

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 4 FEBRUARY 2019
--

HOURL CALLED: 7.30pm

PRESENT: The meeting commenced at 7.30pm 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
T Mulder
J Peers
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES W Kennedy

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr A Paul)

Corporate Secretary
(Mr I Nelson)

Chief Financial Officer
(Ms M Coleman)

Group Manager Engineering Services
(Mr R Graham)

Manager City Planning
(Mr R Lovell)

Manager Health and Community Development
(Mr J Toohey)

Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 10.16pm.

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.

COUNCIL MEETING
MONDAY 4 FEBRUARY 2019

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 14 January 2019, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Edmunds

“That the Minutes of the Council Meeting held on 14 January 2019, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

Nil

4. COUNCIL WORKSHOPS

In addition to the Aldermen’s Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Annual Hardwaste Collection Service	
Rosny Park Urban Design Framework	
Cycleway – Cambridge Road	
Proposed Breakwater, Kangaroo Bay	21 January
STCA Membership	
Review of Local Government Act	29 January

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Chong

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5. 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**Alderman Chong****Item No. 11.3.4**

6. TABLING OF PETITIONS
(File No. 10/03/12)

Nil.

7. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

7.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

Regional Park Signage

Mrs Joanne Marsh of Bellerive asked the following question: In 2014 a regional park sign was erected in Bellerive Beach park and later removed. Council correspondence in 2014 stated that the level of service in a 'regional park' will contain a high level of facility to encourage sustained visit duration. Council correspondence in 2016 stated that changes had recently been made to the parking restrictions in the new car park to prevent long stay parking, which allows for more frequent use of the area. Does Bellerive Beach park currently have 'regional park' status, and if so, why doesn't the parking area provided within the park have the same 4 hour parking allowance as other regional parks in Clarence with restricted parking times? This would encourage sustained visit duration by allowing safer and more convenient access to the park's facilities, particularly for more vulnerable members of the community.

ANSWER

Bellerive Beach Park is a Regional Park. The carpark has a 2 hour parking restriction to allow frequent use of the area and to ensure patrons at Blundstone Arena do not interfere with the carpark being available for public use of the park and beach. Longer stay users may use the carpark off Beach Street.

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**WOOLWORTHS – LAUDERDALE**

At the last Council Meeting, Mr Figg asked on behalf of the Advanced Lauderdale Association where the Lauderdale Woolworths complex approved in 2013 currently is within the planning system.

Answer

This question relates to planning permit D-2013/26 which was originally issued on 24 June 2013 for a supermarket, retail shops, car parking, access and landscaping at 438-450 South Arm Road, Lauderdale.

The permit was extended in 2015 for a further 2 years and ultimately expired on 24 June 2017.

Therefore, a new planning permit would be required in order to develop a supermarket on the site.

7.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Shared Pathway between Bellerive Beach and Clarence Hotel

Mrs Joanne Marsh of Bellerive asked how and when are Council's Community Safety and Environmental Officers monitoring the state of the highly utilised shared pathway between Bellerive Beach and the Clarence Hotel, particularly overgrown plants, speed limits and the location of signs, speeding cyclists and motorists, provision of barriers, rusted and damaged fencing, line markings, acts of vandalism, dumping of rubbish and damage after extreme weather events.

Answer

The Mayor took the question on notice.

Lions Club – Australia Day Breakfast

Mr Victor Marsh of Bellerive sought clarification to the following question. The Lions Club have a long tradition of providing a barbecue breakfast on the Boardwalk on Australia Day that did not continue this year. It was also a community fundraiser. Lions Club members at the event, in their uniforms, were quite upset when I relayed to them that the reason given by an Alderman co-ordinating the event was that volunteer numbers were down. Would Council please explain why the barbecue breakfast choice, expected by many members of the community, was not provided?

Council's Manager Health and Community Development responded that an offer was made to the Lions Club to provide the barbecue this year, however, due to the increase in numbers attending the event, there was a greater demand on the service of food and the Lions Club advised that they did not have the capacity to cater for the increase.

/ contd on Page 10...

QUESTIONS WITHOUT NOTICE /contd...

Local Provisions Schedule

Mr Michael Figg of Lauderdale asked when the local provisions schedule will be issued for public exhibition.

