

<b>MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 25 FEBRUARY 2019</b>
---

**HOURLY 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  
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 10.25pm.

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 25 FEBRUARY 2019**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
1.	ATTENDANCE AND APOLOGIES .....	5
2.	CONFIRMATION OF MINUTES.....	5
3.	MAYOR’S COMMUNICATION .....	5
4.	COUNCIL WORKSHOPS.....	5
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE.....	6
6.	TABLING OF PETITIONS .....	7
7.	PUBLIC QUESTION TIME.....	8
7.1	PUBLIC QUESTIONS ON NOTICE.....	8
7.2	ANSWERS TO QUESTIONS ON NOTICE .....	8
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	9
7.4	QUESTIONS WITHOUT NOTICE.....	10
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC .....	11
9.	MOTIONS ON NOTICE .....	12
9.1	NOTICE OF MOTION - ALD MULDER PLANNING CONTROLS APPLICABLE TO PAYMENT OF CASH-IN-LIEU FOR CAR PARKING .....	12
9.2	NOTICE OF MOTION - ALD PEERS DATA RELATING TO VEHICLES USING BEGONIA STREET AND MALUNNA ROAD .....	13
10.	REPORTS FROM OUTSIDE BODIES .....	14
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES .....	14
	• SOUTHERN TASMANIAN COUNCILS AUTHORITY	
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES .....	15
11.	REPORTS OF OFFICERS .....	32
11.1	WEEKLY BRIEFING REPORTS .....	32

11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS .....	33
------	--	----

### **11.3 PLANNING AUTHORITY MATTERS**

11.3.1	DEVELOPMENT APPLICATION D-2018/684 - 18A SWINTON PLACE, WITH ACCESS OVER 18 SWINTON PLACE, ROSE BAY - DWELLING .....	35
11.3.2	DEVELOPMENT APPLICATION D-2018/756 - 2 RAMINEA ROAD, LINDISFARNE – COURTYARD ROOF .....	37
11.3.3	DEVELOPMENT APPLICATION D-2018/682 - 15 TERRINA STREET, LAUDERDALE – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 2 MULTIPLE DWELLINGS.....	39
11.3.4	DEVELOPMENT APPLICATION D-2018/635 - 12 CHERRINGTON DRIVE, TRANMERE - 2 MULTIPLE DWELLINGS .....	41
11.3.5	DEVELOPMENT APPLICATION D-2018/746 - 2 VIENNE DRIVE, HOWRAH - 5 MULTIPLE DWELLINGS (1 EXISTING + 4 NEW).....	43
11.3.6	DEVELOPMENT APPLICATION D-2018/736 - 30 DUMBARTON DRIVE, GEILSTON BAY (INCLUDING ACCESS OVER 22, 26, 28A AND 32 DUMBARTON DRIVE) - 6 MULTIPLE DWELLINGS .	46
11.3.7	DEVELOPMENT APPLICATION D-2018/724 - 8 AND 10 PETCHEY STREET AND 16 KING STREET, BELLERIVE - BOUNDARY ADJUSTMENT, PARTIAL DEMOLITION, CHANGE OF USE TO VISITOR ACCOMMODATION FOR THE EXISTING HERITAGE BUILDING AND 15 MULTIPLE DWELLINGS .....	49

### **11.4 CUSTOMER SERVICE - NIL ITEMS**

### **11.5 ASSET MANAGEMENT**

11.5.1	BELLERIVE PUBLIC PIER – FUNDING AND OWNERSHIP .....	56
--------	---	----

### **11.6 FINANCIAL MANAGEMENT - NIL ITEMS**

### **11.7 GOVERNANCE**

11.7.1	QUARTERLY REPORT TO 31 DECEMBER 2018 .....	59
11.7.2	REVIEW OF TASMANIA’S LOCAL GOVERNMENT LEGISLATION FRAMEWORK – COUNCIL RESPONSE .....	60
11.7.3	ADOPTION OF UPDATED CODE OF CONDUCT .....	61
11.7.4	STATE GOVERNMENT LEASE AND GRANT OFFER FOR KANGAROO BAY CARPARK .....	62
11.7.5	RECRUITMENT – GENERAL MANAGER .....	63

12.	ALDERMEN'S QUESTION TIME .....	65
12.1	QUESTIONS ON NOTICE .....	65
12.2	ANSWERS TO QUESTIONS ON NOTICE .....	65
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE .....	66
12.4	QUESTIONS WITHOUT NOTICE.....	67

<b>13. CLOSED MEETING</b>
---------------------------

- |      |  |
|------|--|
| 13.1 | APPLICATIONS FOR LEAVE OF ABSENCE  |
| 13.2 | TENDER T1262/18 – ASPHALT RESURFACING WORKS 2018/19  |
| 13.3 | AUDIT PANEL – RE-APPOINTMENT OF INDEPENDENT MEMBER AND CHAIRPERSON   |
| 13.4 | URGENT ITEM - CLARENCE CITY COUNCIL V THE COMMONWEALTH OF AUSTRALIA AND ANOR (IN THE FEDERAL COURT OF AUSTRALIA) |

## 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 4 February 2019, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 4 February 2019, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

## 3. MAYOR'S COMMUNICATION

- The Mayor tabled the Hobart City Deal which was signed 24 February 2019 at the Hobart airport by the Prime Minister, Premier and all Metropolitan Mayors.
- The Deputy Mayor noted the 40<sup>th</sup> anniversary of Clarence Little Athletics and tabled a medallion presented to thank Council for its support.

## 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
Wirksworth – Presentation of Proposal	
Suburb Boundary Change	
Review of Local Government Act	12 February
Rosny Farm Redevelopment	
Recreational Needs Analysis	
General Manager Recruitment Process	18 February

**4. COUNCIL WORKSHOPS /contd...****RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:** **MOVED** Ald Edmunds **SECONDED** Ald Warren

“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 Walker**

**Item No. 11.3.2**

**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.

Questions on notice and their answers will be included in the minutes.

Mr Thomas Chick gave notice of the following questions:

#### **AUDIO-VISUAL RECORDING**

1. During the audio-visual recordings, the 2 tables nearest the public gallery are not adequately audible on said recordings when what their occupants are saying is relevant to the meeting, more specifically; they are not audible at all. Is there anything that can be done to solve this?
2. During the audio-visual recording of the Council Meeting of 4 February 2019, approximately 35 minutes in, audio was replaced with loud white noise for several minutes, then silence for the rest of the recording except for the last few minutes, also white noise. Can it be confirmed the audio is permanently lost and what steps are being taken to prevent a recurrence?

### **7.2 ANSWERS TO QUESTIONS ON NOTICE**

The General Manager provided the following answers to Questions taken on Notice listed at Item 7.1.

#### **AUDIO-VISUAL RECORDING**

1. An audio consultant has been working with Council to improve the audio-visual recordings. The microphone volume will be increased to improve the sound quality on recordings.
2. There was a problem with the audit system during the meeting. There was a very high level of interference (“white noise”) through the audio system which meant that there was no voice recording at all. Unfortunately the recording cannot be fixed. We are working to identify the cause and make sure the problem does not reoccur.

**7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

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

**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 Details**

Council's Parks Crew undertakes regular inspections of the Victoria Esplanade park region. A work order has been initiated to prune overhanging vegetation adjacent to the Clarence Foreshore Trail between Bellerive Beach and the carpark at 2 Cambridge Road, Bellerive.

A risk assessment of the foreshore trail identified a number of treatments to improve sightlines and pathway space along this section of the trail and this is being scheduled in the maintenance program to be undertaken this year.

Speeding motorists and cyclists are not monitored, however, there is clear signage to indicate the road speed limit and signage along our foreshore trail to indicate it is a shared pathway.

