

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 18 MARCH 2019
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HOURLY CALLED: 7.30pm

PRESENT: The meeting commenced at 7.31pm 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
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES Nil

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 10.20pm.

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 18 MARCH 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 25 February 2019, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Blomeley **SECONDED** Ald Ewington

“That the Minutes of the Council Meeting held on 25 February 2019, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

The Mayor provided comments on the following legal matters:

Southern Cross Care

On 13 March 2019, the High Court refused leave to appeal the decision of the Full Court of the Supreme Court of Tasmania in regard to the independent living units (ILU) eg Southern Cross Care.

The High Court’s refusal means that the decision of the Full Court is now part of Tasmanian law.

The decision of the High Court also awarded costs against Council. Costs will be taxed in due course and in accordance with the rules covering such things and Council do not yet know exactly what those costs will be.

Hobart International Airport Pty Ltd (HIAPL)

Council’s dispute with HIAPL regarding the rating equivalent, ie ex-gratia rates payment, made by the Hobart Airport to Council. That matter is before the Federal Court and the Federal Court commenced hearings with the airport regarding the method of calculating those rates. Opening statements and related matters were heard on 14 and 15 March 2019.

A directions hearing has also been scheduled for mid-June and further hearing dates set for 22 to 26 July. I will keep the Council up to date with developments along that front.

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
Sandford Oval School Road, Sandford Office Accommodation	4 March
Parking Strategy Community Consultation Strategy	12 March

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Peers **SECONDED** Ald Blomeley

“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 Kennedy **Item No. 11.3.1**

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

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

STORMWATER ISSUES

Mr Michael Figg representing the Advanced Lauderdale Association handed out a paper regarding Lauderdale stormwater drainage and asked the following.

In the Lauderdale Feasibility Study regarding stormwater, it was stated quite strongly that the last 2 people, my property and the property next to me, had to pay \$2M each to upgrade the stormwater. In the paper just presented, there is nothing in the issue coming up with Lauderdale tonight about anything to do with stormwater.

I also ask the question why is there nothing about the conservation of significant fauna, threatened fauna and soil types, which is so close to the development. We are not against the development; in fact we are 100% for it.

/ contd on Page 9...

QUESTIONS WITHOUT NOTICE /contd...

The question is regarding an open drain, highlighted by a circle in the handout; that open drain in 2005 channelled the water from Acton Road down into the properties below; in 2017 you will see that there is an open drain there to catch the water, which is ineffective and maintained by Council. That is in the same property area that the development is on tonight. The last page shows where the stormwater is going from that area into the neighbouring property and this is after it dropped by about 3 inches.

When is Council going to be compliant with stormwater in Lauderdale. The Tasmania Urban Drainage Act states the stormwater service providers must provide an adequate public stormwater system. Property owners are not to direct stormwater onto neighbouring properties, can you please tell me why this has not been addressed in this report and why it has been looked at with a microscope with the feasibility study of Lauderdale and has been overlooked.

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)

BEST PRACTICE CONSULTATION

Ms Robyn McNicol addressed the Meeting regarding the above matter.

9. MOTIONS ON NOTICE

**9.1 NOTICE OF MOTION - ALD MULDER
WASTE MANAGEMENT**

(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Mulder **SECONDER** Ald Peers

“That Council request an Officer’s report for a Council workshop on future options for better collection and processing of green waste co-mingled recycling and general waste”.

CARRIED UNANIMOUSLY

**9.2 NOTICE OF MOTION - ALD BLOMELEY
BEAUTIFICATION OF TASMAN HIGHWAY**

(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Blomeley **SECONDER** Ald Kennedy

- “A. That this Council calls upon the State Government to collaborate with Council to undertake a beautification program of works along the Tasman Highway, from the airport roundabout to the Tasman Bridge.
- B. That the State Government be responsible for the ongoing regular maintenance of this program and all associated costs”.

CARRIED

FOR

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald James (abstained)

**9.3 NOTICE OF MOTION - ALD EDMUNDS
SINGLE USE PLASTICS - SURVEY**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Edmunds **SECONDER** Ald Warren

“That Council include a question(s) seeking the views of Clarence residents and businesses on the phasing out of single-use plastics in its waste management survey later this year”.