Answer

Council's Manager City Planning advised that Local Planning Provisions were submitted to the Tasmanian Planning Commission some months ago for consideration and it will be at their discretion when to release the documentation.

Section E11.7.1 P2

Mr Michael Figg further asked, under Section E11.7.1 P2, there are issues of major concern; one in particular being refugia, which means that the land is reserved for flooding. Land is not to be raised and it basically states that through the Federal Coastal Policies and Laws once your land is inundated by the sea that property becomes the property of the Crown without compensation from State or Federal. This is what the Americans call regulatory taking. As one of the owners of land that's in this, I am deeply concerned and so will people in about 27 other areas of Clarence. I ask the question, are you interested in communicating with the public on this matter and if so, would you come to a meeting chaired by the Advanced Lauderdale Association to bring you up to speed?

Answer

The Mayor took the question on notice.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 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-2018/455 – DERWENT RIVER, 12A BALEMO STREET, ALGONA STREET AND SOUTH ARM ROAD/SPITFARM ROAD FROM 2972 SOUTH ARM ROAD (IRON POT GOLF COURSE) TO 150 SPITFARM ROAD (ARM END) – WATER REUSE PIPELINE
(REFER ITEM 11.3.1)

Katherine Calvert addressed the Meeting regarding the above Development Application.

Robert Owens addressed the Meeting regarding the above Development Application.

Robyn McNicol addressed the Meeting regarding the above Development Application.

Craig Ferguson addressed the Meeting regarding the above Development Application.

DEVELOPMENT APPLICATION D-2018/606 – 32 OGILVIE LANE, RICHMOND – DISTILLERY
(REFER ITEM 11.3.4)

Kristy Booth addressed the Meeting regarding the above Development Application.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD CHONG
LISTING OF ONGOING PROFESSIONAL DEVELOPMENT**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Chong **SECONDED** Ald James

“That a listing of ongoing professional development that has been undertaken by each Aldermen for the relevant quarter be included in Council’s Quarterly report”.

CARRIED

FOR

Ald Chipman
Ald Chong
Ald Edmunds
Ald James
Ald von Bertouch
Ald Warren

AGAINST

Ald Blomeley
Ald Ewington
Ald Mulder
Ald Peers
Ald Walker

**9.2 NOTICE OF MOTION - ALD MULDER
ELECTED PERSONS TO BE CALLED COUNCILLORS**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Mulder **SECONDED** Ald James

“That, in accordance with Section 25 of the Local Government Act 1993, the elected members of the Clarence Council choose to be known as Councillors, rather than Aldermen”.

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

FOR

Ald Chipman
Ald Edmunds
Ald Mulder
Ald Walker
Ald Warren

AGAINST

Ald Blomeley
Ald Chong
Ald Ewington
Ald James
Ald Peers
Ald von Bertouch

**9.3 NOTICE OF MOTION - ALD MULDER
BEGONIA STREET**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Mulder **SECONDED** Ald James

“Council requests that:

- A. Funding for the sealing of Begonia Street be included in the draft 2019/20 Council budget for consideration of Council.
- B. Meta-data relating to the origin, route and destination of vehicles using Begonia and Malunna Streets be obtained and used to develop a report on options for:
 - i. traffic calming/safety measures on Begonia Street; and
 - ii. reducing traffic volumes on the northern section of Malunna Road.
- C. The report under B is to be presented to Council by March 2019 and residents consulted before implementing the options measures to calm traffic and reduce Malunna Road volumes”.

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

FOR

Ald Edmunds
Ald Ewington
Ald James
Ald Mulder
Ald von Bertouch

AGAINST

Ald Blomeley
Ald Chipman
Ald Chong
Ald Peers
Ald Walker
Ald Warren

10. REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker
(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

Representative Reporting

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report for the period ending 31 December 2018.

Ald Edmunds left the Meeting at this stage (8.45pm).

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Richmond Advisory Committee

- Ald Chong tabled the Minutes of a Meeting held on 21 November 2018.

11. REPORTS OF OFFICERS**11.1 WEEKLY BRIEFING REPORTS**

(File No 10/02/02)

The Weekly Briefing Reports of 14, 21 and 28 January 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 14, 21 and 28 January 2019 be noted.