**Section E11.7.1 P2**

Mr Michael Figg asked the following question: 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 Advance Lauderdale Association to bring you up to speed?

**Answer Details**

Council communicates with the public on a wide range of issues, as raised from time to time. Attendance at a meeting convened by a community group is a matter for each Alderman.

**7.4 QUESTIONS WITHOUT NOTICE**

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

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda.

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

**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-2018/724 – 8 AND 10 PETCHEY STREET AND 16 KING STREET, BELLERIVE – BOUNDARY ADJUSTMENT, PARTIAL DEMOLITION, CHANGE OF USE TO VISITOR ACCOMMODATION FOR THE EXISTING HERITAGE BUILDING AND 15 MULTIPLE DWELLINGS**

(REFER ITEM 11.3.7)

M/s Elizabeth Curtis addressed the Meeting regarding the above Development Application.

M/s Indra Boss addressed the Meeting regarding the above Development Application.

**9. MOTIONS ON NOTICE**

**9.1 NOTICE OF MOTION - ALD MULDER  
PLANNING CONTROLS APPLICABLE TO PAYMENT OF CASH-IN-LIEU FOR  
CAR PARKING**  
(File No 10-03-05)

In accordance with Notice given it was:

**Decision:** **MOVED** Ald Mulder **SECONDER** Ald James

“That a Workshop be held to review the planning controls applicable to the payment of cash-in-lieu for car parking that cannot be provided on-site”.

**CARRIED UNANIMOUSLY**

**9.2 NOTICE OF MOTION - ALD PEERS  
DATA RELATING TO VEHICLES USING BEGONIA STREET AND MALUNNA  
ROAD**  
(File No 10-03-05)

In accordance with Notice given it was:

**Decision:**    **MOVED** Ald Peers    **SECONDED** Ald James

- “A    That Council seek to obtain the data relating to the origins and destinations of vehicles using Begonia Street and Malunna Road
- B.    That the information, if available, be presented to a future Council Workshop to consider options of sealing, making one way or implementing traffic calming safety measures and/or do nothing.
- C.    That if needed a public meeting and community consultation be undertaken to determine which option, if any is preferred”.

**CARRIED**

**FOR**

Ald Blomeley  
Ald Chipman  
Ald Chong  
Ald Edmunds  
Ald Ewington  
Ald James  
Ald Kennedy  
Ald Mulder  
Ald Peers  
Ald Warren

**AGAINST**

Ald von Bertouch  
Ald Walker (abstained)

**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**

December Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

**10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****NATURAL RESOURCE MANAGEMENT – QUARTERLY REPORT**

(File No)

**Chairperson's Report – Alderman Beth Warren**

Report to Council for the 3 month period 1 October 2018 to 31 December 2018.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's prime objectives are to:

- advise Council on the strategic planning and management of bushland and coastal reserves and parks throughout the City;
- provide advice on Council's Reserve Activity Plans and Catchment Management Plans in the context of the "Clarence Bushland and Coastal Strategy";
- administer, in conjunction with Council, the Land and Coast Care Grants Program;
- facilitate and provide guidance for the implementation of Council's adopted "Clarence Bushland and Coastal Strategy"; and
- promote information sharing of natural resource related matters affecting the City.

In working towards these goals the Committee, in conjunction with Council's Natural Assets Officer, implemented a range of activities which are set out below.

**2. CAPITAL WORKS PROJECTS**

Nil.

**3. RECURRENT INITIATIVES****Development of Reserve Activity Plans (RAP) 2018-19**

Community consultation has been completed on the Mortimer Bay Coastal RAP. Key stakeholder is underway before a Report is prepared for Council's Endorsement.

The Seven Mile Beach Coastal RAP is seeking community consultation on the draft Reserve Activity Plan with feedback closing on 15 January 2019.



The Cremorne Coastal Reserve RAP draft is being prepared following collation of initial community consultation results addressing natural, cultural and recreational aspects.

### **Implement Natural Area Reserve Activity Plans**

#### **She Oak Point**

Weeding of garden beds and other areas has occurred at She Oak Point. Additional mulch was added where required.

#### **Clifton Beach Water Access Ramp**

The water access ramp used by the Clifton Beach Surf Lifesaving Club and other parties has been upgraded after storm damage made the ramp steep and almost un-useable. Large boulder-type rocks were installed at the base of the ramp to minimise further erosion from storm events. Road base was compacted between the gaps of the rock paved boulders and sand spread over the base of the ramp to finish the work.



Image showing Rock Paving Installation at base of Water Access Ramp at Clifton Beach

### **Tranmere Coastal Reserve**

Extensive maintenance work has been carried out along the linear Tranmere Coastal Reserve from the public toilets at the Southern end toward Minerva Park. Track verges and long grass areas have been brush cut.

### **Limekiln Point Coastal Reserve**

General maintenance was carried out about the Limekiln Point area prior to Christmas. The locals were very happy with the work done by contractors.

### **Mortimer Bay Coastal Reserve**

Entrances to the reserve received maintenance. The southern entrance to the reserve underwent extensive weed control and slashing. Weeds were also treated.

### **Roscommon**

A bobcat with slasher was engaged to slash long grass around several areas of Roscommon where plantings have occurred recently. Brush cutting was then undertaken between the plants where the slasher could not access.

### **Clarence Plains Rivulet – 45 Goodwin's Road**

Tasflora was engaged to brush cut the stream banks of the Clarence Plains rivulet at 45 Goodwin's Road. Track verges were also treated and cumbungi and other weeds controlled.

### **Clifton Beach Carpark Surrounds**

The landscaping areas about the carpark at Clifton Beach received some much needed maintenance work. Long grass was brush cut, weeds controlled and vegetation pruned and thinned to make the local area look more aesthetically pleasing.

### **Elinga Greenbelt**

Entrance landscaping underwent maintenance work and long grass was brush cut. There are future plans to plant more vegetation and add more mulch when the weather becomes cooler in autumn 2019.

**Roches Beach Coastal Reserve**

The entrance to Roches Beach at 34a Balook Street, between 32 and 34 Balook Street, was heavily pruned (mostly coastal wattle) to improve view lines, reduce fuel loads and allow improved access to the beach. Long grass was brush cut and litter collected in the vegetation removed.

**Howrah-Bellerive Coastal Reserve**

Several illegal campsites located in the dunes at Bellerive Beach were shut down by Council recently. Associated structures and rubbish were removed and areas left clean after decommission of the campsites. It was evident anti-social behaviour was occurring at these sites.

**CCC Land and Coast Care Grants' Program**

CCC Land and Coast Care Grants Applications were received and assessed by the NRM and Grants Committee. The following groups were successful in their funding applications:

<b>Group</b>	<b>Funding (\$)</b>
Bellerive Bluff L/C and C/C Group Inc	2665
Limekiln Point Landcare Group Inc	5000
Mt Rumney Landcare	4460
Opossum Bay and South Arm Coastcare	5000
Pipe Clay Coastcare	5000
Rosny Montagu Bay L/C and C/C Inc	4996
Seven Mile Beach Coastcare Group Inc	2392
Tranmere-Clarence Plains L/C and C/C Inc	5000
Waverley Flora Park Landcare	4791
<b>TOTAL</b>	<b>\$39,304</b>



### Drainage Swales

The Clarence Plains Rivulet which runs under the bridge at Droughty Point Road was experiencing flow problems creating unpleasant smells and possible fish mortalities due to a rock structure under the bridge not allowing enough water flow through the bridge area. An excavator was engaged to remove some of the rock structure to open up the stream area and improve flows. Before and after images below show improved flows at low tide.

#### Before



#### After



### **Roches Beach Road Swale**

The stormwater swale parallel with Roches Beach Road was brush cut, treated for weeds and rubbish/litter removed.

