

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 8 APRIL 2019

HOURL CALLED: 7.30pm

PRESENT: The meeting commenced at 7.30pm with the Mayor (Ald D C Chipman) in the Chair and with Aldermen:

B A Blomeley
H Chong
L Edmunds
D Ewington
R H James
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 10.38pm.

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 8 APRIL 2019

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13.2 QUOTATION Q1266/18 – SOUTH ARM SKATE PARK – DETAILED DESIGN AND CONSTRUCT

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 18 March 2019 and Special Council Meeting held on 25 March 2019, as circulated, be taken as read and confirmed.

Decision:

MOVED Ald Blomeley **SECONDED** Ald von Bertouch

“That the Minutes of the Council Meeting held on 18 March 2019 and Special Council Meeting held on 25 March 2019, as circulated, be taken as read and confirmed”.

CARRIED

FOR

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

AGAINST

Ald Walker (abstained)

3. MAYOR'S COMMUNICATION

Nil.

4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Budget – Capital Works Programme	
Presentation from Eastern Shore Croquet Club	25 March
Budget	1 April

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald Warren **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

(File No)

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

INTEREST DECLARED

Alderman Chong **Item No. 11.7.1**

Alderman Walker **Item No. 11.7.1**

6. TABLING OF PETITIONS

(File No. 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) days after receiving the petition.

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

The General Manager tabled the following petition which complies with the Act requirements:

- Petition containing 1515 names requesting a roundabout at the South Arm Highway/Acton Road intersection to improve safety.

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

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...

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON 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.

ANSWER

In relation to the proposed development of 15 Acton Road, Lauderdale the stormwater for the proposed additions will use a stormwater line on the southern side of the property to an existing Council main and not enter the existing open channel mentioned in the question. It is a requirement of the planning permit conditions for engineering drawings to be submitted for the proposed development. When provided, the engineering details of the proposed stormwater will be reviewed for adequacy by Council Engineers.

7.4 QUESTIONS WITHOUT NOTICE

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

BELLERIVE BEACH PARK

Joanne Marsh of Bellerive stated there are a number of vehicles repeatedly entering Bellerive Beach Park causing compression damage to the so called grassed areas of the park. These include very heavy vehicles which now appear to be required to service the problematic light towers. She has been informed by the Mayor on 14 January 2019, that the Council has allocated funding in the Annual Plan 2018/2019 to design and install an irrigation system within the grassed areas of Bellerive Beach Park, it is anticipated that this work will commence within the next 2 months. Mrs Marsh asked what is the current status of this plan as the condition of Bellerive Beach Park is a disgrace to the City of Clarence.

The Mayor took the Question on Notice.

/ contd on Page 10

QUESTIONS WITHOUT NOTICE /contd...

STORMWATER ISSUES

Michael Figg of Lauderdale asked the following questions:

1. Why, in the Lauderdale Feasibility Study it stated that I, Michael Figg, and my neighbour had to spend \$2M to upgrade the stormwater but in the DA for a property in Lauderdale tonight nothing is mentioned about the stormwater?
2. Why is nothing mentioned about the conservation significant Fauna and Flora or soil types in the officer's report?
3. When is Council going to be compliant with Tasmanian Urban Drainage Act in Lauderdale?
4. Why the stormwater is being directed onto neighbour's property from Council's drain in the School Community Hall pictured in the handout?
5. Why these items have not been addressed in the officer's report in this DA?

The Mayor took the Questions on Notice.

AUDIO QUALITY

Sachie Yasuda of Lindisfarne stated there still seems to be considerable issues with the audio in the Chambers and asked if there was an update on the AV and the consultant who was looking into it.

ANSWER

The General Manager advised that this question has been raised a number of times and Council has had consultants in on a number of occasions and a different configuration of speakers has been undertaken. As far as the acoustics go within the room, we are advised that what we have got at the moment, given the acoustics of the room, is the best achievable outcome.

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)

PART A – Public Participation Segment

In accordance with the Council Meeting Procedures Policy the public participation segment is provided on the following basis:

- the segment is for a maximum of 15 minutes;
- up to 5 persons can make a statement to the Council; and
- each statement is not to exceed 3 minutes.

