

**MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL (PLANNING AUTHORITY) HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON TUESDAY 10 MARCH 2015**

**HOUR CALLED:** 5.30pm

**PRESENT:** The meeting commenced at 5.41pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

H Chong  
D Doust  
D Hulme  
R H James  
P K McFarlane  
D Thurley  
J Walker  
(arrived at 5.43 pm).

**1. APOLOGIES**

P Cusick (Leave of Absence)  
N M Campbell  
J P Peers  
S von Bertouch

**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)

The Meeting closed at 6.15pm.

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

**TUESDAY 10 MARCH 2015**

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**BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE**

**1. ATTENDANCE AND APOLOGIES**

Refer 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 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. REPORTS OF OFFICERS**

Ald Walker arrived at the Meeting at this stage (5.43 pm)

**PART A DEPUTATIONS**

Mr Dion Lester (applicant) addressed the Meeting and answered questions from Aldermen.

**PART B – FORMAL PROCEEDINGS**

**3.1 SECTION 43A AMENDMENT APPLICATION A-2014/9 – 25 SOUTH ARM ROAD, MORNINGTON – SCHEME AMENDMENT AND SPECIALIST/BULKY GOODS STORE**

(File Nos A-2014-9; D-2014/432)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a proposed amendment to the Clarence Planning Scheme 2007 (the Scheme) to provide for an amendment to the Table of Use for the Industry zone to enable the development of a specialist/bulky goods store at 25 South Arm Highway, Mornington and an amendment to the specific provisions. The development of a specialist/bulky goods store is also proposed.

**RELATION TO PLANNING PROVISIONS**

The site is zoned Industry under the Clarence Planning Scheme 2007. The site is not affected by any overlays under the Scheme.

The proposal is currently Prohibited and submitted to Council in accordance with Section 43A of the Land Use Planning and Approvals Act, 1993 (LUPAA) seeking a combined Planning Scheme Amendment and Development Approval.

**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 2005.

**CONSULTATION**

Should the amendment and associated development be initiated and certified by Council it will be advertised for public comment.

**RECOMMENDATION:**

- A. That Council resolves, under Section 34(1)(a) of the Land Use Planning and Approvals Act, 1993 to initiate draft amendment A-2014/9 to the Clarence Planning Scheme 2007.
- B. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act, 1993 to prepare and certify draft amendment A-2014/9 and sign the instrument as required.
- C. That Council approves, under Section 43C(1) of the Land Use Planning and Approvals Act, 1993 the development D-2014/432 subject to the following conditions:
  - 1. GEN AP1 – ENDORSED PLANS.
  - 2. GEN AM1 – NUISANCE.
  - 3. GEN AM4 – CONSTRUCTION HOURS.

4. GEN AM5 – TRADING HOURS.  
Monday – Friday 6am – 10pm  
Saturday, Sunday and Public Holidays 6am – 7pm.
5. GEN AM7 – OUTDOOR LIGHTING.
6. GEN M2 – NO WORKS.
7. GEN M14 – STORAGE AREAS.
8. GEN S3 – SIGN ILLUMINATION.
9. GEN S8 - SIGN ILLUMINATION HOURS. Delete “sign” and replace with “signage” and delete “operating” and replace with “trading”.
10. ENG A5 – SEALED CAR PARKING.
11. ENG M1 – DESIGNS DA.
12. ENG M5 – EROSION CONTROL.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. ENG S11 – SEALING OF SERVICES.
15. The South Arm Highway – Service Road junction is to be upgraded with the installation of traffic lights in accordance with the recommendations of the Traffic Impact Assessment (TIA). The junction upgrade is to be designed and constructed to the satisfaction of the Department of State Growth prior to the commencement of use on-site.
16. ENG A4 – DSG ACCESS.
17. The service road must be upgraded to accommodate access for a B-Double design vehicle into the development site. Works required to facilitate this will include, but are not limited to, pavement widening and the installation of kerb and gutter.
18. Stormwater design for the development site must be provided to ensure that discharge from the development site, at completion of development, will not increase in quantity to that existing prior to the proposed development. All stormwater is to be discharged at the location and in a manner approved by Council’s Group Manager Asset Management. An extension to Council’s stormwater main may be required at the developer’s cost.

19. An Environmental Management Plan must be submitted to and approved by Council's Senior Environmental Health Officer prior to the granting of a Building Permit. The plan must include details of the nature and location material to be cut from the site and details of the proposed dust suppressions methods.
  20. LAND 1 – LANDSCAPE PLAN.
  21. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
  22. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 February 2015 (TWSA 2014/01432-CCC).
- D. 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 Walker <b>SECONDED:</b> Ald Hulme	
	"That the Recommendation be adopted"	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chipman	Ald James
	Ald Chong	
	Ald Doust	
	Ald Hulme	
	Ald McFarlane	
	Ald Thurley	
	Ald Walker	

The Meeting closed at 6.15 pm