

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 8 JULY 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 I Nelson)

Chief Financial Officer
(Ms M Coleman)

Group Manager Engineering Services
(Mr R Graham)

Acting Corporate Secretary
(Ms Clare Shea)

Manager Health and Community Development
(Mr J Toohey)

Acting Manager City Planning
(Mr D Ford)

Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 9.48pm.

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 JULY 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 17 June 2019 and the Special Council Meeting held on 24 June 2019, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 17 June 2019 and the Special Council Meeting held on 24 June 2019, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR’S COMMUNICATION

The Mayor tabled the advice from the Tasmanian Electoral Commissioner on the results of the 2019 LGAT election, a copy is attached.

The Mayor also provided a brief report on the Homeless Alliance Meeting held on 5 July and noted the following:

- a proposed governance model was put forward by TasCOSS, which was considered;
- possible resourcing was discussed, with no decisions taken at this stage;
- there were discussions about councils doing an audit on their public facilities – public showers, lockers, halls etc and reviewing emergency centres for suitability; and
- the need to look at service standards/protocols.

The minutes of that meeting will be circulated when available.


ATTACHMENT 1

2019 LGAT election


Election of President

Electors on Roll	29	Ballot Papers Missing	0	Total ballot papers	29
Ballot Envelopes Returned	29	Ballot Envelopes Rejected	0	Informal ballot papers	0
Percentage Returned	100%	Ballot Envelopes Admitted	29	Formal ballot papers	29

		Candidates								Remarks
		BLOMELEY Brendan	BURNET Helent	FRESHENY Peter	HOLMDAHL Christina	QUILLIAM Daryl Herbert	TUCKER Mick	Exhausted	Total Votes	
		Clarence City Council	Hobart City Council	Latrobe Council	West Tamar Council	Circular Head Council	Break O'Day Council			
Count 1	Total	3	1	7	9	5	4	0	29	15
Count 2	Votes transferred	0	-1	0	1	0	0			Burnett excluded
	total	3	0	7	10	5	4	0	29	
Count 3	Votes transferred	-3	0	1	2	0	0			Blomeley excluded
	total	0	0	8	12	5	4	0	29	
Count 4	Votes transferred	-	-	1	0	0	-4	3		Tucker excluded
	total			9	12	5	0	3	29	
Count 5	Votes transferred	-	-	3	2	-5	0	0		Quilliam excluded
	total			12	14	0	-	3	29	Holmdahl ELECTED


 Andrew Hawkey
 Tasmanian Electoral Commissioner
 Date

19-Jun-19


 Kristi Read
 Electoral Officer
 Date

19-Jun-19


2019 LGAT election

Election of General Management Committee Member


Southern Electoral District MORE than 20 000

Electors on Roll	11	Ballot papers Missing	2	Total ballot papers	9
Ballot Envelopes Returned	11	Ballot Envelopes Rejected	0	Informal ballot papers	1
Percentage Returned	100%	Ballot Envelopes Admitted	9	Formal ballot papers	8

		Candidates				
		BLOMELEY Brendan	JOHNSTON Kristi			
		Clarence City Council	Glenorchy City Council			
				Exhausted	Total Votes	Absolute Majority
						Remarks
Count 1	Total	5	3	0	8	5
	Total	5	3	0	8	Blomeley elected



Andrew Hawkey
Tasmanian Electoral Commissioner
date 19-Jun-19



Kristi Read
Electoral Officer
date 19-Jun-19

2019 LGAT election


Election of General Management Committee Member

Southern Electoral District LESS than 20 000

Electors on Roll	11	Ballot papers Missing	0	Total ballot papers	11
Ballot Envelopes Returned	11	Ballot Envelopes Rejected	0	Informal ballot papers	0
Percentage Returned	100%	Ballot Envelopes Admitted	11	Formal ballot papers	11

		Candidates						
		BISDEE Tony	SHAW Ben	TRIFFITT Loueen (Lou)				
		Southern Midlands Council	Derwent Valley Council	Central Highlands Council	Exhausted	Total Votes	Absolute Majority	Remarks
Count 1	Total	3	5	3	0	11	6	Draw by lot to determine exclusion: LGAT rules 25 July 2018 part 29 drawing or casting of lots LG Act 1993 Schedule 7 Part 2(5) - Bisdee excluded
	Votes transferred	-3	1	1	1			
Count 2								
	Total	0	6	4	1	11		Shaw elected


