

**MINUTES OF A SPECIAL MEETING OF THE CLARENCE CITY COUNCIL
HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON
MONDAY 19 DECEMBER 2016**

HOURLY CALLED: 7.30pm

PRESENT: The meeting commenced at 7.30pm 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
D Thurley
S von Bertouch
J Walker; present.

1. APOLOGIES Nil

ORDER OF BUSINESS Items 1 – 6

IN ATTENDANCE General Manager
(Mr A Paul)
Acting Corporate Secretary
(Mr S Wicks)
Group Manager Asset Management
(Mr J Stevens)
Corporate Treasurer
(Mr F Barta)
Manager City Planning
(Mr R Lovell)

The Meeting closed at 8.12pm.

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.

CLARENCE CITY COUNCIL SPECIAL MEETING

MONDAY 19 DECEMBER 2016

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	ATTENDANCE AND APOLOGIES.....	3
2.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE.....	3
3.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	3
4	PLANNING AUTHORITY MATTERS	
4.1	DEVELOPMENT APPLICATION D-2016/440 - 8 BLAKE STREET, OPOSSUM BAY – OUTBUILDING (STORAGE).....	5
4.2	AMENDMENT APPLICATION A-2016/1 – INTRODUCTION OF THE BELLERIVE BLUFF SPECIFIC AREA PLAN	7
5.	GOVERNANCE	
5.1	COUNCIL DELEGATION UNDER BUILDING ACT 2016, OCCUPATIONAL LICENCING ACT 2016 AND AMENDMENT 2016	9
5.2	SOUTH EAST COUNCILS – FEASIBILITY STUDY	10
6.	CLOSED MEETING	12
6.1	APPOINTMENT OF ACTING GENERAL MANAGER	

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 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. 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-2016/440 - 8 BLAKE STREET,
OPOSSUM BAY - OUTBUILDING (STORAGE)**
(File No D-2016/440)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an Outbuilding (Storage) at 8 Blake Street, Opossum Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned Village 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.

Council is required to exercise a discretion within the statutory 42 day period which expires on 21 December 2016.

CONSULTATION

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

- the scale of the outbuilding; and
- loss of views.

RECOMMENDATION:

- A. That the Development Application for Outbuilding (Storage) at 8 Blake Street, Opossum Bay (CI Ref D-2016/440) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M9 – NONHABITABLE PURPOSES.
 3. ADVICE - Careful consideration must be given to the potential area required for any future wastewater system for a dwelling.
- 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 6 for Decision on this Item...

DEVELOPMENT APPLICATION D-2016/440 - 8 BLAKE STREET, OPOSSUM BAY - OUTBUILDING (STORAGE) /contd...

Decision: **MOVED** Ald McFarlane **SECONDED** Ald Thurley

 “That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

4.2 AMENDMENT APPLICATION A-2016/1 – INTRODUCTION OF THE BELLERIVE BLUFF SPECIFIC AREA PLAN
(File No A-2016/1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council's decision of 26 September 2016, in light of the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

The representations relate to a planning scheme amendment initiated by Council in response to its own motion under Section 34(b) of LUPAA. The draft Amendment involves the introduction of a Bellerive Bluff Specific Area Plan following Council's adoption of the Bellerive Bluff Precinct Neighbourhood Character and Urban Design Framework Study by Leigh Woolley dated April 2016 (the Study).

RELATION TO PLANNING PROVISIONS

The land the subject of this application is Bellerive Bluff (the Bluff) and can broadly be described as containing the residential area development fronting and to the west of Queen Street and the Battery as shown in the Certified Amendment (refer attached).

The majority of the Bluff is zoned General Residential under the provisions of the Clarence Interim Planning Scheme 2015 (the Scheme), the Battery and foreshore environs are zoned Open Space and the remainder is zoned Community Purpose comprising of the Church at 8 Petchy Street and the Cottage School at 4 Queen Street. The Bluff contains 38 properties identified in the Scheme's Historic Heritage Code and parts of the foreshore areas are subject to the Waterway and Protection, Inundation and Coastal Erosion Hazard Codes.

LEGISLATIVE REQUIREMENTS

The proposal was submitted to Council in accordance with Section 33 of LUPAA seeking a rezoning amendment. The certified Amendment was advertised in accordance with the statutory requirements and pursuant to Section 39 of LUPAA; Council is required to consider the merits of any representation received.

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

The proposal was advertised in accordance with statutory requirements and 11 representations were received relating to both the draft Amendment and the Study.