Decision:

MOVED Ald Blomeley **SECONDED** Ald Warren

“That the Recommendation be adopted”.

Ald Edmunds returned to the Meeting at this stage (8.48pm).

The **MOTION** was **put** and **CARRIED**

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Mulder (abstained)

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 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:

11.3.1 DEVELOPMENT APPLICATION D-2018/455 - DERWENT RIVER, 12A BALEMO STREET, ALGONA STREET AND SOUTH ARM ROAD/SPITFARM ROAD FROM 2972 SOUTH ARM ROAD (IRON POT GOLF COURSE) TO 150 SPITFARM ROAD (ARM END) - WATER REUSE PIPELINE

(File No D-2018/455)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a Water Reuse Pipeline at Derwent River, 12A Balemo Street, Algona Street and South Arm Road/Spitfarm Road from 2972 South Arm Road (Iron Pot Golf Course) to 150 Spitfarm Road (Arm End).

RELATION TO PLANNING PROVISIONS

The land is zoned Low Density Residential, Rural Living, Village, Recreation, Open Space and Rural Resource and subject to the Inundation Prone Areas, Coastal Erosion Hazard and Waterways and Wetlands 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 has been extended with the written agreement of the applicant to expire on 4 February 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 83 representations were received raising the following issues:

- lack of construction details;
- incorrect information and insufficient detail;
- coastal erosion;
- properties not included in application;
- noise;
- Calverton community oval and emergency water outlet;
- finance;
- lease;

- social license;
- ownership;
- general support;
- impact on recreational access and enjoyment;
- Impact on flora and fauna and ground water systems;
- increase the spread of weeds;
- construction and long term risk to the pipeline;
- property devaluation;
- stormwater damage;
- misuse of water;
- inappropriate location for a golf course; and
- South Arm Road traffic.

RECOMMENDATION:

A. That the Development Application for a Water Reuse Pipeline at Derwent River, 12A Balemoo Street, Algona Street and South Arm Road/Spitfarm Road from 2972 South Arm Road (Iron Pot Golf Course) to 150 Spitfarm Road (Arm End) (CI Ref D-2018/455) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [the location of the pump station in the road reserve opposite Algona Street and to the north of the driveway of 3515 South Arm Road on the “South Arm Pipe Landing Plan 1365-03(D)” and “Plan & Profile Sheet 3”].
3. The pipeline construction through the Coastal Erosion Hazard Area and seagrass and sensitive marine habitat must utilise horizontal directional drilling techniques to the following depths at the chainages proposed for the pipeline construction.
 - Coastal Erosion Hazard – CH 6600 to CH 6700 Depth to Pipe Invert from sea bed or ground surface to be 3.5m minimum; and
 - Seagrass and sensitive marine habitat – CH 6400 to CH 6600 Depth to Pipe Invert from sea bed to be 1.5m minimum.Variation to the above specified construction detail in the Coastal Erosion Hazard Area must be supported by a Coastal Vulnerability Report, prepared by a suitably qualified person, and submitted to and approved by Council’s Group Manager Engineering Services.
4. Noise emissions from the pump station measured at the boundary of the nearest residential dwelling in the Village zone must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 8.00am to 6.00pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00pm to 8.00am;
 - (c) 65dB(A) (LMax) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.

Within 60 days after any approved use has commenced, a report from a suitably qualified acoustic engineer must be submitted in a form acceptable to Council's Senior Environmental Health Officer. Should the above parameters be exceeded, suitable mitigation and/or management measures must be undertaken within an agreed timeframe to the satisfaction of Council's Senior Environmental Health Officer.