CARRIED UNANIMOUSLY

**9.4 NOTICE OF MOTION - ALD WALKER
STCA MEMBERSHIP**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Walker **SECONDER** Ald Blomeley

“That Council sees no demonstrable benefit provided to Clarence by the Southern Tasmanian Council Authority (STCA), accordingly Council will notify all STCA member Councils of its intention not to renew its membership in 2019-2020 financial year and seek their views on winding up the Authority”.

CARRIED

FOR

Ald Blomeley
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Peers
Ald Walker

AGAINST

Ald Chipman
Ald Chong
Ald James
Ald von Bertouch
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

The Mayor tabled the Quarterly Report for the period ending December 2018, which will be included at the next Council Meeting.

Representative Reporting

The Mayor tabled the Minutes of a Meeting held on 18 February 2019.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summary of its Meetings for the period ending 8 March 2019.

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period 1 October to 31 December 2018.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

Representative Reporting

- **TASWATER CORPORATION**

The Mayor advised that a Board selection meeting will be held on 20 March 2019.

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

CLARENCE CULTURAL HISTORY ADVISORY COMMITTEE

- Ald Blomeley tabled the Minutes of a Meeting held on 6 March 2019.

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

(File No 10/02/02)

The Weekly Briefing Reports of 25 February, 4 and 11 March 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 25 February, 4 and 11 March 2019 be noted.

Decision:	MOVED Ald Blomeley SECONDED Ald Peers																				
	“That the Recommendation be adopted”.																				
	Ald von Bertouch and Ald Ewington left the Meeting at this stage (8.59pm).																				
	The MOTION was put and CARRIED																				
	<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Ald Blomeley</td><td>Ald James (abstained)</td></tr><tr><td>Ald Chipman</td><td></td></tr><tr><td>Ald Chong</td><td></td></tr><tr><td>Ald Edmunds</td><td></td></tr><tr><td>Ald Kennedy</td><td></td></tr><tr><td>Ald Mulder</td><td></td></tr><tr><td>Ald Peers</td><td></td></tr><tr><td>Ald Walker</td><td></td></tr><tr><td>Ald Warren</td><td></td></tr></table>	FOR	AGAINST	Ald Blomeley	Ald James (abstained)	Ald Chipman		Ald Chong		Ald Edmunds		Ald Kennedy		Ald Mulder		Ald Peers		Ald Walker		Ald Warren	
FOR	AGAINST																				
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Ald Chipman																					
Ald Chong																					
Ald Edmunds																					
Ald Kennedy																					
Ald Mulder																					
Ald Peers																					
Ald Walker																					
Ald Warren																					

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-2019/34 - 57 ALLUMBA STREET, HOWRAH - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
(File No D-2019/34)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing + 1 new) at 57 Allumba 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 expires on 20 March 2019.

CONSULTATION

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

- impact on privacy; and
- removal of the existing trees.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 57 Allumba Street, Howrah (CI Ref D-2019/34) be approved subject to the following conditions and advice:
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A2 – CROSSOVER CHANGE (5M).
 3. ENG A5 – SEALED CAR PARKING.

4. ENG M1 – DESIGN DA.
 5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. The stormwater soakage drains must be designed and certified by a suitably qualified person and must be included within the engineering plans submitted and approved by Council's Group Manager Engineering Services.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 31 January 2019 (TWDA 2019/00100-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.

Ald Kennedy declared an Interest in this Item and left the Meeting prior to discussion (9.01pm).

Ald Ewington returned to the Meeting at this stage (9.01pm).

Decision:	MOVED Ald Chong SECONDED Ald Peers "That the Recommendation be adopted". CARRIED UNANIMOUSLY
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11.3.2 DEVELOPMENT APPLICATION D-2018/721 - 320 FLAGSTAFF GULLY LINK ROAD, WARRANE AND CROWN ROAD RESERVATIONS (CLARENCE MOUNTAIN BIKE PARK) - TOILETS AND PICNIC SHELTER
(File No D-2018/721)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for toilets and a picnic shelter at 320 Flagstaff Gully Link Road, Warrane and Crown road reservations (Clarence Mountain Bike Park).