### **Kirra Road Swale**

The swale or creek that runs along the start of Kirra Road toward the yacht club at Roches Beach was maintained recently.

### **Kangaroo Bay Rivulet**

The Kangaroo Bay Rivulet stream banks were brush cut twice during the quarter due to accelerated growing conditions from significant rainfall combined with hot weather. Blockages about the log jam structure were removed as was rubbish and litter along the rivulet.

### **Wetland/Storm Water Retention Basins**

#### **Cambridge Park Wetland**

Cambridge Park Wetland was mowed and brush cut to control the long grass growing around the wetland. Cumbungi has been removed and landscaping areas sprayed for weeds.

### **Rosny-Montagu Bio Retention Basin Network**

All the bioretention basins along Rosny and Montagu Bay were weeded and brush cut during the quarter.

### **Priority Weed Management**

Clifton Riding Club and the Northern end of Mortimer Bay Coastal Reserve underwent weed control contractor works. Weeds included serrated tussock, boneseed, African boxthorn, Spanish heath and briar rose.

Rosny Hill Reserve has undergone a big sweep for weeds. Weeds controlled included gorse, boneseed, canary broom, blackberry, cotoneaster and briar rose.

Sections of the Tangara Trail between Axiom Way and Roches Beach Road were treated for weeds. Large mirror bush were removed and mulched, while several large blackberry infestations were treated.

Weeds were removed from the Bedlam Walls area. The main weed of concern at this location is gorse, but only small seedlings were found in areas where larger plants were treated years ago. Reserve entrance landscaping was also maintained.

Cambridge, Pass and Clifton Beach Roadsides underwent weed control works. Blackberry, fennel, Spanish heath and canary broom were controlled.

Weed control work was administered at Thoona Bushland Reserve and Lindhill Bushland Reserve during the quarter.

The Howrah Coastal Reserve Swale System in front of Howrah Primary School had long grass brush cut, cumbungi slashed and blackberry and other declared weeds treated.

A sweep of Waverley Flora Park for declared weeds occurred in December. Boneseed and blackberry were the most common weeds treated, along with cotoneaster, fennel and broom.

### **Mediterranean Daisy**

Mediterranean daisy control occurred in mid-November along Council-managed foreshore areas of Rosny, Tranmere and Mortimer Bay (Sandford). St John's wort control at known roadside infestations in Risdon Vale, Acton Park and various sites in Sandford occurred in early December prior to the rural roadside slashing contractors going through those areas.

### **Viper's Bugloss**

Viper's bugloss control along Tangara Trail and roadsides in the Cambridge and Mount Canopus area occurred in early January 2019.

**Needle Grass Project**

Spring control commenced in early November 2018 on all known needle grass (Chilean and Texas) sites on Council-managed land (reserves, nature strips, Public Open Space) across the Clarence municipality – including Montagu Bay, Rosny, Bellerive, Lindisfarne, Rose Bay, Warrane, Otago, Sandford and Rokeby for Chilean needle grass; and Glebe Hill area (including Bushland Reserve) for Texas needle grass. A second and final sweep for both species will occur in early January 2019 which will include any areas previously missed or newly germinated and flowering plants at previously treated sites.

Many areas are showing significant improvements from past years in terms of plant numbers and seeding plants remaining at second spring sweep, however, all sites continue to have needle grass present to some extent highlighting the importance of regular follow-up and maintenance. Perhaps of greatest concern was the discovery that Texas needle grass has made its way from the public open space and previous subdivision site into Glebe Hill Bushland Reserve via a fire trail verge and maintained firebreak and path along the back of houses. In terms of private property management, Chilean needle grass has been picked up in multiple private properties in the Kandos Drive, Otago region and multiple new properties in Delphis Drive, Sandford region. The extent of infestations on private land in the Sandford area is enormous and will provide a significant challenge and burden for the landowners to manage effectively without support. On a more positive note the Council-managed Delphis and Honeywood Drive Sandford sites showed good success from primary control in August, which was when it was first identified.

Very recently a new and quite large infestation of Chilean needle grass was discovered in Clarendon Vale on a combination of Council and Housing Tasmania managed land (at 17, 22 and 45 Goodwin's Road, Clarendon Vale) in mid-December 2018. The site was roughly surveyed to determine the nature and extent of infestation and mapped accordingly. Discussions with Housing Tasmania and their maintenance contractors has focussed on “damage control” and managing hygiene for late season slashing works.



Some areas on Council-managed land have already been treated with glyphosate to reduce seed set. Otherwise Council is also in “damage control” phase. Mowing programs have been placed on hold until hygiene discussions and protocols have been put in place (estimated to be mid-January).

### **Schools Landcare Support Program**

Planning for School Landcare Activities with Lauderdale Primary School and Cambridge Primary School has occurred in preparation for the new school year in 2019.

Emmanuel Christian School performed a clean-up of the Rose Bay and Montagu Bay Shorelines, with Council collecting the rubbish after the clean-up.

### **Prison Program Project**

The Prison Crew installed sandstone retaining walls and borders for the Waverley Flora Park Avenue of Honour Project. The entrance was also mulched and planted with suitable native species as shown in the image below.





Two dry mudstone rock retaining walls have been installed by the Prison Crew at Casuarina Park opposite 142 Tranmere Road. The rock was hand-picked from a quarry at Richmond to construct the walls. One of the walls is 70m long and is pictured in the image below.



### **Risdon Vale Natural Areas**

The Prison Crew have kept up with maintenance of the various natural areas at Risdon Vale in between other projects.

### **Clean up Australia Day 2019**

An Expression of Interest Form has been completed and sent to Clean up Australia Day outlining Council's involvement for 2019. Council will identify sites for litter collection where required, organise and pay for transfer of rubbish collected to Mornington Waste Transfer Station, provide additional materials where required (bags, gloves, sunscreen, sharps containers etc) and advertise the event.

Groups are starting to register for the event and Sally Johns has been engaged to assist groups being organised for the event.

### **Feral Oyster Clean up at Doran's Road**

A large group of volunteers from Windsurfing Tasmania performed a clean-up of feral Pacific Oysters along the rocky shoreline of Doran's Road. Council provided a large skip bin which was filled on the day. All oyster waste was transferred to Copping for deep burial which was sponsored by Council.

## **4. DESIGN AND INVESTIGATION WORK IN PROGRESS**

### **World Wetlands Day Event**

Planning is being done for a World Wetlands Day Event. An organising committee is co-ordinating the event to be held on the weekend of 2 and 3 of February 2019. The event is in partnership with Sorell Council, the Derwent Estuary Program, NRM South and DPIPWE.

## **5. GOVERNANCE MATTERS**

### **Committee Meeting**

The next committee meeting is scheduled for Wednesday, 10 April 2019.

## **6. EXTERNAL LIAISON**

Nil.

### **RECOMMENDATION:**

That the Chairperson's Report be received by Council.

**Decision:**            **MOVED** Ald Warren   **SECONDED** Ald von Bertouch

“That the Chairperson's Report be received by Council”.

**CARRIED UNANIMOUSLY**

**BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT**

(File No)

**Chairperson's Report – Aldermen S von Bertouch and D Ewington**

Report to Council for the 3 month period 1 October 2018 to 31 December 2018.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's prime objectives are to:

- advise Council on the identification, development and maintenance of cycling routes and infrastructure along roads and other easements throughout the City;
- facilitate and provide guidance for the implementation of Council's adopted Bicycle Strategy;
- be actively involved in providing design advice relating to cycling infrastructure projects undertaken by Council;
- be actively involved in providing advice to Cycling South on matters relating to regional cycling infrastructure; and
- promote information sharing of cycling related matters affecting the City.

In working towards these goals the Committee arranged and implemented a range of activities, which are set out below.