DEVELOPMENT APPLICATION D-2018/657 – 89 GERMAIN COURT, SANDFORD – KENNELS
(REFER ITEM 11.3.2)

Trent Fenton addressed the Meeting regarding the above Development Application.

Development Application D-2018/737 – 16 Wellington Road, Lindisfarne – 3 Multiple Dwellings (1 Existing + 1 New)
(Refer Item 11.3.3)

Tom Walter addressed the Meeting regarding the above Development Application.

NOTICE OF MOTION – ALD VON BERTOUCHE
17A FREDERICK HENRY PARADE, CREMORNE – VEHICULAR ACCESS
(REFER ITEM 9.1)

Kerry Whelan addressed the Meeting regarding the above matter.

NOTICE OF MOTION – ALD WALKER – BELLERIVE BLUFF FORESHORE MASTERPLAN
(REFER ITEM 9.3)

Kriss Lawler addressed the Meeting regarding the above matter.

PART B – Other Deputations

In accordance with the Council Meeting Procedures Policy deputations are:

- not to exceed three persons; and
- not to address the meeting for a period longer than fifteen minutes.

The Mayor in response to requests received has invited the following deputations:

Deputation: Sam Barwick
Matt Klumpp
Karryn Dargie

Subject: South Arm Skate Park

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD VON BERTOUCHE**
17A FREDERICK HENRY PARADE, CREMORNE – VEHICULAR ACCESS
(File No 10-03-05)

In accordance with Notice given it was:

Decision:	MOVED Ald von Bertouch SECONDED Ald Ewington	
	“That the General Manager prepares a report which is considered at an Aldermen’s Workshop as to Council’s level of responsibility for the state of repair of the vehicular access at 17a Frederick Henry Parade, Cremorne”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald Mulder (abstained)
	Ald Chipman	
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

**9.2 NOTICE OF MOTION - ALD EDMUNDS
LAUDERDALE PRIMARY SCHOOL SAFETY**
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Edmunds **SECONDED** Ald Kennedy

- “A. That Council urgently hold a workshop at the earliest opportunity to examine safety concerns raised by parents and the School Association of Lauderdale Primary School, and work on solutions to those concerns.
- B. That Council would welcome a briefing prior to the workshop from the Chair of the Lauderdale School Association or an appropriate representative of the school community nominated by the School Association”.

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

9.3 NOTICE OF MOTION – ALD WALKER
BELLERIVE BLUFF FORESHORE MASTERPLAN
(File No 10-03-05)

In accordance with Notice given Ald Walker intended to move the following Motion:

“That Council undertakes a review of 2013 Bellerive Bluff Foreshore Masterplan and a cessation of associated scheduled works is put in place until completion of the review”.

With the Leave of the Meeting Ald Walker amended his Motion and it was:

Decision:	MOVED Ald Walker SECONDED Ald James “That Council undertakes a review of 2013 Bellerive Bluff Foreshore Masterplan and a suspension of associated scheduled works is put in place until completion of the review. The review is to be concluded prior to the end of the 2019 calendar year”. CARRIED UNANIMOUSLY
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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 Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 October to 31 December 2018.

Decision:	MOVED Ald Peers SECONDED Ald Ewington	
	“That the Southern Tasmanian Councils Authority Quarterly Report for the period 1 October to 31 December 2018 be received”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald Walker (abstained)
	Ald Chipman	
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Warren	

Representative Reporting

REPORTS FROM SINGLE AND JOINT AUTHORITIES /CONTD...

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker

(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

RICHMOND ADVISORY COMMITTEE

- Ald Chong tabled the Minutes of a Meeting held on 20 February 2019.

COMMUNITY HEALTH AND WELLBEING ADVISORY COMMITTEE

- Ald Chong 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 18 and 25 March and 1 April 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 18 and 25 March and 1 April 2019 be noted.