RELATION TO PLANNING PROVISIONS

The land is zoned Utilities and subject to the Parking and Access Code, Stormwater Management Code and Natural Assets 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 March 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:

- location of development;
- building design; and
- compliance with disability access requirements.

RECOMMENDATION:

A. That the Development Application for toilets and picnic shelter at 320 Flagstaff Gully Link Road, Warrane and Crown road reservations (Clarence Mountain Bike Park) (CI Ref D-2018/721) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.

2. All landscaping works shown on Concept Master Plan (Drawing Number 6573-1) must be completed and verified as being completed to the satisfaction of Council's Manager City Planning 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.

3. All works (including on-site servicing) must be undertaken generally in accordance with "Wetlands and Waterways Works Manual" (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010) to the satisfaction of Council's Manager City Planning.
4. The development must meet all required Conditions of Approval specified by TasWater notice dated 21 February 2019 (TWDA 2018/01951-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.

Ald Kennedy and Ald von Bertouch returned to the Meeting at this stage (9.02pm).

Decision:	MOVED Ald James SECONDED Ald Kennedy
	"That the Recommendation be adopted".
	CARRIED UNANIMOUSLY

11.3.3 DEVELOPMENT APPLICATION D-2019/32 - 15 ACTON ROAD, WITH ACCESS OVER 17 ACTON ROAD, ACTON PARK - ADDITIONS AND ALTERATIONS

(File No D-2019/32)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for additions and alterations at 15 Acton Road, with access over 17 Acton Road, Acton Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose and subject to the 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 21 March 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- traffic congestion;
- dangerous intersection;
- inadequate parking;
- no alternative transport; and
- traffic impact statement.

RECOMMENDATION:

- A. That the Development Application for additions and alterations at 15 Acton Road, with access over 17 Acton Road, Acton Park (Cl Ref D-2019/32) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A5 – SEALED CAR PARKING.
3. ENG S1 – INFRASTRUCTURE REPAIR.
4. ENG M1 – DESIGN DA.
5. LAND 1A – LANDSCAPE PLAN.
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 6 February 2019 (TWDA 2019/00098-CCC).

ADVICE

Council's building department has advised that the proposed works are to comply with Disability (Access to Premises- Building) Standards 2010.

ADVICE

Council's plumbing department has advised that a plumbing CLC will be required before works are to commence.

- 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 Chong **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.4 DEVELOPMENT APPLICATION D-2018/720 - 15 BAYFIELD STREET AND 5 WINKLEIGH PLACE, ROSNY PARK - DRIVE THROUGH TAKEAWAY SHOP

(File No D-2018/720)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a drive through Takeaway Shop at 15 Bayfield Street and 5 Winkleigh Place, Rosny Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Central Business and subject to the Parking and Access and Signs 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 27 March 2019.

CONSULTATION

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

- noise;
- odour; and
- rubbish.

RECOMMENDATION:

A. That the Development Application for drive through Takeaway Shop at 15 Bayfield Street and 5 Winkleigh Place, Rosny Park (CI Ref D-2018/720) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS [details of the outdoor furniture, including umbrellas, which are compatible with the streetscape works in Bayfield Street].

3. ENG A5 – SEALED CAR PARKING.
 4. ENG S1 – INFRASTRUCTURE REPAIR.
 5. ENG M1 – DESIGNS DA “add additional dot point, external carpark lighting”.
 6. LAND 1A – LANDSCAPE PLAN add additional dot points, “type of hard and soft landscaping and furniture compatible with the streetscape improvements undertaken in Bayfield Street”.
 7. LAND 2 – LANDSCAPE BOND (COMMERCIAL).
 8. GEN C2 – CASH-IN-LIEU [\$48,000] [4].
 9. GEN S6 – SIGN CONTEXT.
 10. GEN S7 – SIGN MAINTENANCE.
 11. GEN S7 – SIGN ILLUMINATION HOURS.
 12. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 December 2019 (TWDA 2018/01949-CCC).
 13. ADVICE 3 – FOOD SPECIFICATIONS ADVICE.
 14. 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.

