

**MINUTES OF A SPECIAL MEETING OF THE CLARENCE CITY COUNCIL
HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON
MONDAY 17 DECEMBER 2018**

HOUR CALLED: 5.41pm

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

B A Blomeley
H Chong
L Edmunds
D Ewington
R H James
W Kennedy
T Mulder
J Peers (arrived at 6.33pm)
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES J Peers (for late arrival)

ORDER OF BUSINESS Items 1 – 6

IN ATTENDANCE General Manager
(Mr A Paul)
Corporate Secretary
(Mr I Nelson)
Group Manager Engineering Services
(Mr R Graham)
Manager City Planning
(Mr R Lovell)

The Meeting closed at 6.51pm.

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 17 DECEMBER 2018**

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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)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2005 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

DEVELOPMENT APPLICATION D-2018/671 – 19 CORINTH STREET, HOWRAH – 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)

(REFER ITEM 4.1)

Mr Michael Edwards addressed the meeting regarding the above Development Application.

M/s Elaine Whitham addressed the meeting regarding the above Development Application.

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-2018/671 - 19 CORINTH STREET, HOWRAH - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
(File No D-2018/671)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing + 1 new) at 19 Corinth Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the Parking and Access Code, Stormwater Management Code, Waterway and Coastal Protection Code and Inundation Prone Areas 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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 20 December 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 6 representations were received raising the following issues:

- precedent;
- traffic impact;
- visual impact;
- overshadowing;
- dwelling density;
- noise impact;
- safety impacts;
- vehicle emissions;
- illegal use;
- Waterway and Coastal Protection Code;
- loss of property value;
- accuracy of shadow diagrams;

- inadequate information on floor and elevation plans;
- stormwater; and
- loss of privacy.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 19 Corinth Street, Howrah (CI Ref D-2018/671) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The workshop is approved as part of the “Residential” use of the property only and must not be used for commercial or industrial purposes except without further Council approval.
 3. ENG A5 – SEALED CAR PARKING.
 4. ENG M1 – DESIGN DA [Access, Carpark and driveways, service upgrades or relocations].
 5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 November 2018 (TWDA 2018/01805-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:	<p>MOVED Ald Warren SECONDED Ald James</p> <p>“A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 19 Corinth Street, Howrah (CI Ref D-2018/671) be refused for the following reasons.</p> <ol style="list-style-type: none"> 1. The proposal does not satisfy the Performance Criteria 10.4.2 P3 (a) (ii) in that the proposal will unreasonably overshadow the private open space of a dwelling on an adjoining lot. 2. The proposal does not satisfy the Performance Criteria 10.4.2 P3 (a) (iv) in that the proposal will cause unreasonable amenity impacts when viewed from an adjoining lot, caused by the apparent scale, bulk or proportions of the proposed dwelling.
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/ Decision contd on Page 7...

**DEVELOPMENT APPLICATION D-2018/671 - 19 CORINTH STREET, HOWRAH -
2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW) /Decision contd...**

B. That the reasons for Council’s decision in respect of this matter be recorded as follows:

- the development would unreasonably overshadow the private open space of the adjoining property; and
- the development will unreasonably reduce Hobart views from the abutting property”.

The **MOTION** was **put** and **LOST**

FOR

Ald Chong
Ald Edmunds
Ald James
Ald Kennedy
Ald Warren

AGAINST

Ald Blomeley
Ald Chipman
Ald Ewington
Ald Mulder
Ald von Bertouch
Ald Walker

MOVED Ald Mulder **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Ewington
Ald Mulder
Ald von Bertouch
Ald Walker

AGAINST

Ald Chong
Ald Edmunds
Ald James
Ald Kennedy
Ald Warren

4.2 DEVELOPMENT APPLICATION D-2018/369 - 16 MAXWELLS ROAD, CAMBRIDGE - DEMOLITION AND 8 WAREHOUSES
(File No D-2018/369)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for demolition of the existing building and construction of 8 warehouses at 16 Maxwells Road, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Light Industrial and subject to the 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.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 18 December 2018.

CONSULTATION

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

RECOMMENDATION:

A. That the Development Application for Demolition and 8 Warehouses at 16 Maxwells Road, Cambridge - (Cl Ref D-2018/369) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM3 – EXTERNAL COLOURS.
3. ENG A1 – NEW CROSSOVER [8m minimum].
4. GEN C1 – ON-SITE CAR PARKING [a minimum of 24].
5. ENG A5 – SEALED CAR PARKING.

6. ENG A7 – REDUNDANT CROSSOVER.
 7. ENG S1 – INFRASTRUCTURE REPAIR.
 8. ENG M1 – DESIGNS DA.
 9. All stormwater runoff 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 Engineering Services 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.
 10. LAND 10 – LANDSCAPE PLAN.
 11. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
 12. The development must meet all required Conditions of Approval specified by TasWater notice, dated 24 October 2018 (TWDA 2018/01066-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 Blomeley SECONDED Ald Ewington “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

5. GOVERNANCE**5.1 GREATER HOBART BILL 2018**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council the opportunity to comment formally on the Greater Hobart Bill 2018.