**2. CAPITAL WORKS PROJECTS****Silwood Avenue Track Upgrade, Howrah**

A detailed design has been completed, in consultation with Council's Aboriginal Heritage Consultant, for concreting of a steep section on the path at the west end of Howrah Beach. An application has been made for Crown Land approval for these works, after which construction can proceed.

**Clarence Foreshore Trail – Marana Avenue (Tasman Bridge) to Montagu Bay Park, Montagu Bay**

Construction of the first stage, from the area under the Tasman Bridge, through the ex-SES site and around the Primary School Oval is complete. Design and completion of the next stage is dependent on progress by the Department of Education of the Primary School Masterplan.

DoE are still in the early stages of their planning and the Committee agreed that options should be investigated to redirect remaining funds to progressing design of the next section of path towards Rosny Point.

#### **Clarence Foreshore Trail –Simmons Park to Anzac Park, Lindisfarne**

Civil works for the section from Simmons Park to Ford Parade are approaching completion. Landscaping and road surfacing works are to follow after civil works.

#### **Rosny Hill Road – Highway Overpass to Rosny Barn Carpark**

The concept design is under review with the aim of reducing the extent of substantive retaining walls.

### **3. RECURRENT INITIATIVES**

Nil.

### **4. DESIGN AND INVESTIGATION WORK IN PROGRESS**

#### **Clarence Street**

Council decided to adopt “Option 1” as its preferred option at its Meeting held 3 July 2017. Detailed design is being undertaken for the entire length. While the section between Howrah Road to Wentworth Street was adopted by Council as being Stage 1, Officers are focussing on treating the section from Wentworth Street to Beach Street to meet the coming need for road reseal along this section. The Committee has reviewed and provided comment on the preliminary design.

#### **Tasman Highway – Extension from Tasman Bridge to Montagu Bay Road**

Council has been successful in receiving funding of \$70,000 under the Vulnerable Road User Program for this project. With Council’s contribution of \$50,000 the total funding available is \$120,000. Negotiations are ongoing with the Department of State Growth (DSG) on the maintenance responsibility for the area between the southern property boundary and the edge of the Tasman Highway. At issue is DSG’s insistence on the application of the Roads and Jetties Act, in relation to Council being responsible for maintaining the State Government road reserve, if a path is constructed. The Act has recently been amended to allow scope for negotiation on maintenance responsibilities, which may allow the project to progress.

**Tasman Highway – Tasman Bridge to Mornington**

Cycling South was successful in being awarded funding of \$25,000 for the feasibility and concept design for a multi-user pathway along the Tasman Highway road reservation. Sugden and Gee have prepared a draft report, which also considers a safe walking and cycling crossing at the Mornington Roundabout which could support future grant applications.

**Linkage from Clarence Street to Kangaroo Bay**

When the Bellerive Yacht Club marine slipway is open, it becomes a challenge for cyclists to make their way along Cambridge Road, through the village and back onto the foreshore path. The Committee has also considered issues relating to the proposed Bellerive Yacht Club development. At its Meeting of 28 May 2018, Council resolved on a preferred option to retain a ramp from Clarence Street to the Bellerive Yacht Club carpark.

**5. GOVERNANCE MATTERS.****Committee Meeting**

The Committee held 2 meetings during the quarter; on 8 October 2018, chaired by Alderman Sharon von Bertouch and 12 December 2018, chaired by Alderman Dean Ewington.

**6. EXTERNAL LIAISON**

Nil.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

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

“That the Chairperson's Report be received by Council”.

**CARRIED UNANIMOUSLY**

**TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT**

(File No 07-06-09:A1248078)

**Chairperson's Report – Alderman R James and Alderman D Ewington**

Report to Council for the 3 month period for 1 October to 31 December 2018.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's prime objectives are to:

- provide advice and make recommendations, including policy, to assist Council in the development of tracks and trails in the City;
- assist in the development and periodic review of Council's Tracks and Trails Strategy;
- develop and maintain a Tracks and Trails Register which captures all existing and possible future trail and track networks (including multi-user pathways) in Clarence;
- develop and review (on a rolling basis) the Tracks and Trails Action Plan for endorsement by Council that articulates the development initiatives prioritised and proposed to be conducted over a 5 year programme which recognises the access and needs of all users eg: walkers, horse riders, mountain bikers, etc;
- monitor progress and work to address the actions of the plan according to their level of priority;
- as part of internal referral processes to provide input and advice on the provision and requirements for trail networks and the provision of trail linkages as part of new subdivisions.

In working towards these goals, the Committee undertook a range of activities, which are set out below.

**2. CAPITAL WORKS PROJECT****Clarence Foreshore Trail at Tranmere**

The coastal track has been extended south from Pindos Park to Starboard Road. There is a short section near Anchorage Court that has not been constructed due to an Aboriginal Heritage site. A Permit to Conceal needs to be applied for before work can be completed.

### **3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES**

Tangara Trail – Silver Peppermint Track – Sediment has been removed from drains to minimise flooding after heavy rain.

Trail Audit – a track audit has been carried out and a maintenance program identified.

### **4. DESIGN AND INVESTIGATION WORK IN PROGRESS**

#### **Barilla Rivulet Track**

A meeting was held with the Department of State Growth to ensure they accommodate an underpass for the trail as part of the Cambridge bypass. A meeting was held with adjoining landowners, Tasmania Fire Service and Barilla Holiday Park, regarding a future trail.

#### **Ralphs Bay Coastal Track**

An Aboriginal Heritage Permit to Conceal has been received. A PWS Reserve Activity Assessment is underway and must be approved by PWS before work can commence.

#### **Blessington Track to Fort Direction Road**

Licence agreement was signed with Department of Defence and track construction will commence in January 2019.

#### **Tangara Trail - Roscommon Track**

A meeting was held with the Tasmanian Equestrian Centre to discuss options for the Tangara Trail through Roscommon.

#### **Clarence Coastal Trail – Mays Point to Cremorne**

A survey is required by Parks and Wildlife Service where the coastal track crosses the Calverts Hill Nature Area.

#### **Gregson Track – Springhaven Development**

A meeting was held with Southern Cross Aged Care to discuss the location of the fence along the southern boundary. The preference is for the fence to be located on the inside of the Vegetation Protection Zone in order to increase the width of the green belt alongside the highway and provide more width for the track and vegetation alongside. No agreement has been reached.

**Meehan Range Strategic Mountain Bike Plan**

A draft is being finalised in consultation with Parks and Wildlife Service.

**5. GOVERNANCE MATTERS.****Committee Meetings**

Two committee meetings were held on 18 October and 13 December 2018.

**6. EXTERNAL LIAISON**

Nil.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

**Decision:** **MOVED** Ald Ewington **SECONDED** Ald Peers

“That the Chairperson's Report be received by Council”.

**CARRIED UNANIMOUSLY**

**OTHER COMMITTEES****LINDISFARNE COMMUNITY ACTIVITIES CENTRE MANAGEMENT COMMITTEE**

- Ald Blomeley tabled the Minutes of a Meeting held on 21 February 2019.

**ALMAS ACTIVITIES CENTRE MANAGEMENT COMMITTEE**

- Ald von Bertouch tabled the Minutes of a Meeting held on 4 December 2018.



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

(File No 10/02/02)

The Weekly Briefing Reports of 4, 11 and 18 February 2019 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 4, 11 and 18 February 2019 be noted.

**Decision:** **MOVED** Ald Warren **SECONDED** Ald Peers

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**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-2018/684 - 18A SWINTON PLACE, WITH ACCESS OVER 18 SWINTON PLACE, ROSE BAY - DWELLING**  
(File No D-2018/684)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 18A Swinton Place, with access over 18 Swinton Place, Rose Bay.