5. A plan for the management of construction must be submitted to and approved by Council's Group Manager Engineering Services prior to the issue of a Council Works Permit or commencement of development on Crown land (whichever occurs first). The plan must outline the proposed demolition and construction practices in relation to:
 - details demonstrating that the subterranean construction method will only involve horizontal directional drilling of the pipeline to an appropriate depth;
 - construction timing must minimise risk to Spotted Handfish breeding;
 - proposed hours of construction (including volume and timing of heavy vehicles) not exceeding accepted EPA guidelines;
 - identification of potentially noisy construction phases and proposed means to minimise impact on the amenity of neighbouring buildings;
 - spread of pathogens which may include noxious weeds; and
 - procedures for washing down vehicles, to prevent soil and debris being carried onto the streets.
6. The applicant must enter into an agreement with Council, prior to construction of the pipeline, in such form as Council may require. The agreement is to provide for the ownership of the pipeline, construction standards and ongoing maintenance responsibilities for the pipeline and licensing arrangements. The applicant is responsible for all Council fees and charges in the preparation of the agreement. The agreement will be prepared by Council upon written request from the applicant and payment of relevant fees and charges.
7. ENG S1 – INFRASTRUCTURE REPAIR.
8. ENG M1 – DESIGNS DA.
9. ENG M5 – EROSION CONTROL.

ADVICE

1. The Environmental Protection Authority has provided guidance by letter dated 13 December 2018 in respect of approvals for new discharge locations and volumes for wastewater reuse which is attached to this permit for information.
 2. The Department of State Growth in giving consent to lodge the subject development application, notes that any works to install the water main in the road reserve will require a works permit pursuant to Sections 13 and 16 of the Roads and Jetties Act 1935 (the Act). For further information please visit <http://www.transport.tas.gov.au/road/permits> or contact permits@stategrowth.tas.gov.au. It is also noted that a Crown land licence will be required to formalise the ongoing occupation of the road reserve. An annual licence fee (as assessed by the Office of the Valuer General) and licence establishment costs including valuation and legal drafting costs will be borne by the proponent. The Department also notes the provisions under Sections 12 and 13 of the Act relating to water pipes and excavations in the road reserve. The Crown land licence referred to above will be consistent with the Act in this respect.
- 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 James **SECONDED** Ald Warren

“A. That the Development Application for a Water Reuse Pipeline at Derwent River, 12A Balemo Street, Algona Street and South Arm Road/Spitfarm Road from 2972 South Arm Road (Iron Pot Golf Course) to 150 Spitfarm Road (Arm End) (CI Ref D-2018-455) be refused for the following reasons.

1. The proposal does not satisfy the Performance Criteria 12.3.1 P1 and 13.3.1 P1 of the Low Density and Rural Living zones in that the hours of operation will have an unreasonable impact on residential and rural living amenity, based on noise and other emissions due to the constant operation of the scheme.
2. The proposal does not satisfy the Performance Criteria 16.3.1 P1 in the Village zone in that the hours of operation of the pump station will have an unreasonable impact upon residential amenity through constant noise and other emissions.

/ Decision contd on Page 23...

DEVELOPMENT APPLICATION D-2018/455 - DERWENT RIVER, 12A BALEMO STREET, ALGONA STREET AND SOUTH ARM ROAD/SPITFARM ROAD FROM 2972 SOUTH ARM ROAD (IRON POT GOLF COURSE) TO 150 SPITFARM ROAD (ARM END) - WATER REUSE PIPELINE /Decision contd...

3. The proposal does not satisfy the Performance Criteria 29.3.1 P1 in the Environmental Management zone in that it is not complimentary to the use of the reserved land; would not have neutral impact on the use of the reserved land given absence of a reserve management plan for the area.
4. The proposal does not satisfy the Performance Criteria E16.7.1 P1 in the Coastal Erosion Hazard Code in that the building and works may impact on the sensitive dune and coastal area and impose a level of risk to community putting the health and safety of people should the pipeline remain uncovered for a time thereby threatening nearby residents and property owners in Half Moon Bay.

B. That the reasons for Council's decisions in respect of this matter be recorded as follows.

- Notwithstanding the pipeline is subterranean there is an element of risk and safety concerns given that the proposal is carrying B Grade recycled water and has the potential to impact upon adjoining properties and sensitive due and coastal area.
- There is no reserve management plan and that the proposal may have an unreasonable impact on the amenity of the area".

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

FOR

Ald James
Ald von Bertouch
Ald Warren

AGAINST

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Mulder
Ald Peers
Ald Walker

/ Decision contd on Page 24...