Decision:	MOVED Ald Blomeley SECONDED Ald Kennedy “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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11.3.5 SUBDIVISION APPLICATION SD-2018/11 - 91, 93, 145 AND 163 PASS ROAD AND 22 GOODWINS ROAD, ROKEBY - 169 LOT SUBDIVISION
(File No SD-2018/11)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 169 Lot Subdivision at 91, 93, 145 and 163 Pass Road and 22 Goodwins Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential, Open Space, Rural Resource and Particular Purpose and subject to the Bushfire Prone Areas, Road and Railway Assets, Waterways and Coastal Protection Areas, Landslide and Stormwater Management Codes and the ParanVille 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.

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 March 2019.

CONSULTATION

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

- increase in vermin;
- ratio of affordable housing;
- impact on native wildlife/vegetation; and
- increase in traffic.

RECOMMENDATION:

A. That the application for a 169 Lot Subdivision at 91, 93, 145 and 163 Pass Road and 22 Goodwins Road, Rokeby (CI Ref SD-2018/11) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. An amended staging plan showing the public open space lots in Stage 1 must be submitted to and approved by Council's Manager City Planning, prior to the commencement of use. The development must only proceed in accordance with the approved stages.
3. GEN F5 – PART 5 AGREEMENT [The establishment and maintenance of hazard management areas to the north, east and west in accordance with the recommendations of the report by N Creese, 14 December 2017].
4. ENG A1 – NEW CROSSOVER [TSD-R09 (urban)] [3.6M].
5. ENG S1 – INFRASTRUCTURE REPAIR.
6. ENG S4 – STORMWATER CONNECTION.
7. ENG S10 – UNDERGROUND SERVICES.
8. ENG M2 – DESIGNS SD add additional dot point "Public Open Space walking trail".
9. ENG M4 – POS ACCESS.
10. ENG M5 – EROSION CONTROL.
11. ENG M7 – WEED MANAGEMENT.
12. ENG M8 – EASEMENTS.
13. ENG M9 – FILLING OF LAND.
14. ENG R1 – ROAD NAMES.
15. ENG R2 – URBAN ROAD.
16. ENG R5 – ROAD EXTENSION.
17. ENG R6 – VEHICLE BARRIERS.
18. GEN POS2 – POS STAGING.
19. PROP 2 – POS FENCING.
20. PROP 3 – TRANSFER.
21. GEN AM4 – CONSTRUCTION HOURS.

22. Details of how the works will be carried out in accordance with the “Wetlands and Waterways Works Manual” (DPIWE, 2003) and “Tasmanian Coastal Works Manual” (DPIPWE, Page and Thorp, 2010) and the recommendations of the Natural Values Assessment (North Barker, 14 January 2019) must be submitted to and approved by Council’s Group Manager Engineering Services, prior to the issue of the approved engineering drawings.
23. All stormwater designs for the development must include 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 the approved engineering drawings. This report is to include the maintenance management regime/replacement requirements for any treatment facilities.

The detailed engineering drawings are to include specific details on all works associated with existing waterways through the site (Stokell Creek and Sawpit Gully) which are to be supported with detailed hydraulic calculations. These works shall include, but not limited to, clearing, forming and reshaping along with associated structures, diversion works, detention and stormwater treatment. The designs are to ensure ease of maintenance, protect all properties from flooding during a 1% AEP event and comply with safety requirements associated with stormwater detention and treatment facilities being accessible by the public.

24. LAND 5 – SUBDIVISION LANDSCAPING.
25. LAND 4 – LANDSCAPE BOND (SUBDIVISION).
26. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 September 2018 (TWDA 2018/00259-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 Mulder

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.6 DEVELOPMENT APPLICATION D-2018/667 - 239 BLIGH STREET, WARRANE - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
(File No D-2018/667)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple dwellings (1 existing + 1 new) at 239 Bligh Street, Warrane.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access and Electricity Infrastructure 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 20 March 2019.

CONSULTATION

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

- loss of privacy; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 239 Bligh Street, Warrane (Cl Ref D-2018/667) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [sill height of the window on the western elevation increased to a minimum of 1.7m from floor level].
3. ENG A5 – SEALED CAR PARKING.

4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG M1 – DESIGNS DA.
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 November 2019 (TWDA 2018/01808-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 Peers **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

CARRIED**FOR**

Ald Blomeley
Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald James (abstained)

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**11.5.1 OPTIONS TO UPGRADE THE GRAVEL SECTION OF SCHOOL ROAD, SANDFORD**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider upgrading the gravel section of School Road, Sandford.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

Clarence City Council is responsible for the maintenance of School Road under the Local Government (Highways) Act 1982.