**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 27 February 2019.

**CONSULTATION**

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

- building envelope encroachment;
- impact on privacy;
- overshadowing of properties on adjoining lots; and
- misrepresentation in plans of adjoining properties.

**RECOMMENDATION:**

A. That the Development Application for a Dwelling at 18A Swinton Place, with access over 18 Swinton Place, Rose Bay (re-advertised) (CI Ref D-2018/684) 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.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Walker

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION D-2018/756 - 2 RAMINEA ROAD, LINDISFARNE - COURTYARD ROOF**  
(File No D-2018/756)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Courtyard roof at 2 Raminea Road, Lindisfarne.

**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 28 February 2019.

**CONSULTATION**

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

**RECOMMENDATION:**

- A. That the Development application for Courtyard roof at 2 Raminea Road, Lindisfarne (Cl Ref D-2018/756) 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 38 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/756 - 2 RAMINEA ROAD, LINDISFARNE  
- COURTYARD ROOF /contd...**

Ald Walker declared an Interest in this Item and left the Meeting prior to discussion (8.19pm).

<b>Decision:</b>	<b>MOVED</b> Ald Blomeley <b>SECONDED</b> Ald Ewington  “That the Recommendation be adopted”.  <b>CARRIED UNANIMOUSLY</b>
------------------	---

**11.3.3 DEVELOPMENT APPLICATION D-2018/682 - 15 TERRINA STREET, LAUDERDALE - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 2 MULTIPLE DWELLINGS**  
(File No D-2018/682)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Multiple Dwellings at 5 Terrina Street, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Coastal Inundation Hazard, Stormwater Management and Parking and 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 11 March 2019.

**CONSULTATION**

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

**RECOMMENDATION:**

A. That the Development Application for Demolition of existing dwelling and construction of 2 Multiple Dwellings at 15 Terrina Street, Lauderdale (CI Ref D-2018/682) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER.
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 24 January 2019 (TWDA 2018/01857-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 Ewington **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.4 DEVELOPMENT APPLICATION D-2018/635 - 12 CHERRINGTON DRIVE, TRANMERE - 2 MULTIPLE DWELLINGS**  
(File No D-2018/635)**EXECUTIVE SUMMARY****PURPOSE**

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

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Bushfire Prone Areas, 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 with the written consent of the applicant on 27 February 2019.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- inconsistency with building envelope requirements;
- separation between dwellings and private open space, and privacy;
- waste storage;
- density of development;
- visual impact;
- gradient; and
- loss of property value.

**RECOMMENDATION:**

A. That the Development Application for 2 Multiple Dwellings at 12 Cherrington Drive, Tranmere (CI Ref D-2018/635) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A5 – SEALED CAR PARKING.
3. ENG M1 – DESIGNS DA, delete “service upgrades or relocations”.
4. The development must meet all required Conditions of Approval specified by TasWater notice dated 30 October 2018 (TWDA 2018/01717-CCC).

**ADVICE**

The proposed works are 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 Walker returned to the Meeting at this stage (8.21pm).

<b>Decision:</b>	<b>MOVED</b> Ald Blomeley <b>SECONDED</b> Ald Chong
	“That the Recommendation be adopted”.
	<b>CARRIED UNANIMOUSLY</b>

**11.3.5 DEVELOPMENT APPLICATION D-2018/746 - 2 VIENNE DRIVE, HOWRAH  
- 5 MULTIPLE DWELLINGS (1 EXISTING + 4 NEW)**  
(File No D-2018/746)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 5 Multiple Dwellings (1 existing + 4 new) at 2 Vienne Drive, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Landslide and Parking and 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 28 February 2019.

**CONSULTATION**

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

- traffic management issues;
- consistency with Permit SD-2007/93; and
- impact on amenity.

**RECOMMENDATION:**

A. That the Development Application for 5 Multiple Dwellings (1 existing + 4 new) at 2 Vienne Drive, Howrah (CI Ref D-2018/746) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A2 – CROSSOVER CHANGE [5.5m minimum].
3. ENG A5 – SEALED CAR PARKING.

4. ENG S1 – INFRASTRUCTURE REPAIR.
  5. ENG M1 – DESIGNS DA.
  6. ENG M5 – EROSION CONTROL.
  7. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
  8. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 January 2019 (TWDA 2018/02089-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.

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Warren
	<p>“A. That the Development Application for 5 Multiple Dwellings (1 existing + 4 new) at 2 Vienne Drive, Howrah (CI Ref D-2018/746) be refused for the following reasons.</p> <ol style="list-style-type: none"> <li>1. With regard to Performance Criteria A2 10.4.3 in that Unit 4 impacts on property at 4 Merindah Street, Howrah as residents at that address will experience loss of privacy, visual shade and noise and overlooking outdoor living area particularly the northern side at the front of their property.</li> <li>2. With regard to Performance Criteria A2 10.4.3 the stormwater system of the new development does not comply as the impervious area exceeds 600m<sup>2</sup> and in reference to Lynmore Holdings subdivision off Merindah Street Infrastructure Report August 2008, 2.3 Stormwater: <i>‘The existing 300mm pipe in the reserve and Merindah Street already appears under capacity...’</i>.</li> </ol>

/ Decision contd on Page 45...

**DEVELOPMENT APPLICATION D-2018/746 - 2 VIENNE DRIVE, HOWRAH - 5  
MULTIPLE DWELLINGS (1 EXISTING + 4 NEW) /Decision contd...**

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

- The residents at 4 Merindah Street, Howrah will experience loss of amenity and privacy from the development of Unit 4 and concerns that on-site stormwater cannot be adequately treated”.

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

**FOR**

Ald James  
Ald Mulder  
Ald Warren

**AGAINST**

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

**MOVED** Ald Blomeley **SECONDED** Ald von Bertouch

“That the officer's Recommendation be adopted”.

**CARRIED**

**FOR**

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

**AGAINST**

Ald James  
Ald Mulder  
Ald Warren

**11.3.6 DEVELOPMENT APPLICATION D-2018/736 - 30 DUMBARTON DRIVE, GEILSTON BAY (INCLUDING ACCESS OVER 22, 26, 28A AND 32 DUMBARTON DRIVE) - 6 MULTIPLE DWELLINGS**  
(File No D-2018/736)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 6 Multiple Dwellings at 30 Dumbarton Drive, Geilston Bay (including access over 22, 26, 28a and 32 Dumbarton Drive).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Bushfire Prone Areas, Waterway and Coastal Protection, Road and Railway Asset, 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 was extended with the consent of the applicant until 28 February 2019.

**CONSULTATION**

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

- survey information;
- Traffic Impact Assessment;
- driveway sightlines;
- driveway slope;
- screening for protection from vehicle lights;
- location of garbage bins;
- upgrading of Geilston Creek Road;
- lack of disabled parking; and
- stormwater.

**RECOMMENDATION:**

A. That the Development Application for 6 Multiple Dwellings at 30 Dumbarton Drive, Geilston Bay (including access over 22, 26, 28a and 32 Dumbarton Drive) (CI Ref D-2018/736) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a screen with a minimum height of 1.7m located to the north of Unit 1 and west of Unit 2 where the windows have a sill height of less than 1.7m above the driveway level].
3. ENG A5 – SEALED CAR PARKING.
4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG M1 – DESIGNS DA.
6. ENG M5 – EROSION CONTROL.
7. ENG M3 – GARBAGE FACILITIES.
8. The development must meet all required Conditions of Approval specified by TasWater notice dated 21 April 2017 (TWDA 2017/00519-CCC).
9. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles or 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) and a Maintenance Management Schedule/Regime must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. The facility must be maintained in accordance with this schedule.

**ADVICE**

The proposed works are located within a mapped bushfire prone area, a bushfire assessment and BAL 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.

