.