CONSULTATION

No community consultation has been undertaken.

FINANCIAL IMPLICATIONS

Funds were allocated in the 2016/2017 Annual Plan to undertake the upgrade of the gravel section of School Road. Following this, headworks charges of \$148,500 have been received.

RECOMMENDATION:

- A. That Council resolves to upgrade the gravel section of School Road, Sandford to meet the requirements of Council's By-Laws, in accordance with Option 1 as reported.
- B. That Council's adopted Estimates be amended to include an income of \$148,500.00 from Headworks Reserves and the Capital Construction expenditure.

/ Refer to Page 34 for Decision on this Item...

OPTIONS TO UPGRADE THE GRAVEL SECTION OF SCHOOL ROAD, SANDFORD /contd...

Decision:	MOVED Ald Mulder SECONDED Ald Kennedy	
	That Council resolves to upgrade the existing gravel section of School Road, Sandford to a minimum standard 5m width gravel surface, with minor drainage improvements and removal of roadside hazards.	
	CARRIED	
	FOR	AGAINST
	Ald Chong	Ald Blomeley
	Ald Edmunds	Ald Chipman
	Ald James	Ald Ewington
	Ald Kennedy	Ald Peers
	Ald Mulder	Ald Warren
	Ald von Bertouch	
	Ald Walker	

11.5.2 RECREATION NEEDS ANALYSIS 2019

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Recreation Needs Analysis, for the purpose of informing Council's forward planning for sport and recreation provisions.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026, Community Participation Policy and Procurement Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The majority of Clarence based sporting clubs and associations have participated in the development of the Recreation Needs Analysis and provided their collective needs to inform future sport and recreation provisions.

FINANCIAL IMPLICATIONS

No direct financial impacts are arising from the adoption of the Recreation Needs Analysis. Strategic actions contained in the document will require further planning prior to seeking future budget allocations.

RECOMMENDATION:

- A. That Council adopts the Recreation Needs Analysis 2019, including the Guiding Principles, to inform future planning and investment for the provision of sport and recreation facilities.
- B. In addition to the actions contained within the Recreation Needs Analysis, that Council establish a new Special Committee – the Sport and Recreation Consultative Committee - to assist with the implementation of the Recreation Needs Analysis and other strategic matters affecting sport and recreation within the municipality.
- C. That the creation of a Sport and Recreation Consultative Committee be reported to a future Council Meeting for the purpose of approving a constitution for the new special committee.

Decision:

MOVED Ald Ewington **SECONDED** Ald Kennedy

“A. That Council adopts the Recreation Needs Analysis 2019, including the Guiding Principles, to inform future planning and investment for the provision of sport and recreation facilities.

/ Decision contd on Page 36...

RECREATION NEEDS ANALYSIS 2019 /Decision contd...

- B. In addition to the actions contained within the Recreation Needs Analysis, that Council considers establishing a new Special Committee, the Sport and Recreation Consultative Committee, to assist with the implementation of the Recreation Needs Analysis and other strategic matters affecting sport and recreation within the municipality.
- C. That the creation of a proposed Sport and Recreation Consultative Committee be reported to a future Council Meeting for the purpose of approving a constitution for the new special committee”.

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 RENAMING OF CLARENDON VALE GREEN BELT**

(File No 10-03-11)

EXECUTIVE SUMMARY**PURPOSE**

To formally consider renaming of the Clarendon Vale Green Belt.

RELATION TO EXISTING POLICY/PLANS

Council is in the process of developing the Clarence Plains Master Plan. There are no other applicable policies or plans.

LEGISLATIVE REQUIREMENTS

There are no legislative requirements relevant to renaming of Council owned public land.

CONSULTATION

The One Community Together Committee has conducted a survey within the local community. Council has not undertaken separate consultation in respect to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications associated with renaming the Clarendon Vale Green Belt, other than a small cost associated with signage.