DEVELOPMENT APPLICATION D-2018/455 - DERWENT RIVER, 12A BALEMO STREET, ALGONA STREET AND SOUTH ARM ROAD/SPITFARM ROAD FROM 2972 SOUTH ARM ROAD (IRON POT GOLF COURSE) TO 150 SPITFARM ROAD (ARM END) - WATER REUSE PIPELINE /Decision contd...

MOVED Ald Ewington **SECONDED** Ald Blomeley

“That the officer’s Recommendation be adopted”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Mulder
Ald Peers
Ald Walker

AGAINST

Ald James
Ald von Bertouch
Ald Warren

11.3.2 DEVELOPMENT APPLICATION D-2018/675 - 448 CLIFTON BEACH ROAD, CLIFTON BEACH - DWELLING
(File No D-2018/675)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 448 Clifton Beach Road, Clifton Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and is subject to the Parking and Access Code, Stormwater Management Code and On-Site Wastewater 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.

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 6 February 2019 as agreed with the applicant.

CONSULTATION

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

- streetscape character; and
- visual appearance.

RECOMMENDATION:

A. That the Development Application for a Dwelling at 448 Clifton Beach Road, Clifton Beach (Cl Ref D-2018/675) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER [TSD-R09 (Urban) 3.6m wide].

ADVICE

ADVICE 3 – SPECIAL PLUMBING PERMIT.

- 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 Peers **SECONDED** Ald Chong

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.3 DEVELOPMENT APPLICATION D-2018/579 - 36 AND 38 FREDERICK HENRY PARADE, CREMORNE - 4 MULTIPLE DWELLINGS
(File No D-2018/579)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a Consent Agreement regarding appeal against Council's decision to refuse the development application at 36 and 38 Frederick Henry Parade, Cremorne.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Waterway and Coastal Protection, Coastal Erosion Hazard, Parking and Access, Stormwater Management and On-site Wastewater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

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 and the Resource Management and Planning Appeal Tribunal Act 1993.

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.

RECOMMENDATION:

- A. That Council signs the Consent Agreement to grant a permit in accordance with the draft permit contained in Attachment 3 of the Associated Report.
- 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 28 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/579 - 36 AND 38 FREDERICK HENRY
PARADE, CREMORNE - 4 MULTIPLE DWELLINGS /contd...**

Decision:	MOVED Ald Ewington SECONDED Ald Walker	
	“That the Recommendation be adopted”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald James
	Ald Chipman	Ald Warren
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	

**11.3.4 DEVELOPMENT APPLICATION D-2018/606 - 32 OGILVIE LANE,
RICHMOND - DISTILLERY**
(File No D-2018/606)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Distillery at 32 Ogilvie Lane, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned Significant Agricultural and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Waterway and Coastal Protection 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 the 6 February 2019 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 5 representations (including one non-statutory representation) were received raising the following issues:

- residential amenity;
- traffic impact;
- parking impact;
- signage;
- accuracy of projected visitation rates;
- contrary to the intent of the Significant Agricultural Zone;
- use categorisation; and
- irrigation.

RECOMMENDATION:

- A. That the Development Application for Distillery at 32 Ogilvie Lane, Richmond (CI Ref D-2018/606) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AM1 – NUISANCE.
 3. GEN C1 – ON-SITE CAR PARKING [4 spaces].
 4. GEN S1 – SIGN CONSENT.
 5. ENG A1 – NEW CROSSOVER [TSD-R03 (Rural) 5.5m].
 6. ENG M1 – DESIGNS DA [Carpark and driveways].
 7. The area shown as “Sealed road” and “Sealed area” on Drawing No 2 prepared by Chris Luttrell and dated 13/12/2018 must be constructed in a bituminous seal and provide for adequate stormwater drainage prior to the commencement of the use. Details of the construction must be submitted to and approved by Council’s Group Manager Engineering Services prior to the commencement of any works.
 8. All landscaping works required for the use as shown on Drawing No 2 prepared by Chris Luttrell must be completed and verified as being completed by Council prior to the commencement of the use. All landscape works must be maintained:
 - in perpetuity by the existing and future owners/occupiers of the property;
 - in a healthy state; and
 - in accordance with the approved landscape plan.If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or which was removed.