RELATION TO EXISTING POLICY/PLANS

Council at their Meeting of 18 December 2017 resolved as follows (in part):

“That Council advises the Minister for Local Government that Council wishes to seek the establishment of a Strategic Alliance of Clarence, Hobart, Glenorchy and Kingborough Councils to oversee an integrated approach to strategic planning for sustainable and competitive urban growth within metropolitan Hobart, underpinned by a Greater Hobart Act”.

LEGISLATIVE REQUIREMENTS

There are no statutory requirements associated with Council responding to the Bill. Council is in the practice of providing responses to legislative reviews wherever possible and relevant to do so.

CONSULTATION

The draft Bill has been circulated to a number of Councils for comment. Earlier drafts of the Bill have received input from a working group comprising in part, the 4 metropolitan Council General Managers.

FINANCIAL IMPLICATIONS

None apparent at this time.

RECOMMENDATION:

That Council submit comments in relation to the Bill as outlined in Section 2.12 of the Associated Report.

The Meeting was **adjourned** to resolve wording of the Recommendation (6.31pm).

Ald Peers arrived at this stage (6.33pm).

Meeting **resumed** at 6.38pm.

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

Decision:	<p>MOVED Ald Mulder SECONDED Ald von Bertouch</p> <p>“That Council provides the following comments in regard to the proposed Greater Hobart Act.</p> <p>Preamble That the wording of the Preamble be elevated to reflect the strategic planning nature of the intent and objectives of the Bill.</p> <p>Clause 3 Interpretation Definition of ‘activity centres’ – that the opening paragraph be reworded to ensure that only those activity centres that have a regional significance be included in the planning and strategic activities of the Greater Hobart Committee.</p> <p>That a definition of key transport corridors be added and defined as those corridors that connect the Council areas in the Greater Hobart area.</p> <p>Clause 5 – Greater Hobart Objectives To ensure that all Greater Hobart objectives relate to strategic planning and decisions about land use, the words in Sub-clause (a) should be incorporated into the lead paragraph, along the line of:</p> <p style="padding-left: 40px;"><i>‘For the purposes of this Act, the Greater Hobart Objectives are to encourage and promote strategic planning decisions about land and infrastructure that consider the potential benefits across the Greater Hobart Area; including:</i></p> <p style="padding-left: 40px;">(a) <i>to facilitate efficient flow of transport;</i> (b) <i>etc;</i> (c) <i>etc’.</i></p> <p>Clause 6 – Greater Hobart Committee As a strategic partnership between Councils, the role of the State Government ought to be to guide, advise and lead with the power to break deadlocks and represent the interests of the wider Tasmanian community. The current equal voting power of 4 State Ministers with 4 Mayors is inappropriate. It is suggested that Sub-clause (3) be amended to restrict Ministerial voting rights to the chair who is appointed by the Premier.</p>
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/ Decision contd on Page 12...

GREATER HOBART BILL 2018 /Decision contd...**Clause 8 – Contents of Work Programs**

Although the intent of the Bill is strategic planning for land use, the words ‘strategic’ and ‘planning’ are not specifically mentioned in Clause 8 – Contents of a Work Program. To ensure that the planning and work of the Committee is strategically focused, it is suggested that an introductory paragraph be added before Sub-clause (a) that specifies the planning nature of the work plans and that they are to be limited to plans with regional significance, not purely local in nature.

Clause 10 – GHC Approving Draft Work Programs

Sub-clause (2)

Clause 10 gives the chair the sole power to adopt or change draft work plans that are not unanimously agreed. This is an unnecessary power and Sub-Clause (2) should be deleted.

It then, follows that the words after (c) in Sub-clause (3) and the whole of Sub-clause 4 be deleted so that ‘a draft work program comes into effect as a work program when it is approved under Subsection (1)(a) or (c)’.

Clause 11 – Review of Work Programs

Sub-clause (3) provides that extensions of time can be granted at the sole discretion of the chairperson. This ought to be reworded to ensure that those tasked with a work program are required to seek an extension of time from the whole committee.

Clause 13.3 – Implementation of Work Program

That decisions to refer a matter to the Planning Minister be of the committee and not the chairperson acting alone.

New Clause

That a new clause be inserted to provide appropriate transparency to proceedings and decisions of the Greater Hobart Committee”.

CARRIED UNANIMOUSLY

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 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.

- 6.1 QUOTATION Q1263/18 – TRANMERE – ROKEBY STRUCTURE PLAN
- 6.2 GREATER HOBART CITY DEAL

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:

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

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 Walker

“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

Ald James left the Meeting at this stage and did not return (6.41pm).

The Meeting closed at 6.51pm

CLOSED MEETING /contd...

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

6.1 QUOTATION Q1263/18 – TRANMERE – ROKEBY STRUCTURE PLAN
(File No Q1263/18)

Decision:	MOVED Ald Mulder SECONDED Ald Blomeley
	“A. That the Quotation from Niche Planning Studio be accepted for undertaking the Tranmere – Rokeby Structure Plan.
	B. 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.
	C. That the Council decision only be recorded in the public Minutes”.
	CARRIED UNANIMOUSLY