

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 27 MAY 2019

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; present.

1. APOLOGIES B Warren (Leave of Absence)

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr A Paul)

Chief Financial Officer
(Ms M Coleman)

Group Manager Engineering Services
(Mr R Graham)

Corporate Secretary
(Mr I Nelson)

Manager Health and Community Development
(Mr J Toohey)

Manager City Planning
(Mr R Lovell)

Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 8.13pm.

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 27 MAY 2019

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 6 May 2019, as circulated, be taken as read and confirmed.

Decision: **MOVED** Ald Peers **SECONDED** Ald Kennedy

“That the Minutes of the Council Meeting held on 6 May 2019, as circulated, but including an amendment to Item 11.7.3 on Page 42 to remove the Mayor from the record of Alderman voting, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR'S COMMUNICATION

Nil.

4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Budget	
South-East Recreational Park	
State of the Art Dog Park	13 May
Budget	
National Competition Policy Requirements	20 May

RECOMMENDATION:

That Council notes the workshops conducted.

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

“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: **NIL**

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

Nil.

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

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)

FEEDBACK ON COUNCIL SERVICES AND CONTRACTORS (PRAISE) AND SEVEN MILE BEACH TO AIRPORT PATH

David Picone addressed the Meeting regarding the above matter.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD MULDER
PLANNING APPLICATIONS – MEDIATION PROCESS**
(File No 10-03-05)

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

“That Council requests a report from the General Manager, on means to provide a ‘stop-the-clock’ mediation process in the assessment of Planning Applications”.

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

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

“That Council requests the General Management Committee of the Local Government Association of Tasmania to consider requesting changes to relevant legislation and policy to provide a ‘stop-the-clock’ mediation phase in the assessment of Planning Applications”.

CARRIED UNANIMOUSLY

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

The Mayor tabled the Quarterly Report for the period ending 31 March 2019, which will be included on the Agenda for the next Council Meeting.

Representative Reporting

- **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**

The Mayor noted the State Government's intention to accelerate its ownership and certain capital projects and advised this will require consideration by the Owners' Representative Group. The Mayor also tabled a Media Release regarding TasWater welcoming the government's commitment to the Macquarie Point Development.

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT**
(File No 07-06-09)**Chairperson's Report – Alderman D Ewington**

Report to Council for the 3-month period 1 January to 31 March 2019.

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 Coastal Trail – Fort Direction, South Arm

A track has been constructed along the northern boundary of the Fort Direction property to provide a link track between Potters Hill Reserve, Blessington Track and Fort Beach

Clarence Kayak Trail

The trail was officially launched at Little Howrah Beach on 2 December 2018.

3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES

Clarence Foreshore Trail, Geilston Bay – A new handrail has been constructed along the sloping access ramp to the intertidal track.

Grass mowing – Due to vigorous growth as a result of a wet December, track corridors are being mowed or brush cut.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

Barilla Rivulet Track

A letter has been sent to Tasmania Fire Service requesting a lease for a section of fenced land along the rivulet behind their property.

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.

Clarence Mountain Bike Park

A development application was prepared to construct toilets and a picnic shelter in the Clarence Mountain Bike Park

Clarence Foreshore Trail, Otago

An Aboriginal Heritage Assessment is to be done on the coastal strip prior to identifying a track alignment.

5. GOVERNANCE MATTERS.

Committee Meetings

One committee meeting was held on 7 February 2019.

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

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

(File No 10/02/02)

The Weekly Briefing Reports of 6, 13 and 20 May 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 6, 13 and 20 May 2019 be noted.

Decision: **MOVED** Ald Walker **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-2018/449 – 8/73 DROUGHTY POINT ROAD, ROKEBY – 3 STORAGE BUILDINGS
(File No D-2018/449)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 storage buildings at 8/73 Droughty Point Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Light Industrial and is subject to the Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Attenuation Code under the *Clarence Interim Planning Scheme 2015* (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 29 May 2019 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and one representation was received raising the issue of Stormwater Management.

RECOMMENDATION:

- A. That the Development Application for 3 storage buildings at 8/73 Droughty Point Road, Rokeby (Cl Ref D-2018/449) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. Any modifications to the approved colour schedule must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. Any revisions to the external colour schedule must provide for non-reflective, muted colours.

3. GEN M14 – STORAGE AREAS.

4. An erosion and sedimentation control plan, in accordance with the Hobart Regional Soil and Water Management on Building and Construction Sites document, must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. Specific attention must be given to the duration of stockpile exposure and physical barriers to stockpiles. The plan must be implemented prior to the commencement of works on-site and all construction and trench workers must be made aware of this document during their site induction.