Decision: **MOVED** Ald Edmunds **SECONDED** Ald Ewington

“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-2019/33 - 9 COVENTRY RISE, HOWRAH - 2 MULTIPLE DWELLINGS
(File No D-2019/33)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 9 Coventry Rise, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the Bushfire Prone Areas Code, Landslide Code, Parking and Access Code, Stormwater Management Code and Oceana Drive Residential and Bushland 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 10 April 2019 as agreed with the applicant.

CONSULTATION

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

- loss of privacy;
- overshadowing;
- density of development; and
- noise.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 9 Coventry Rise, Howrah (CI Ref D-2019/33) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. Amended plans showing the following must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/development:

- a screen of 1.7m in height above the finished surface level of the Unit 1 upper level deck with a uniform transparency of no more than 25% extending for 2m along either side of the south-western corner of the deck.

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

3. ENG A5 – SEALED CAR PARKING.
4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG M1 – DESIGNS DA [RETAIN CARPARK AND DRIVEWAYS].
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 31 January 2019 (TWDA 2019/00099-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 Blomeley
	“That the Recommendation be adopted”.
	CARRIED UNANIMOUSLY

11.3.2 DEVELOPMENT APPLICATION D-2018/657 - 89 GERMAIN COURT, SANDFORD - KENNELS
(File No D-2018/657)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Kennels at 89 Germain Court, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Parking and Access, Stormwater Management and Bushfire Prone Areas codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 14 April 2019.

CONSULTATION

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

- negative impact on residential amenity;
- de-valuing property values; and
- negative impact on native wildlife.

RECOMMENDATION:

A. That the Development Application for Kennels at 89 Germain Court, Sandford (CI Ref D-2018/657) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM1 – NUISANCE.

3. GEN K1 - ANIMAL NUMBERS [No more than 12 greyhound dogs older than 6 months and 12 greyhound dogs younger than 6 months are to be kept on-site at any time].

4. Noise levels from the proposed kennel must not exceed the predicted noise levels as indicated by JTA Dog Kennel Environmental Noise Assessment, dated February 2019. A noise report, from a suitably qualified person, verifying the noise as not exceeding the noise levels predicted in the report mentioned above, is to be submitted to Council within 6 months of the commencement of the use, to the satisfaction of Council's Senior Environmental Health Officer.

In the event that approved noise levels are exceeded, the report must make suitable recommendations for changes to the use or development, which must be implemented to the satisfaction of Council's Senior Environmental Health Officer.

5. The following Acoustic Treatments are to be implemented as part of the proposed dog kennel, as recommended by JTA Dog Kennel Environmental Noise Assessment, dated February 2019:

- 17m² of cork board, felt pin board, low rated acoustic tiles, insulation batts or other absorptive material mounted onto the walls of the shed and/or storage rooms where dogs are located;
- a 90mm stud wall and 10mm plasterboard internal layer at the 4m stretch of wall on the southern side of the shed between the 2 internal storage rooms, and along the western wall; and
- seals and flush fitting edges for the western side swing door, with airgaps minimised as much as practicable, particularly at the bottom of the door.

6. The use must operate in accordance with the Best Practices as recommended by JTA Dog Kennel Environmental Noise Assessment, dated February 2019.

ADVICE

1. Council's building department has advised that the proposed development Notifiable Building will require an application (Notice of Work) made to a building surveyor, for a Certificate of Likely Compliance.

2. This is a planning permit only. The permit holder is required to comply with the planning permit conditions in order to receive a kennel licence. Please contact Council's City Ranger to obtain a Kennel Licence under the Dog Control Act, 2000.

- 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 24 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/657 - 89 GERMAIN COURT, SANDFORD
– KENNELS /contd...**

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.3 DEVELOPMENT APPLICATION D-2018/737 - 16 WELLINGTON ROAD, LINDISFARNE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)
(File No D-2018/737)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 Existing + 2 New) at 16 Wellington Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking & 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 12 April 2019.

CONSULTATION

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

- building design and surrounding area;
- setbacks;
- driveway design;
- overshadowing; and
- Heritage value of existing dwelling.