 Andrew Hawkey
 Tasmanian Electoral Commissioner
 date 19-Jun-19


 Kristli Read
 Electoral Officer
 date 19-Jun-19

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
Bayview Secondary College Master Plan	
STCA – continued participation in Regional Climate Change Initiative and Waste Strategy South Projects	
Howrah Gardens Suburb Proposal	24 June
Presentation by Rosny Hill Friends Network	
Presentation by Hunter Developments	
Combatting Homelessness Initiatives	
LGAT Motions for Annual Conference	1 July

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Ald James **SECONDED** Ald Edmunds

“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 Mulder	Item No. 11.3.6
Alderman Peers	Item No. 11.3.6
Alderman von Bertouch	Item No. 11.3.7

6. TABLING OF PETITIONS

(File No. 10/03/12)

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven 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 petitions which comply with the Act requirements:

- A petition from 54 signatories requesting Council to reject the proposal to introduce a new suburb on the Rokeby Hills.
- A petition from 124 signatories requesting Council to reject the proposal to alter the boundaries of Howrah and Rokeby and introduce a new suburb.

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

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

LIGHT TOWERS – BELLERIVE OVAL

Joanne Marsh of Bellerive asked, at Council's Meeting of 3 December 2018 the General Manager undertook to write to Cricket Tasmania to ask for a report on the structural issues affecting the light towers in October 2018, to reassure the community that their safety had not been compromised at any stage before the towers were repaired. Considering that the undertaking was given at a public meeting in response to a public question without notice, are the contents of the letter and any response received a matter for public record, if so, where can this information be accessed. If not, could the General Manager please provide an update for this meeting of any outcome from his communications with Cricket Tasmania.

ANSWER

The light towers at Bellerive Oval (Blundstone Arena) were subject to routine maintenance in November 2018. The inspections revealed a fault at the mid-section joint in two towers. Repairs and modifications were made, and after consultation with the engineers it was agreed that the other two towers also be modified in the same manner. A response to the 3 December 2018 question by Mrs Marsh has been provided to Council by Cricket Tasmania, and at the request of Cricket Tasmania that response has been treated as commercial in confidence. For that reason, the TCA response cannot be publicly released.

7.4 QUESTIONS WITHOUT NOTICE**BELLERIVE BEACH PARK CARPARK**

Joanne Marsh of Bellerive asked the following question: Given that in 2019 the condition of Bellerive Beach Park remains a disgrace to the City of Clarence, what can the community expect in regard to public information about its design and set timeframes for the completion of the entire Bellerive Beach Park Masterplan?

ANSWER

Council's Group Manager Engineering Services, Ross Graham, advised that Council had received a State Government grant of \$100,000 to progress the next stage of Bellerive Beach Park, which is in detail design at present. He provided further advice regarding timeframes and forthcoming projects for the park.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC (File No 10/03/04)
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(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)

YOUTH HOMELESSNESS

Erik Roberts addressed the Meeting on the above matter.

RESCISSION OF COUNCIL DECISION – HOWRAH GARDENS SUBURB PROPOSAL/REPLACEMENT DECISION
(REFER ITEM 11.7.1)

Dennis Matthews addressed the Meeting regarding the above matter.

Steven Royle addressed the Meeting regarding the above matter.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD BLOMELEY
SUPPORT FOR THE PROPOSED NEW HOBART HIGH SCHOOL TO BE
LOCATED IN CLARENCE**

(File No 10-03-05)

In accordance with Notice given it was:

Decision:	MOVED Ald Blomeley SECONDED Ald Ewington	
	“A. That this Council acknowledges the State Liberal Government has committed to building a brand new, purpose-built, state-of-the-art high school in Hobart, and	
	B. This Council calls on the State Liberal Government to consider building this new educational facility in Clarence”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald James
	Ald Chipman	Ald Kennedy
	Ald Chong	Ald Mulder
	Ald Edmunds	Ald Walker
	Ald Ewington	Ald Warren
	Ald Peers	
	Ald von Bertouch	

9.2 NOTICE OF MOTION - ALD WALKER
REDUCE ILLEGAL DUMPING SQUAD IN SOUTHERN TASMANIA
(File No 10-03-05)

In accordance with Notice given it was:

Decision: **MOVED** Ald Walker **SECONDED** Ald James

“That Council requests Waste Strategy South (WSS) to collaborate with the Department of Primary Industries, Parks, Water and the Environment (DPIPWE) to investigate the formation of a Reduce Illegal Dumping (RID) Squad in Southern Tasmania”.