/ Refer to Page 48 for Decision on this Item...



**DEVELOPMENT APPLICATION D-2018/736 - 30 DUMBARTON DRIVE,  
GEILSTON BAY (INCLUDING ACCESS OVER 22, 26, 28A AND 32 DUMBARTON  
DRIVE) - 6 MULTIPLE DWELLINGS /contd...**

**Decision:**

**MOVED** Ald Walker **SECONDED** Ald Peers

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.7 DEVELOPMENT APPLICATION D-2018/724 - 8 AND 10 PETCHEY STREET AND 16 KING STREET, BELLERIVE - BOUNDARY ADJUSTMENT, PARTIAL DEMOLITION, CHANGE OF USE TO VISITOR ACCOMMODATION FOR THE EXISTING HERITAGE BUILDING AND 15 MULTIPLE DWELLINGS**

(File Nos D-2018/724 and SD-2018/55)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Boundary adjustment, partial demolition, change of use to visitor accommodation for the existing Heritage Building and 15 Multiple Dwellings at 8 and 10 Petchey Street and 16 King Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Historic Heritage, Road & Rail Assets, Parking & Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). Planning Directive No 6 Exemption and Standards for Visitor Accommodation in Planning Schemes is also applied to the proposal. 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 period which expires on 8 March 2019 having been extended by the Tasmanian Heritage Council to 56 days under s57(6)(b)(ii) of the Act.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 13 representations were received raising the following issues:

- traffic congestion;
- streetscape and heritage character;
- stormwater run-off;
- overlooking;
- overshadowing;
- property values;
- density;

- the Bellerive Social Institute (heritage building);
- demolition of 10 Petchey Street;
- loss of views;
- waste collection;
- outside building envelope/height;
- boundary adjustment and amalgamation;
- Heritage protection;
- visitor accommodation; and
- construction conditions.

**RECOMMENDATION:**

- A. That the Development Application for Boundary adjustment, partial demolition, change of use to visitor accommodation for the existing Heritage Building and 15 Multiple Dwellings at 8 and 10 Petchey Street and 16 King Street, Bellerive (CI Ref D-2018/724) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [rear door height of the heritage building increased or a high-light included to achieve more appropriate vertical proportions and privacy screening to the north facing balcony balustrades of Units 6 and 7].
  3. GEN AM4 – CONSTRUCTION HOURS.
  4. GEN C1 – ON-SITE CAR PARKING.
  5. GEN C3 – PARKING DURING CONSTRUCTION [Adequate].
  6. GEN S1 – SIGN CONSENT.
  7. All separate titles of the subject land must be consolidated into one title or be the subject of titles created under the Strata Titles Act 1998 prior to the commencement of use of the multiple dwellings.
  8. All works within the heritage listing at 8 Petchey Street must be in accordance with the recommendations of the Heritage Impact Assessment and Statement of Compliance prepared by Praxis Environment and dated November 2018. In particular, prior to the lodgement of an application for a Building Permit, details must be submitted to, and approved by, Council's Manager City Planning which specifies the methodology and actions for ensuring that the heritage building is protected during works and made adequately weatherproofed and secure ahead of the reinstatement of the rear wall.

9. The development must meet all required Conditions of Approval specified by the Tasmanian Heritage Council Notice of Heritage Decision dated 8 February 2019 (File No. 07-64-52 THC).
10. ENG A2 – CROSSOVER CHANGE.
11. ENG A5 – SEALED CAR PARKING.
12. ENG A7 – REDUNDANT CROSSOVERS.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. ENG S11 – SEALING OF SERVICES.
15. ENG M1 – DESIGNS DA.
16. ENG M5 – EROSION CONTROL.
17. Detailed engineering designs prepared for this development must include adequate provision to collect stormwater from the rear of Units 6, 7, 8 and 9 and for all stormwater to be discharged into a piped Council stormwater system.
18. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 December 2018 (TWDA 2018/01985-CCC).

**ADVICE**

A site and soil water management plan should form part of the certified documents for a Building Permit, including how materials will be removed, stored and managed on-site during the demolition and building phases of the work. Should any hazardous materials be found to be present in the existing building to be demolished, these must be handled in an appropriate and safe manner and disposed of in accordance with legislative requirements. The demolition of the existing building will require certification by your Building Surveyor and the issue of Building Permit (Demolition Work). A site management plan should also be provided detailing how works will be managed on-site and how traffic and access to and from the site will be managed. All services must be adequate in size and capacity to service proposed development.

- 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 52 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/724 - 8 AND 10 PETCHEY STREET AND 16 KING STREET, BELLERIVE - BOUNDARY ADJUSTMENT, PARTIAL DEMOLITION, CHANGE OF USE TO VISITOR ACCOMMODATION FOR THE EXISTING HERITAGE BUILDING AND 15 MULTIPLE DWELLINGS /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Mulder
	<p>“A. That the Development Application for Boundary adjustment, partial demolition, change of use to visitor accommodation for the existing Heritage Building and 15 Multiple Dwellings at 8 and 10 Petchey Street and 16 King Street, Bellerive (CI Ref D-2018/724) be refused for the following reasons.</p> <ol style="list-style-type: none"> <li>1. With regard to Performance Criteria P1 E13.7.2 the proposed 15 Multiple Dwellings will impact on heritage listed building on the site and will cause loss of historic cultural significance.</li> <li>2. With regard to Performance Criteria P1(a) 10.4.1 the condition is not met because the development is not compatible with the density of the surrounding area.</li> <li>3. With regard to Performance Criteria P3 Clause E5.5.1 an increase of vehicular traffic to and from the site will cause adverse safety or operation traffic issues.</li> </ol> <p>B. That the reasons for Council’s decision in respect of this matter also be recorded as follows:</p> <ol style="list-style-type: none"> <li>1. The proposed development is out of keeping with the residential and historic amenity of the area. The sheer size of the development and construction of 15 multiple dwellings will detract from the significance of the existing heritage building and general historic nature of the Bellerive Bluff area.</li> <li>2. PLANNING DIRECTIVE 6 <ol style="list-style-type: none"> <li>a. that the Change of Use not appropriate to residential zone and is being used to avoid the PD restrictions on multiple uses across Visitor Accommodation lots, and that mixes of residential and visitor accommodation are not permitted on a single lot or strata titles lot.</li> </ol> </li> </ol>

/ Decision contd on Page 53...

**DEVELOPMENT APPLICATION D-2018/724 - 8 AND 10 PETCHEY STREET AND 16 KING STREET, BELLERIVE - BOUNDARY ADJUSTMENT, PARTIAL DEMOLITION, CHANGE OF USE TO VISITOR ACCOMMODATION FOR THE EXISTING HERITAGE BUILDING AND 15 MULTIPLE DWELLINGS /Decision contd...**

3. 10.4.3 – PRIVATE OPEN SPACE  
Misuse of Performance Criteria relating to Acceptable Standards, including:
  - a. not one unit complies with the requirement for the space to be in one location compounded by the misuse of the 12msq criteria that pertains to apartment style buildings, not separate multiple dwellings.
4. 10.4.4 – SUNLIGHT AND OVERSHADOWING  
Failure of 11 of the 15 units to comply with the acceptable solutions compounded by excessive leniency in applying Performance Criteria including:
  - a. 8 of the 11 non-compliant are double the 60 degree arc centred on north as outlined in the acceptable solutions;
  - b. most of the sunlight used for the performance criteria fall into kitchens, not living rooms.
5. 10.4.6 – PRIVACY AND SETBACKS
  - a. applying screening fencing heights from ground level instead of floor level;
  - b. 8 out of 15 units not complying with the 6m glass to glass criteria;
  - c. the use of opaque glass for screening that results in loss of light for Unit 4;
  - d. view lines are judged using lintel heights that are mentioned in the Performance Criteria.
6. TRAFFIC CODE  
Volumes improperly assessed:
  - a. against multiple uses (residential and visitor) which are not permitted by Planning Directive 6;
  - b. not using base line data with which to compare the number or % traffic of increase required by the Performance Criteria.