RECOMMENDATION:

That the Development Application for 3 Multiple Dwellings (1 Existing + 2 New) at 16 Wellington Road, Lindisfarne (Cl Ref D-2018/737) be refused for the following reasons.

1. The proposal does not satisfy the Performance Criteria 10.4.3 P2 as the private open space for the eastern conjoined dwelling is not capable of serving as an extension of the dwelling for dining, entertaining and children's play area that is orientated to take advantage of sunlight.
2. The proposal does not satisfy the Performance Criteria 10.4.3 P2 as the conjoined dwellings do not have private open space that is conveniently located in relation to a habitable room.

Decision:	MOVED Ald Blomeley SECONDED Ald Ewington
	<p>“A. That the Development Application for 3 Multiple Dwellings (1 Existing + 2 New) at 16 Wellington Road, Lindisfarne (CI Ref D-2018/737) be approved subject to the following conditions and advice:</p> <ol style="list-style-type: none"> 1. GEN AP1 – ENDORSED PLANS. 2. ENG A1 - NEW CROSSOVER [TSD-R09] [5.5m width]. 3. ENG A5 – SEALED CAR PARKING. 4. ENG S1 – INFRASTRUCTURE REPAIR. 5. ENG M1 – DESIGNS DA remove third dot point. 6. Stormwater is required to be connected to Council's piped stormwater system at the developer's cost. Engineering designs of the connection outside the property boundary must include a long section detailing inverts, cover, grades, pipe specifications and connection points to be submitted to and approved by Council's Group Manager Engineering Services prior to the commencement of the use. 7. The development must meet all required Conditions of Approval specified by TasWater notice dated [10/1/2019] ([TWDA 2018/02092-CCC]). <p>ADVICE: A site and soil water management plan and construction management plan should form part of the certified documents for the building permit application.</p>

/ Decision contd on Page 27...

DEVELOPMENT APPLICATION D-2018/737 - 16 WELLINGTON ROAD, LINDISFARNE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW) /Decision contd...

ADVICE: As a consequence of the development, the street numbering allocated to each lot/unit will be as set out in the following table:

LOT/UNIT	ADDRESS
Existing Dwelling	1/16 Wellington Road
New dwelling (middle location)	2/16 Wellington Road
New dwelling (furthest from Street location)	3/16 Wellington Road

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

- The development does satisfy Performance Criteria 10.4.3 P2 as the multi-story dwellings have decks from the main habitable areas that provide sufficient private open space".

CARRIED

FOR

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

AGAINST

Ald James
Ald von Bertouch
Ald Warren

**11.3.4 DEVELOPMENT APPLICATION D-2018/487 - 4, 8, 30 AND 30A
CAMBRIDGE ROAD, BELLERIVE - ADDITIONS TO HOTEL (OUTDOOR
DINING)**
(File No D-2018/487)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions to Hotel (Outdoor Dining) at 4, 8, 30 and 30A Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Particular Purpose 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 12 April 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of location of waste storage bins;

RECOMMENDATION:

A. That the Development Application for additions to Hotel (Outdoor Dining) at 4, 8, 30 and 30A Cambridge Road, Bellerive (CI Ref D-2018/487) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. PROP 1 – LICENCE AGREEMENT.
3. The garbage bins currently stored on-site adjacent to the boardwalk must be relocated on-site and appropriately screened to the satisfaction of Councils' Manager City Planning.

4. The deck and balustrading must be designed so that it can be removed. Details of the construction methods used to affix the deck to the land must be submitted to and approved by Council's Group Manager Engineering Services prior to the issue of a Building Permit.
5. The glass balustrading around the deck must not be used to display signage.
6. GEN C2 – CASH-IN-LIEU [\$30,000] [3].

ADVICE

Approval of this permit must not be taken as Council commitment to the permanent occupation of the Council land. Furthermore, the use must not commence until a license agreement with Council has been entered into.

- 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.

The General Manager advised that the Applicant had requested that this Item be **Withdrawn** from consideration.