ADVICE

1. Council's Building Department have advised that the proposed work is located within a bushfire prone area and therefore a BAL and bushfire assessment report will be required to be included as part of the future certified building permit application documents demonstrating compliance with the Building Act 2016, Australian Standard AS3959 and the National Construction Code 2016.
 2. Council's Building Department have recommended that advice be sought from a Building Surveyor regarding the toilet facility compliance with the Disability (Access to Premises – Buildings) Standards 2010.
- 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.

Ald Chong declared an Interest in this Item and left the Meeting prior to discussion (9.36pm)

Decision:	MOVED Ald Blomeley SECONDED Ald Walker
	<p>“A. That Council adopts the officer's recommendation, subject to Condition 7 amended to:</p> <ol style="list-style-type: none"> 7. Within 10m of the frontage, the driveway must be constructed in a bituminous seal and provide for adequate stormwater drainage prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Group Manager Engineering Services prior to the commencement of any works. <p>B. That the reasons for Council's decision in respect of this matter be recorded as follows.</p> <ol style="list-style-type: none"> 1. Given the size of the development and the low number of vehicles that will visit the site, it is unnecessary to construct the entire driveway and parking area as recommended in the officer's report.

/ Decision contd on Page 32...

**DEVELOPMENT APPLICATION D-2018/606 - 32 OGILVIE LANE, RICHMOND –
DISTILLERY /Decision contd...**

2. It will be adequate to seal only a portion of the driveway at the frontage in order to protect the road and provide a suitable entry. Thereafter, access and car parking areas may be suitably gravelled in accordance with Condition 6”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Mulder
Ald Peers
Ald Walker
Ald Warren

AGAINST

Ald James
Ald von Bertouch

Ald Chong returned to the Meeting at this stage (9.54pm).

11.3.5 DEVELOPMENT APPLICATION D-2018/694 - 24 BAYVIEW ROAD, LAUDERDALE - DWELLING ALTERATIONS AND ADDITIONS
(File No D-2018/694)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for dwelling alterations and additions at 24 Bayview Road, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Inundation Prone Areas and Coastal Erosion Hazard Areas Codes 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 was extended with the consent of the applicant until 6 February 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of visual impact caused by variation to setback standard.

RECOMMENDATION:

- A. That the Development Application for dwelling alterations and additions at 24 Bayview Road, Lauderdale (CI Ref D-2018/694) 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 34 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/694 - 24 BAYVIEW ROAD,
LAUDERDALE - DWELLING ALTERATIONS AND ADDITIONS /contd...**

Ald Walker left the Meeting at this stage 9.54pm.

Decision: **MOVED** Ald Mulder **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.6 DEVELOPMENT APPLICATION D-2018/730 - 4 NAPA STREET, HOWRAH
- DWELLING AND CARPORT**
(File No D-2018/730)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling and Carport at 4 Napa Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access and Stormwater Management codes 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 has been extended with the applicant's consent until 8 February 2019.

CONSULTATION

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

- lack of eaves; and
- storage area under the house.

RECOMMENDATION:

- A. That the Development Application for Dwelling and Carport at 4 Napa Street, Howrah (CI Ref D-2018/730) 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 36 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/730 - 4 NAPA STREET, HOWRAH -
DWELLING AND CARPORT /contd...**

Decision:	MOVED Ald Mulder SECONDED Ald Blomeley
	“That the Recommendation be adopted”.
	CARRIED UNANIMOUSLY

11.3.7 DEVELOPMENT APPLICATION D-2018/733 - 3172 SOUTH ARM ROAD, SOUTH ARM - OUTBUILDING
(File No D-2018/733)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an Outbuilding (retrospective) at 3172 South Arm Road, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Coastal Erosion Hazard Area, Waterway and Coastal Protection Areas, Parking and Access and Stormwater Management 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 has been extended with the applicant's consent until 8 February 2019.

CONSULTATION

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

- shipping container on-site without a residence; and
- the character of the area.

RECOMMENDATION:

A. That the Development Application for Outbuilding at 3172 South Arm Road, South Arm (CI Ref D-2018/733) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

ADVICE

Council's Environmental Health Officers have advised that an application for wastewater application must be lodged with Council. Please contact Council's Environmental Health Officers on 03 62179570 to discuss.