/ Decision contd on Page 54...

**DEVELOPMENT APPLICATION D-2018/724 - 8 AND 10 PETCHEY STREET AND 16 KING STREET, BELLERIVE - BOUNDARY ADJUSTMENT, PARTIAL DEMOLITION, CHANGE OF USE TO VISITOR ACCOMMODATION FOR THE EXISTING HERITAGE BUILDING AND 15 MULTIPLE DWELLINGS /Decision contd...**

**7. REPRESENTATIONS”.**

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

**FOR**

Ald James  
Ald Kennedy  
Ald Mulder  
Ald Peers  
Ald Warren

**AGAINST**

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

**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 von Bertouch  
Ald Walker

**AGAINST**

Ald James  
Ald Kennedy  
Ald Mulder  
Ald Peers  
Ald Warren

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

<b>11.4 CUSTOMER SERVICE</b>
------------------------------

Nil Items.



**11.5 ASSET MANAGEMENT****11.5.1 BELLERIVE PUBLIC PIER – FUNDING AND OWNERSHIP**

(File No K021-20)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the funding and ownership of the Bellerive public pier at Kangaroo Bay.

**RELATION TO EXISTING POLICY/PLANS**

Council has previously adopted a Kangaroo Bay Master Plan that provides guidance in relation to the provision of strategic infrastructure within the Kangaroo Bay precinct. Whilst the establishment of the breakwater/pier is not identified in the Master Plan the provision of quality public infrastructure is generally supported by the Master Plan.

**LEGISLATIVE REQUIREMENTS**

There is no Legislative requirement on this matter.

**CONSULTATION**

Public consultation was undertaken with a public meeting and through the statutory process when obtaining Development Approval.

**FINANCIAL IMPLICATIONS**

Council has adopted \$1,590,000 in total from the 2017/2018 and 2018/2019 Annual Plans, and in addition received a State Government grant of \$350,000. A recent cost estimate has identified further funding is likely to be required for the construction of the public pier.

**RECOMMENDATION:**

- A. That Council agrees to in-principle to support providing additional funding for the public pier based on the reported project cost estimates.
- B. That Council authorises the General Manager to advertise Tenders for the construction of the public pier and to provide a further report to Council after the Tenders have been received.
- C. That Council accepts ownership responsibility of the Bellerive public pier.

/ Refer to Page 57 for Decision on this Item...

**BELLERIVE PUBLIC PIER – FUNDING AND OWNERSHIP /contd...**

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

**11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE****11.7.1 QUARTERLY REPORT TO 31 DECEMBER 2018**

(File No 10/02/05)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 October to 31 December 2018.

**RELATION TO EXISTING POLICY/PLANS**

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's previously adopted Strategic Plan 2016-2026.

**LEGISLATIVE REQUIREMENTS**

There is no specific legislative requirement associated with regular internal reporting.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

The Quarterly Report provides details of Council's financial performance for the period.

**RECOMMENDATION**

That the Quarterly Report to 31 December 2018 be received.

**Decision:** **MOVED** Ald Chong **SECONDED** Ald Ewington

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

## 11.7.2 REVIEW OF TASMANIA'S LOCAL GOVERNMENT LEGISLATION FRAMEWORK – COUNCIL RESPONSE

(File No)

### EXECUTIVE SUMMARY

#### PURPOSE

The Tasmanian Government is conducting a review into the Local Government Legislation Framework. The purpose of this report is to endorse Council's response to the discussion paper published by the Local Government Division.

#### RELATION TO EXISTING POLICY/PLANS

There is no relation to existing policies or plans.

#### LEGISLATIVE REQUIREMENTS

The Local Government Act 1993 and a range of other legislative instruments apply to the functions and operations of local Councils in Tasmania.

#### CONSULTATION

The matter has been the subject of previous Workshops.

#### FINANCIAL IMPLICATIONS

No significant issues of a financial nature have been identified.

### RECOMMENDATION:

That Council endorses the proposed response to the discussion paper questions (the submission) and authorises the General Manager to provide the endorsed submission to the Local Government Division before the submission close date of 1 March 2019.

#### Decision:

**MOVED** Ald Mulder **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

**CARRIED**

#### FOR

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

#### AGAINST

Ald Chipman (abstained)

**11.7.3 ADOPTION OF UPDATED CODE OF CONDUCT**

(File No 10-01-07)

**EXECUTIVE SUMMARY****PURPOSE**

To formally consider the adoption of the updated Model Code of Conduct as Council's Code of Conduct.

**RELATION TO EXISTING POLICY/PLANS**

Council has previously adopted the Model Code of Conduct as its Code of Conduct. The Model Code of Conduct was revised and updated via an Order dated 7 December 2018, and came into effect on 26 December 2018.

**LEGISLATIVE REQUIREMENTS**

The Local Government Act 1993 requires Council to adopt the Model Code of Conduct with or without variations, within 3 months of the Order to vary the Model Code of Conduct coming into effect.

**CONSULTATION**

The previous Model Code of Conduct was discussed with Aldermen at a workshop following completion of the recent election process. The updated Model Code of Conduct has been circulated to Aldermen for information. An information sheet detailing the changes was also circulated.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the adoption of the Model Code of Conduct.

**RECOMMENDATION:**

- A. That Council revokes its current Code of Conduct and formally adopts the Model Code of Conduct [Schedule 1 of the Local Government (Model Code of Conduct) Amendment Order 2018].
- B. That Council considers whether it wishes to seek Ministerial approval to vary the Model Code of Conduct by the inclusion of additional provisions in the Schedule to the Code (Part 9).

**Decision:**

**MOVED** Ald Warren **SECONDED** Ald Kennedy

“That Council revokes its current Code of Conduct and formally adopts the Model Code of Conduct [Schedule 1 of the Local Government (Model Code of Conduct) Amendment Order 2018]”.

**CARRIED UNANIMOUSLY**

**11.7.4 STATE GOVERNMENT LEASE AND GRANT OFFER FOR KANGAROO BAY CARPARK**

(File No 20-15-10)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to provide Council the opportunity to consider the Department of State Growth's (DSG) grant and lease offer associated with a section of carpark located between the proposed Kangaroo Bay hotel and hospitality school development and the Bellerive Yacht Club (BYC).

**RELATION TO EXISTING POLICY/PLANS**

Not applicable to the consideration of this report.

**LEGISLATIVE REQUIREMENTS**

There is no specific legislative requirement associated with this report.

**CONSULTATION**

Council has consulted with BYC on the proposed grant and lease arrangements.

**FINANCIAL IMPLICATIONS**

There are potential financial implications as the DSG grant amount is based on BYC estimate of some time ago and will need to be reviewed.

**RECOMMENDATION:**

- A. That Council resolves to accept the grant and enter into a grant agreement with the State Government to undertake the required works to develop the identified carpark area.
- B. That Council resolves to enter into a long term lease arrangement over the identified carpark land with the State Government.
- C. That the General Manager be authorised to undertake the necessary actions to negotiate and finalise the grant and lease arrangements in accordance with this report and the requirements of the Local Government Act, including applying the Council seal to any grant or lease if required.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.7.5 RECRUITMENT – GENERAL MANAGER**

(File No)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to enable Council to consider a process and proposal for the recruitment of a new General Manager.

**RELATION TO EXISTING POLICY/PLANS**

Not applicable.