Decision:	<p>PROCEDURAL MOTION MOVED Ald Blomeley SECONDED Ald Peers</p> <p>“That this Item be Withdrawn from consideration at this Meeting”.</p> <p style="text-align: right;">CARRIED</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top;"> <p>FOR</p> <p>Ald Blomeley Ald Chipman Ald Chong Ald Edmunds Ald Ewington Ald Kennedy Ald Mulder Ald Peers Ald von Bertouch Ald Walker Ald Warren</p> </td><td style="vertical-align: top;"> <p>AGAINST</p> <p>Ald James (abstained)</p> </td></tr> </table>	<p>FOR</p> <p>Ald Blomeley Ald Chipman Ald Chong Ald Edmunds Ald Ewington Ald Kennedy Ald Mulder Ald Peers Ald von Bertouch Ald Walker Ald Warren</p>	<p>AGAINST</p> <p>Ald James (abstained)</p>
<p>FOR</p> <p>Ald Blomeley Ald Chipman Ald Chong Ald Edmunds Ald Ewington Ald Kennedy Ald Mulder Ald Peers Ald von Bertouch Ald Walker Ald Warren</p>	<p>AGAINST</p> <p>Ald James (abstained)</p>		

11.3.5 DEVELOPMENT APPLICATION D-2018/637 - 37A BRIDGE STREET, RICHMOND - MULTIPLE DWELLINGS, FOOD SERVICES AND GENERAL RETAIL AND HIRE
(File No D-2018/637)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Multiple Dwellings, Food Services and General Retail and Hire at 37A Bridge Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Parking and Access and Historic Heritage 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 10 April 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 4 representations were received raising the following issues:

- signage;
- parking;
- density; and
- heritage.

RECOMMENDATION:

A. That the Development Application for Multiple Dwellings, Food Services and General Retail and Hire at 37A Bridge Street, Richmond (CI Ref D-2018/637) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [insert dot points]:
 - reduction of eaves overhangs;
 - removal/reconsideration of horizontally proportioned glazing; details of compatible colours;
 - the use of muted earthy tones, to enable new works to recede into vistas from other adjoining properties and/or precincts;
 - details of fencing;
 - and a reduction in the wall width of the structure surrounding the interpretive dormer window forms to makes them visually less dominant in the façade.
3. GEN C2 – CASH-IN-LIEU [\$77,000] [14].
4. GEN S1 – SIGN CONSENT.
5. ENG A5 – SEALED CAR PARKING.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. ENG M1 – DESIGNS DA delete first dot point, add additional dot point “any minor modifications required to Council’s carpark to facilitate the parking arrangements”.
8. External lighting must be provided at the access and entrance to each of the residential apartments. The lighting must be located, designed and baffled to ensure that no direct light is emitted outside the property boundaries of the site.
9. The development must meet all required Conditions of Approval specified by TasWater notice dated 15 February 2019 (TWDA 2018/637).

ADVICE 5 – FOOD SPECIFICATIONS ADVICE.

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.

/ Refer to Page 32 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2018/637 - 37A BRIDGE STREET, RICHMOND
- MULTIPLE DWELLINGS, FOOD SERVICES AND GENERAL RETAIL AND HIRE
/contd...**

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

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 BEGONIA STREET-COLLECTION OF TRAFFIC ORIGIN/DESTINATION DATA**

(File No B035)

EXECUTIVE SUMMARY**PURPOSE**

To consider a report on funding the collection of traffic study data for Origin/Destination survey of vehicles using the gravel section of Begonia Street, Lindisfarne.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Extensive consultation has been carried out relevant to previous Council decisions. However, no consultation has occurred in relation to this agenda item.

FINANCIAL IMPLICATIONS

The options presented will have minimal impact on the Council's Annual Plan.

RECOMMENDATION:

Council authorises the General Manager to approve funding of \$12,000 to be obtained from savings within the Roads Programme of the 2018/2019 Annual Plan for the purpose of obtaining Origin/Destination data for Begonia Street, Lindisfarne.

Decision:

MOVED Ald Peers **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

FURTHER MOTION

MOVED Ald Mulder **SECONDED** Ald James

“A. That Council requests the Department of State Growth to obtain origin/destination data for vehicles travelling between the south-east region and the northern suburbs (and return).