RECOMMENDATION:

- A. That Council formally renames the Clarendon Vale Green Belt to “Clarendon Vale Community Park”.
- B. That Council advises the One Community Together Committee and the wider Clarendon Vale community of the name change.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.2 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - PRESIDENT AND GENERAL MANAGEMENT COMMITTEE ELECTIONS

(File No 10-04-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider nominations for the position of President of the Local Government Association of Tasmania (LGAT) and one position for Committee Member of the General Management Committee.

RELATION TO EXISTING POLICY/PLANS

There are no Council Strategic Plan/Policy implications in respect to this matter. However, Council has had a long-term strategic commitment to seek representation and pursue active participation on Regional, Local and State representative bodies.

LEGISLATIVE REQUIREMENTS

The Local Government Association of Tasmania has appointed the Tasmanian Electoral Commission to conduct the election process for the filling of the relevant positions.

CONSULTATION

All communication on the election is carried out by the Tasmanian Electoral Commission. A circular has been sent to all Councils to seek nominations.

FINANCIAL IMPLICATIONS

Not applicable to this report.

RECOMMENDATION:

- A. That Council nominates an Alderman as a candidate for election as President of the Local Government Association of Tasmania.
- B. That Council nominates an Alderman as a candidate for election as Committee Member for the Southern Electoral District.

/ Refer to Page 40 for Decision on this Item...

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - PRESIDENT AND GENERAL MANAGEMENT COMMITTEE ELECTIONS /contd...

Decision:	MOVED Ald Mulder SECONDED Ald Warren
	“That Council decides not to nominate any of its members for the vacant positions of President or Member of the General Management Committee”.
	PROCEDURAL MOTION
	MOVED Ald Blomeley SECONDED Ald von Bertouch
	“That the MOTION be put ”.
	The PROCEDURAL MOTION was put and CARRIED
FOR	AGAINST
Ald Blomeley	Ald Mulder
Ald Chipman	Ald Warren
Ald Chong	
Ald Edmunds	
Ald Ewington	
Ald James	
Ald Kennedy	
Ald Peers	
Ald von Bertouch	
Ald Walker	
	The MOTION was put and LOST
FOR	AGAINST
Ald Mulder	Ald Blomeley
Ald Warren	Ald Chipman
	Ald Chong
	Ald Edmunds
	Ald Ewington
	Ald James
	Ald Kennedy
	Ald Peers
	Ald von Bertouch
	Ald Walker

/ Decision contd on Page 41...

**LOCAL GOVERNMENT ASSOCIATION OF TASMANIA - PRESIDENT AND
GENERAL MANAGEMENT COMMITTEE ELECTIONS /Decision contd...**

NOMINATIONS FOR PRESIDENT

Ald von Bertouch **nominated** Ald Blomeley as a candidate for election as President of the Local Government Association of Tasmania.

There being no further nominations Ald Blomeley was duly **nominated**.

**NOMINATIONS FOR MEMBER GENERAL MANAGEMENT
COMMITTEE**

Ald Walker **nominated** Ald Chong

Ald Mulder **nominated** Ald James

Ald von Bertouch **nominated** Ald Blomeley

Ald Blomeley, Ald Chong and Ald James left the Meeting at this stage.

There being 3 nominations a ballot was conducted.

Ald James was excluded from the first ballot and returned to the Meeting following that ballot.

A second ballot was conducted and Ald Blomeley was duly **nominated**.

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

Nil.

12.4 QUESTIONS WITHOUT NOTICE

The Mayor took the following Question on Notice.

ACCOMMODATION UNITS – PETCHEY STREET

Ald Mulder asked the following question: Council at its last Meeting approved 15 visitor accommodation units in Petchey Street at a density that would not be permitted for long stay residential accommodation; it is clear from the developer's own traffic impact statement that the site is intended to be used as a mix of long term and short term accommodation.

Given the accommodation crisis in Greater Hobart I ask:

- a) What enforcement action is planned should the developer begin renting the units on a long term basis?
- b) What enforcement action has ever been taken at the Richmond Caravan Park where many of the sites are clearly occupied on a permanent basis?

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 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.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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:

- information provided to the council on the condition it is kept confidential;
- 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:	<p>PROCEDURAL MOTION MOVED Ald Peers SECONDED Ald Edmunds</p> <p>“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”.</p> <p>CARRIED UNANIMOUSLY</p>
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The Meeting closed at 10.20pm.