**LEGISLATIVE REQUIREMENTS**

Section 61 (1) of the Local Government Act (the Act) provides: “A Council is to appoint a person as General Manager of the Council for a term not exceeding 5 years on terms and conditions it considers appropriate”.

Section 61 (3) of the Act provides: “If there is a vacancy in the position of General Manager and the Council chooses to invite applications for that vacancy the Council is to place, in a daily newspaper circulating in the municipal area, a public notice inviting such applications”.

**CONSULTATION**

There is no requirement for consultation in regard to this matter.

**FINANCIAL IMPLICATIONS**

There will be costs associated with advertising, engagement of a consultant and miscellaneous costs.

At this time the cost of recruitment cannot be accurately quantified, however it may be in the order of \$40,000.

**RECOMMENDATION:**

- A. That Council adopts the process for the recruitment of a new General Manager as detailed in the document entitled Recruitment of General Manager appended as Attachment 1 to the Associated Report.
- B. That Council appoint a recruitment panel comprising the Mayor, Deputy Mayor, Alderman von Bertouch, Alderman Blomeley and Alderman Ewington to oversee and implement the recruitment process of a new General Manager as detailed in Attachment 1 of the Associated Report.
- C. That as noted in Point 4 of the recruitment process, the recruitment panel submit the position description and proposed contract terms and conditions to Council for consideration.



- D. That the interviewing of shortlisted candidates and selection of the preferred candidate be undertaken by Council.
- E. That the recruitment panel provide updates to Council on the progress of the recruitment process.

**Decision:** **MOVED** Ald Warren **SECONDED** Ald Kennedy  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

**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).

Ald Warren gave notice of the following questions:

**BLUNDSTONE OVAL ISSUES**

- (1) Can the General Manager please provide an update on action being taken following the Blundstone Arena Cricket event on Thursday, 14 February which resulted in significant littering in neighbouring streets?
- (2) Can the General Manager also please provide an update on the monitoring of noise levels during events, with particular regard to the fireworks that took place at 10.30pm following the event?

**12.2 ANSWERS TO QUESTIONS ON NOTICE**

The General Manager provided the following answers to Questions taken on Notice listed at Item 12.1.

**BLUNDSTONE OVAL ISSUES**

- (1) The operators of Bellerive Oval undertake litter collection after each game, from the oval to Bellerive Beach Park and the streets surrounding the oval, including Church Street, Douglas Street, Park Street, Derwent Street and Beach Street. If the event finishes after dark, a clean-up is undertaken post-match and a second clean-up at first light the next morning. The cleaning contractor is asked to look in roadside garden beds of residences for litter where possible, as well as the garden beds surrounding the venue. Also the Buckingham Rowing Club cleans South Street reserve.
- (2) Regarding the monitoring of events with regard to noise and use of fireworks, the use of fireworks is not covered by the permit. The permit only covers amplified noise. In any event, the permit conditions are superseded by the Environmental Management Plan. The EMP provides for measurement of noise from events at designated locations around the oval. A report on noise monitoring for the event has not been received yet. Relevantly, fireworks require a permit to be issued by Worksafe Tasmania. The permit application form asks whether "landowner consent" has been obtained. Council was unaware of any application by TCA for a permit and was not contacted by Worksafe Tasmania in respect to the issuing of a permit. Further enquiries are being made in regard to the relevant permit and the process followed.

**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.

**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?

**ANSWER DETAILS**

Council's Manager City Planning advised that: Youcamp does not need to meet any statutory approvals but the owner of the property using this network does.

In fact, the Youcamp website advises prospective providers that "Regulations vary state-by-state and Council-by-Council and it is the responsibility of the host to be aware of these. Some states have "exemptions" for limited stays enabling you to gauge interest in the demand for your land. Insurance is included with every booking (for eligible hosts). If you would like information specific to your area regarding regulations, please send us an email to [info@youcamp.com](mailto:info@youcamp.com)".

For Council's information, this land use is defined as "camping and caravan park (which) means use of land to allow accommodation in caravans, cabins, motor homes, tents or the like and includes amenities provided for residents and persons away from their normal place of residence". Land may not be used for this purpose, without approval under the Scheme. Indeed, officers had recently identified a property used via Youcamp, without planning approval and have advised the landowner to cease until/unless approval is obtained. To date an application has not been made and the site has been monitored to verify the use has ceased.

**HOBART AND HOSPITALITY TRAINING SCHOOL – KANGAROO BAY**

At Council's Meeting of 4 February Alderman James asked whether there was a request for a minor amendment to the permit for a hotel and hospitality training school (D-2017/444) and whether it would be determined by staff or by Council.

**ANSWER**

There is no request under consideration. On researching the file it was found that a request to amend the permit in relation to the design of the hospitality school basement and detailing of windows and doors and walls was lodged in August 2018. However, the applicants elected not to proceed with this.

In the event of any request for a minor amendment to any permit, an assessment is made against the tests under S56 of the Act. If those tests are met and the request is therefore determined to be minor, approval is granted under officer delegation. If the tests are not met, the modifications could not be considered minor and approval under S56 cannot be given. In such cases, the applicant may choose to lodge a new permit application.

/ contd on Page 67

**ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**

By way of background, the tests under S.56 include requirements that the proposed amendment:

- “(aa) is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (a) does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
- (b) will not cause an increase in detriment to any person; and*
- (c) does not change the use or development for which the permit was issued other than a minor change to the description of the use or development”.*

**ROKEBY NEIGHBOURHOOD CENTRE – PROGRAMME OF OVERPAINTING GRAFFITI**

At Council’s Meeting of 14 January Ald Mulder asked why Council does not assist the Rokeby Neighbourhood Centre with this matter.

**ANSWER**

The General Manager advised that Council wrote to the neighbourhood centre asking them to desist from the painting they were undertaking around fencing on the property. They were asked to desist on the basis that it was not in accordance with Council’s Public Graffiti Policy, or indeed was such a standard that it was seen as graffiti rather than an attempt to smarten up the area. Council did seek to enter into discussions and engage with the neighbourhood centre over what were appropriate murals or graffiti around the premises but unfortunately those discussions did not amount to any reasonable outcome. In that regard, Council is seeking to continue discussions with the centre. The General Manager advised that he wrote to the neighbourhood centre in December 2018 and nominated a Council Officer for them to engage with in terms of trying to seek a practical solution to this outcome.

**12.4 QUESTIONS WITHOUT NOTICE**

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council’s activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without 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 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 TENDER T1262/18 – ASPHALT RESURFACING WORK 2018/19

13.3 APPOINTMENT OF COMMITTEE MEMBER

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:

- personnel matters;
- contracts and tenders for the supply of goods and services; AND
- 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.**

<b>Decision:</b>	<b>PROCEDURAL MOTION</b> <b>MOVED</b> Ald Peers <b>SECONDED</b> Ald Edmunds	
	“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”.	
	<b>CARRIED</b>	
	<b>FOR</b> Ald Blomeley Ald Chipman Ald Chong Ald Edmunds Ald Ewington Ald Kennedy Ald Mulder Ald Peers Ald von Bertouch Ald Walker Ald Warren	<b>AGAINST</b> Ald James (abstained)

**CLOSED MEETING /contd...**

The following Closed Meeting Motion has been authorised by Council for publication in the public Minutes.

**13.2 TENDER T1262/18 – ASPHALT RESURFACING WORKS 2018/19**

(File No T1262-18)

**Decision:**

**MOVED** Ald James **SECONDED** Ald Peers

- “A. That the Tender from Downer EDI Works Pty Ltd for the sum of \$761,388.77, excluding GST, be accepted for the 2018/2019 asphaltting resurfacing works for 2018/2019.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meetings Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That Council publish its decision only in regard to this matter in the open Minutes of this Meeting”.

**CARRIED UNANIMOUSLY**

The Meeting closed at 10.25pm.