- 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 Mulder **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.8 DEVELOPMENT APPLICATION D-2018/728 - 12 YACHTSMANS WAY, TRANMERE - 2 MULTIPLE DWELLINGS
(File No D-2018/728)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 12 Yachtsmans Way, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas, Waterway & Coastal Protection Area, Stormwater Management and Parking & Access Codes 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 6 February 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations (1 with 4 signatories) were received raising the following issues:

- size of lots in Yachtsmans Way;
- inconsistency with character of the area;
- inconsistency with building envelope requirements;
- privacy;
- stormwater runoff;
- loss of value; and
- detail on plans and design of dwellings.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 12 Yachtsmans Way, Tranmere (Cl Ref D-2018/728) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. Amended plans must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The amended plans must show:

- Private open space with a maximum grade of 1:10 throughout; and
- Fences within 4.5m of the frontage must have a transparency of not less than 30%.

When approved, the plans will form part of the permit.

3. ENG A2 – CROSSOVER CHANGE.
4. ENG A5 – SEALED CAR PARKING.
5. ENG S1 – INFRASTRUCTURE REPAIR.
6. ENG M1 – DESIGNS DA, delete third dot point “service upgrades or relocations”.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 14 December 2018 (TWDA 2018/02001-CCC).

ADVICE – The development is located within a mapped bushfire prone area and as such a BAL and bushfire assessment must form part of the certified documents for the building permit application.

- 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.

Ald Blomeley left the Meeting at this stage (9.56pm).

Decision:	MOVED Ald James SECONDED Ald Warren
	<p>“A. That the Development Application for 2 Multiple Dwellings at 12 Yachtsmans Way, Tranmere (CI Ref D-2018/728) be refused for the following reasons.</p> <ol style="list-style-type: none"> 1. The proposal does not satisfy the Performance Criteria 10.4.6 P3 (Privacy for all dwellings) in that habitable rooms on the upper levels of Units 1 and 2 would be 0m from the shared driveway and turning area.

/ Decision contd on Page 41...

**DEVELOPMENT APPLICATION D-2018/728 - 12 YACHTSMANS WAY,
TRANMERE - 2 MULTIPLE DWELLINGS /Decision contd...**

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

- Notwithstanding the design of the windows are on the upper level of the Units, with sill heights, the proposal has no horizontal separation between the units and a driveway or parking space".

Ald Walker and Ald Blomeley returned to the Meeting at 9.58pm.

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

FOR

Ald Edmunds
Ald James
Ald Mulder
Ald Warren

AGAINST

Ald Blomeley
Ald Chipman
Ald Chong
Ald Ewington
Ald Peers
Ald von Bertouch
Ald Walker

MOVED Ald Blomeley **SECONDED** Ald Peers

"That the officer's recommendation be adopted".

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Ewington
Ald James
Ald Peers
Ald von Bertouch
Ald Walker

AGAINST

Ald Edmunds
Ald Mulder
Ald Warren

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE

Nil Items.

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice at previous Council Meetings.

At Council's Meeting of 14 January 2019 Ald Mulder asked the following question:

COPPING JOINT AUTHORITY

The latest Copping Joint Authority quarterly report refers to "no on-site treatment". Can the General Manager clarify whether there is on-site treatment, especially in relation to the C-Cell?

ANSWER DETAILS

The Copping Refuse Disposal Site operations incorporate B-Cell and C-Cell category waste. B-cell waste is accepted in accordance with the EPN covering those activities. Similarly, C-cell waste is accepted in accordance with an EPN and only after specific approval by EPA in respect to the relevant Category C waste. There is no on-site treatment of waste to either cell.

12.4 QUESTIONS WITHOUT NOTICE**YouCamp**

Ald von Bertouch asked, does YouCamp, the private property camping sharing economy platform, have to meet any statutory approval requirements in Tasmania, and in particular, in Clarence?

The Mayor took the question on notice.

13. 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.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the report in the Closed Meeting section of the Council Agenda was dealt with on the grounds that the detail covered in the reports relates to:

- applications by Aldermen for a Leave of Absence.

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 Blomeley

“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 10.16pm.