B. That Council provides to the Department of State Growth, the data collected in relation to Begonia Street.

/ Decision contd on Page 35...

BEGONIA STREET-COLLECTION OF TRAFFIC ORIGIN/DESTINATION DATA
/Decision contd...

- C. That Council requests the Department of State Growth to use both sets of data in developing a strategic solution to traffic congestion and increase the use of the Bowen Bridge”.

CARRIED**FOR**

Ald Chipman
Ald Chong
Ald Edmunds
Ald Ewington
Ald James
Ald Mulder
Ald Walker

AGAINST

Ald Blomeley
Ald Kennedy
Ald Peers
Ald von Bertouch
Ald Warren

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 COMMUNITY SUPPORT GRANTS**

(File No 09-17-05a)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Community Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the March 2019 round of Community Support Grants.

RELATION TO EXISTING POLICY/PLANS

Community Grants Policy and social plans including Youth Plan, Cultural Arts Plan, Age Friendly Plan, Community Health and Wellbeing Plan, Cultural History Plan, Community Participation Policy, Clarence Events Plan, Community Safety Plan, Reserve Activity Plans and Recreation Strategies.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is an annual budget for the Community Grants Program including the bi-annual Community Support Grants.

RECOMMENDATION:

That Council approves financial grants amounting to \$15,492.65 to community groups and organisations, as detailed in the schedule attached to the Associated Report.

Ald Chong and Ald Walker declared an Interest in this Item and left the Meeting prior to discussion (9.31pm).

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

Ald Chong and Ald Walker returned to the Meeting at this stage (9.33pm).

11.7.2 COMMUNITY CONSULTATION ON DECLARATION OF BELLERIVE BEACH PARK AND SURROUNDING AREAS AS SMOKE FREE UNDER THE PUBLIC HEALTH ACT 1997

(File No D006-3)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to detail the basis and reasons for Council to enter into community consultation on the possibility of declaring Bellerive Beach Park, surrounding streets and the dog free area of Bellerive Beach as smoke-free.

RELATION TO EXISTING POLICY/PLANS

This proposal is consistent with the principles of the Strategic Plan and Health and Wellbeing Plan.

LEGISLATIVE REQUIREMENTS

Under Section 67B of the *Public Health Act 1997*, an occupier of an area is permitted to designate an area as smoke free. Parts of the park are already declared to be smoke free since 2015 under the *Public Health Act 1997*, as shown in attachment 2.

CONSULTATION

A consultation process would be undertaken with local businesses and stakeholders to gauge community feedback.

FINANCIAL IMPLICATIONS

There will be minimal financial implications for the consultation process.

RECOMMENDATION:

That Council enter into consultation with stakeholders to gauge community feedback in relation to declaring Bellerive Beach Park, surrounding streets and the dog free area of Bellerive Beach as smoke free under the provisions of Section 67B of the *Public Health Act 1997*.

/ Refer to Page 39 for Decision on this Item...

**COMMUNITY CONSULTATION ON DECLARATION OF BELLERIVE BEACH
PARK AND SURROUNDING AREAS AS SMOKE FREE UNDER THE PUBLIC
HEALTH ACT 1997 /contd...**

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

11.7.3 REVISED AUSTRALIA DAY AWARDS COMMITTEE CONSTITUTION

(File No 22-03-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to adopt an updated constitution for the Australia Day Awards Committee.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016-2026; and
- Clarence Events Plan 2014–2018.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred with the Australia Day Awards Committee.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That Council adopts the revised Australia Day Awards Committee Constitution.

Decision: **MOVED** Ald Kennedy **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.7.4 REQUEST TO ALTER THE BOUNDARIES OF HOWRAH AND ROKEBY AND INTRODUCE NEW SUBURB OF HOWRAH GARDENS

(File No)

EXECUTIVE SUMMARY

PURPOSE

To consider a request by the owners of land located at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road, Rokeby to alter the suburb boundaries of Howrah and Rokeby and to create a new suburb named “Howrah Gardens”.