The representors raised the following issues:

- opposition to additional planning controls;
- support for the Study and the draft Amendment;

- additional elements that ought to be considered by the Study and the draft Amendment including: views and view corridors, period architecture/detail, visual impact of municipal and domestic service infrastructure, visual impact on adjoining properties, partial demolition, value of smaller working class dwellings, colours and materials;
- emphasis on pitched roofs;
- street planting in Queen Street;
- underground power;
- management of Planning assessment and Council representation; and
- detailed technical suggestions relating to numbering and expression.

These issues are discussed within the body of the Associated Report.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Commission that it considers the merits of the representations received warrant the following modifications to draft Amendment A-2016/1.
1. In clauses F17.8.1P1(i), F17.8.1P2(i), F17.8.1P3(iii) and F17.8.3P1(i) replace the references to “S.17.2” with “F17.2” and the references to “S.17.3” with “F17.3”.
 2. In clause F17.8.1P2(iv), insert the word “boundary” after “...up to the...” to read “Development built up to the boundary should avoid...”.
 3. Delete clause F17.8.2P3(viii) and replace with the following: “The extent that the structure will impact the neighbourhood sociability of the streetscape.”
 4. In clause F17.8.1P1, renumber the second Roman numeral “(i)” to “(ii)” and renumber subsequent clauses accordingly.
- 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 James
	“That the Recommendation be adopted”.
	CARRIED UNANIMOUSLY

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

5. GOVERNANCE**5.1 COUNCIL DELEGATION UNDER BUILDING ACT 2016, OCCUPATIONAL LICENCING ACT 2016 AND AMENDMENT 2016**

(File No 20-13-01)

EXECUTIVE SUMMARY**PURPOSE**

To consider the update of Council's delegations prior to the introduction of the Building Act 2016 on 1 January 2017.

RELATION TO EXISTING POLICY/PLANS

The update is required to deal with daily operational matters and will not impact on any pre-existing policies or strategies of Council.

LEGISLATIVE REQUIREMENTS

The change is sought to deal with pending changes to the Building Act 2016 and new licencing requirements for the role of the Permit Authority under the Occupational Licencing Act 2005 as amended.

CONSULTATION

Appropriate in-house consultation and discussions has occurred in respect to this matter.

FINANCIAL IMPLICATIONS

An annual licence fee will be required for each person appointed to the role of Permit Authority.

RECOMMENDATION:

That the following delegations be added to Council's Authorisations Register.

ACT REFERENCE	DETAILS OF AUTHORISATION
Building Act 2016 and Occupational Licencing Act 2005	To appoint 3 authorised officers to act in the role of Permit Authority: <ul style="list-style-type: none"> • John Toohey; • Rudi Brennan; and • Ron Vanderwal.

Decision: **MOVED** Ald Campbell **SECONDED** Ald Cusick

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5.2 SOUTH EAST COUNCILS – FEASIBILITY STUDY

(File No 10-13-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider whether or not to have the feasibility study undertaken into options for the formation of a regional South East Council, independently reviewed.

RELATION TO EXISTING POLICY/PLANS

Council, in conjunction with Sorell, Tasman and Glamorgan Spring Bay Councils has previously committed to the undertaking of a feasibility study into the formation of a regional South East Council.

Council, at their Meeting of 7 November 2016 resolved to:

- “A Receive the Report.*
- B. Request the General Manager to seek pricing for a potential independent review of the Feasibility Study, noting that such review focus on the appropriateness of the methodology of the study, a review of the assumptions made and a review of the analysis undertaken”.*

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

None at this time. It is, however, noted that Council has committed to public consultation prior to consideration of any merger proposal.

FINANCIAL IMPLICATIONS

The unallocated funds for this proposal are currently in the vicinity of \$20,000. Council could fund this proposal by way of currently unspent funds from the governance program.

RECOMMENDATION:

A matter for Council determination.

/ Refer to Page 11 for Decision on this Item...

SOUTH EAST COUNCILS – FEASIBILITY STUDY /contd...

Decision:	It was RESOLVED	
	“That Council commission a review for the KPMG Study”.	
	FOR	AGAINST
	Ald Campbell	Ald James
	Ald Chipman	Ald Thurley
	Ald Chong	
	Ald Cusick	
	Ald Doust	
	Ald Hulme	
	Ald McFarlane	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	MOVED Ald Campbell SECONDED Ald Chong	
	“That UTS be engaged to do the review subject to previous decision”.	
	CARRIED	
	FOR	AGAINST
	Ald Campbell	Ald James
	Ald Chipman	Ald Thurley
	Ald Chong	
	Ald Cusick	
	Ald Doust	
	Ald Hulme	
	Ald McFarlane	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	

6. 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 matter was listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

6.1 Appointment of Acting General Manager

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:

- the personal affairs of any person.

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 Chong **SECONDED** Ald Cusick

“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

The Meeting closed at 8.12pm.