5. A Landscape Plan must be submitted to and approved by Council's Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must be to scale and show:

- a north point;
- proposed driveways, paths, buildings, car parking, retaining walls and fencing;
- any proposed rearrangement of ground levels;
- the landscaping of the car parking and circulation areas to an amount of no less than 5% of the area of the carparks;
- details of proposed plantings including botanical names, and the height and spread of canopy at maturity; and
- estimated cost of the landscaping works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died, or which was removed.

6. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

7. ENG A5 – SEALED CAR PARKING.

8. ENG M1 – DESIGNS DA [ACCESS, CARPARK AND DRIVEWAYS, SERVICE UPGRADES OR RELOCATIONS, DETAILED HYDRAULIC DESIGNS].

9. The development must meet all required Conditions of Approval specified by TasWater notice dated 9 August 2018 (TWDA 2018/01274-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 Mulder **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.2 DEVELOPMENT APPLICATION D-2019/85 - 3 BEMBIL STREET, HOWRAH
– 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)**
(File No D-2018/759)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing + 1 new) at 3 Bembil Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the General Residential 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 was extended with the consent of the applicant until

CONSULTATION

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

- drainage;
- overshadowing;
- traffic;
- visual impact; and
- private open space.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 3 Bembil Street, Howrah be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [1 visitor car parking space].

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 25 February 2019 (TWDA 2019/00213-CCC).

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	Addresses
Existing dwelling	1/3 Bembil Street
Proposed dwelling	2/3 Bembil Street

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

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

11.3.3 DEVELOPMENT APPLICATION D-2018/731 – 16 COVENTRY RISE, HOWRAH – DWELLING AND AN ANCILLARY DWELLING
(File No D-2018/731)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling and an ancillary dwelling at 16 Coventry Rise, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to Bushfire Prone Areas, Landslide Hazard Areas, the 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 has been extended till 3 June 2019.

CONSULTATION

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

- volume of material excavated;
- safety;
- the height of the proposed retaining walls;
- the building has not been designed to minimise bird strike;
- Part V Agreement;
- ancillary dwelling is not meeting the definition of an ancillary dwelling; and
- the proposed height of the dwelling.

RECOMMENDATION:

- A. That the Development Application for Dwelling and an Ancillary Dwelling at 16 Coventry Rise, Howrah (Cl Ref D-2018/731) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. All external surfaces must be finished in non-reflective, muted colours to the Satisfaction of Council’s Manager City Planning. Details of the colour scheme must be submitted and approved prior to construction.

ADVICE

The Council’s Building Department has noted that the proposed works incorporate a substantial excavation. Therefore, a site and soil water management plan must form part of the certified documents for the building permit application. The documents submitted should detail the engineered retaining wall, footings and a geotechnical assessment. It is noted that there is significant potential for prolonged periods of excavation removal of material and rock breaking during the site preparation works. A Geotechnical Engineering report that will include recommendations on site management during the construction works will be required. Also, the works are located in a mapped bushfire prone area and a bushfire assessment and BAL must be provided as part of the certified building permit application

The applicant is advised that the proposal is contrary to the Part V Agreement (E3444), dated 29 January 2015. Council, as a party to the Part V Agreement (E3444) does not agree to the proposal. The Part V Agreement states that: *“The owners of those lots must not construct a residential dwelling on that part of their Lot marked as “Building Protection Zone on Attachment 1”*. The proposal is contained within the building protection zone and is therefore a breach of the Agreement, which Council would be bound to enforce if the development is commenced.

- 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

11.3.4 DEVELOPMENT APPLICATION D-2019/76 – 2 BIGNELL STREET, BELLERIVE - TWO MULTIPLE DWELLINGS (ONE EXISTING + ONE NEW)
(File No D-2019/76)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Multiple Dwelling at 2 Bignell Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the 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 has been extended with the applicant's consent till 29 May 2019.

CONSULTATION

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

- building envelope encroachment;
- negative visual impact; and
- overshadowing.

RECOMMENDATION:

- A. That the Development Application for Multiple Dwellings at 2 Bignell Street, Bellerive (C1 Ref D-2019/76) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A1 – NEW CROSSOVER.
 3. ENG M1 – DESIGNS DA.

4. The development must meet all required Conditions of Approval specified by TasWater notice dated [13 May 2019] (TWDA 2019/00636-CCC).

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.5 DEVELOPMENT APPLICATION D-2019/141 - 15 TERRINA STREET, LAUDERDALE – TWO MULTIPLE DWELLINGS (ONE EXISTING + ONE NEW)
(File No D-2018/141)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for two Multiple Dwellings (one existing and one new) at 15 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 has been extended till 29 May 2019.

CONSULTATION

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

- overshadowing;
- negative visual impact;
- complicated car parking arrangement; and
- non-compliances regarding proposed private open spaces.