RELATION TO EXISTING POLICY/PLANS

There are no relevant existing policies or plans. Council is currently developing the Clarence Plains Master Plan, which will include this area of land.

LEGISLATIVE REQUIREMENTS

- *Local Government Act 1993; and*
- *Survey Co-ordination Act 1944.*

Rules for Place Names in Tasmania (Nomenclature Board of Tasmania).

CONSULTATION

Should Council approve the request for a suburb name change, community consultation will be required before submission to the Nomenclature Board.

FINANCIAL IMPLICATIONS

There are none identified.

RECOMMENDATION:

- A. That Council notes the requests to rename the land at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road, Rokeby by altering the suburb boundaries of Howrah and Rokeby and creating a new suburb named “Howrah Gardens”.
- B. That Council refuse the request on the basis that the proposal does not evince a sufficient basis for support.

Decision:

MOVED Ald Blomeley **SECONDED** Ald Peers

- “A. That Council notes the requests to rename the land at 473 and 485 Rokeby Road, Howrah and 503 and 525 Rokeby Road by altering the suburb boundaries of Howrah and Rokeby and creating a new suburb names ‘Howrah Gardens’.
- B. That Council recognises the area colloquially known as ‘Howrah Gardens’, and supports the inclusion of this area in the new suburb of ‘Howrah Gardens’.

/ Decision contd on Page 42...

**11.7.4 REQUEST TO ALTER THE BOUNDARIES OF HOWRAH AND ROKEBY
AND INTRODUCE NEW SUBURB OF HOWRAH GARDENS /Decision contd...**

- C. That Council supports, in-principle, the requested suburb boundary changes, ensuring that the area presently colloquially known as 'Howrah Gardens' is incorporated, and the creation of a new suburb named 'Howrah Gardens' for the reasons set out by the proponents.
- D. That the General Manager, on behalf of Council, conduct a broad-based community survey to determine whether there is strong community support for the proposed changes.
- E. That, following the completion of the broad-based community survey, the General Manager provide a report to Council and that Council then determine whether to refer the proponent's request to the Nomenclature Board of Tasmania for determination".

CARRIED**FOR**

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

AGAINST

Ald Chong
Ald James
Ald Mulder
Ald Warren

12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

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

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?

ANSWER

- a) This development was not for 15 visitor accommodation units; it was for only 1 Visitor accommodation premises (the existing Heritage Building) and 15 Multiple dwellings.

/ contd on Page 44...

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

As the proposal is subject to a planning appeal, no planning for enforcement action has been considered at this time. However, in the event that the visitor accommodation premises was not used in accordance with the permit, it would be open for Council to undertake the normal planning enforcement procedures, which untimely lead to serving of Infringement notices (\$2,445 for an individual or \$12,225 for a company) and Enforcement notice (Court enforced).

- b) The Richmond Caravan Park has operated since 1979 and is not subject to any planning controls covering length of stay.

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 QUOTATION Q1266/18 – SOUTH ARM SKATE PARK – DETAILED DESIGN AND CONSTRUCT

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

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

Decision:

PROCEDURAL MOTION

MOVED Ald Peers **SECONDED** Ald Blomeley

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.

CARRIED UNANIMOUSLY

CLOSED MEETING /contd...

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

13.2 QUOTATION Q1266/18 – SOUTH ARM SKATE PARK – DETAILED DESIGN AND CONSTRUCT

(File No Q1266/18)

Decision:	MOVED Ald von Bertouch SECONDED Ald Peers	
	<p>“A. That the Quotation received from CONVIC Pty Ltd for the amount of \$296,700.00 excluding GST and excluding a hardstand, be accepted for the construction of the South Arm Oval Skate Park.</p> <p>B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.</p> <p>C. That Council publish its decision only in regard to this matter in the open Minutes of this Meeting”.</p>	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald James
	Ald Chipman	Ald Walker
	Ald Chong	Ald Warren
	Ald Edmunds	Ald Mulder (abstained)
	Ald Ewington	
	Ald Kennedy	
	Ald Peers	
	Ald von Bertouch	

The Meeting closed at 10.38pm