RECOMMENDATION:

A. That the Development Application for two Multiple Dwellings (one existing + one new) at 15 Terrina Street, Lauderdale (Cl Ref D-2019/141) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The development must meet all required Conditions of Approval specified by TasWater notice dated [27 March 2019] (TWDA 2019/00381-CCC).
3. ENG A1 – NEW CROSSOVER.
4. ENG A2 – CROSSOVER CHANGE.
5. ENG A5 – SEALED CAR PARKING.
6. ENG M1 – DESIGNS DA.

ADVICE

Council's Building Department has advised that a TasWater CCW is required before a Building and Plumbing permit can be issued.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

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

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 ASSET MANAGEMENT POLICY 2018 (STRATEGIC POLICY)**

(File No 27 May 2019)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Strategic Asset Management Policy 2018.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

A current Asset Management Policy is a requirement of the Local Government Act 1993 and must be reviewed by Council at least every four years.

CONSULTATION

No consultation has been undertaken.

FINANCIAL IMPLICATIONS

No direct financial impacts are arising from the adoption of the Asset Management Policy.

RECOMMENDATION:

That Council adopts the Asset Management Policy 2018 which is Attachment 1 to the Associated Report.

The Mayor sought and obtained the Leave of the Meeting to deal with Items 11.5.1 – 11.5.4 as one Motion.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 ASSET MANAGEMENT STRATEGY 2018

(File No 27 May 2019)

EXECUTIVE SUMMARY**PURPOSE**

To adopt Council's Asset Management Strategy 2018.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is applicable with Section 70B being relevant for Council to prepare long term strategic asset management plans.

CONSULTATION

The Asset Management Strategy and associated Asset Management Plans have been developed according to the Institute of Public Works Engineering Australasia (IPWEA) template adopted by the Local Government Association of Tasmania for all Tasmanian Councils.

FINANCIAL IMPLICATIONS

The financial implications to Council in adopting the Asset Management Strategy 2018 will be reflected in Council's 10 Year Financial Plan.

RECOMMENDATION:

That Council adopts the Asset Management Strategy 2018 which is Attachment 1 to the Associated Report.

Decision:

MOVED Ald Chong **SECONDED** Ald Ewington

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

11.5.3 BUILDING ASSET MANAGEMENT PLAN 2018

(File No 27 May 2019)

EXECUTIVE SUMMARY**PURPOSE**

To adopt Council's Building Asset Management Plan 2018.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is applicable with Section 70B being relevant for Council to prepare long-term strategic asset management plans.

CONSULTATION

The Building Asset Management Plan has been developed according to the Institute of Public Works Engineering Australasia (IPWEA) template adopted by the Local Government Association of Tasmania for all Tasmanian Councils.

FINANCIAL IMPLICATIONS

The financial implications to Council in adopting the Building Asset Management Plan 2018 will be reflected in Council's 10 Year Financial Plan.

RECOMMENDATION:

That Council adopts the Building Asset Management Plan 2018 which is Attachment 1 to the Associated Report.

Decision:

MOVED Ald Chong **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.4 PUBLIC OPEN SPACE ASSET MANAGEMENT PLAN 2018

(File No 27 May 2019)

EXECUTIVE SUMMARY**PURPOSE**

To adopt Council's Public Open Space Asset Management Plan 2018.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is applicable with Section 70B being relevant for Council to prepare long term strategic asset management plans.

CONSULTATION

The Public Open Space Asset Management Plans have been developed according to the Institute of Public Works Engineering Australasia (IPWEA) template adopted by the Local Government Association of Tasmania for all Tasmanian Councils.

FINANCIAL IMPLICATIONS

The financial implications to Council in adopting the Public Open Space Asset Management Plan 2018 will be reflected in Council's 10 Year Financial Plan.

RECOMMENDATION:

That Council adopts the Public Open Space Asset Management Plan 2018 which is Attachment 1 to the Associated Report.

Decision:

MOVED Ald Chong **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 QUARTERLY REPORT TO 31 MARCH 2019**

(File No 10/02/05)

EXECUTIVE SUMMARY**PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 January 2019 to 31 March 2019.

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 March 2019 be received.

Decision: **MOVED** Ald Chong **SECONDED** Ald Blomeley

"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).

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

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 T1243/18 – SOUTH ARM ROAD DRAINAGE IMPROVEMENTS STAGE 2

13.3 PROPERTY MATTER - BELLERIVE

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:

- commercial information of a confidential nature;
- 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 TENDER T1243/18 – SOUTH ARM ROAD DRAINAGE IMPROVEMENTS
STAGE 2**

(File No 27 May 2019)

Decision:	MOVED Ald von Bertouch SECONDED Ald Blomeley
	<p>“A. That the tender received from DCS Civil Tas Pty Ltd for the amount of \$521,952.49, excluding GST, be accepted for the South Arm Road Stormwater Upgrade, Stage 2 works.</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> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>

The Meeting closed at 8.13pm.