CARRIED UNANIMOUSLY

**9.3 NOTICE OF MOTION - ALD MULDER
URBAN GROWTH BOUNDARY**
(File No 10-03-05)

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

- “A. That, in order to increase the supply of residential land, Council supports removing the Urban Growth Boundary from the *Southern Tasmanian Regional Land Use Strategy*, in so far as it relates to the City of Clarence.
- B. That Council authorises the General Manager to refer this matter to:
- 1) the Minister for Planning;
 - 2) the Department of Justice Planning Policy Unit; and/or
 - 3) the Greater Hobart Advisory Group that is to be formed under the Greater Hobart Bill 2019, once enacted”.

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

Decision:	MOVED Ald Mulder SECONDED Ald Chong
	<p>“A. That, in order to increase the supply of residential land, Council supports an urgent and fundamental review of the Urban Growth Boundary policy as part of a wider review of the Southern Tasmanian Regional Land Use Strategy, particularly in so far as it relates to the City of Clarence..</p> <p>B. That Council authorises the General Manager to refer this matter to:</p> <ol style="list-style-type: none"> 1) the Minister for Planning; 2) the Department of Justice Planning Policy Unit; and/or 3) the Greater Hobart Advisory Group that is to be formed under the Greater Hobart Bill 2019, once enacted”. <p>Ald Blomeley left the Meeting at this stage (8.40pm).</p> <p>The MOTION was put and CARRIED UNANIMOUSLY</p>

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

June Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

June Quarter 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 19 June 2019.

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

- Ald Chong tabled the Report on Decisions from the LGAT General Meeting held on 3 July 2019.

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

(File No 10/02/02)

The Weekly Briefing Reports of 17 and 24 June and 1 July 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 17 and 24 June 2019 and 1 July 2019 be noted.

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

Ald Edmunds left the Meeting at this stage (8.46pm).

“That the Recommendation be adopted”.

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

Ald Edmunds returned to the Meeting at this stage (8.49pm).

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-2019/000899 – 17 COVENTRY RISE, HOWRAH – SINGLE DWELLING
(File No D-2019/899)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 17 Coventry Rise, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Oceana Drive Residential and Bushland Specific Area Plan, Bushfire Prone Areas, Landslide Hazard Areas, Natural Assets, 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 until 10 July 2019.

CONSULTATION

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

- proposed height;
- privacy; and
- not meeting the performance criteria.

RECOMMENDATION:

A. That the Development Application for dwelling at 17 Coventry Rise, Howrah (CI Ref D-2019/899) 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.
3. Boundary fences adjoining a road or public reserve greater than 1.2m and other boundary fences greater than 2.1m must not be constructed of wire mesh.
4. ENG M5 – EROSION CONTROL.

ADVICE

1. ADVICE 14 – BUILDING ADVICE.
 2. The site is located within a Bushfire Prone area. The works are required to comply in accordance with the Building Act 2016 requirements; the Australian Standards AS 3959 and the National Construction Code 2019. It is the owner’s responsibility to ensure that the recommendations are satisfactorily addressed on an ongoing basis with regard to their property.
- 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 Walker **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.2 DEVELOPMENT APPLICATION D-2019/8 – 2 BURGUNDY ROAD, HOWRAH – FRONT FENCE
(File No D-2019/8)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a front fence at 2 Burgundy Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to Bushfire Prone Areas Code, North Glebe Hill Specific Area Plan, 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 until 10 July 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the Development Application for a fence at 2 Burgundy Road, Howrah (Cl Ref D-2019/8) be refused for the following reasons:
1. The proposal is inconsistent with the front fences for all dwellings objectives at 10.4.7(b) and (c).
 2. The proposal does not satisfy the Performance Criteria 10.4.7 P1 due to the fence not providing mutual passive surveillance between the road and the dwelling.

3. The proposal does not satisfy the Performance Criteria 10.4.7 P1 due to the fence not being compatible with the height and transparency of fences in the street. Specifically, there are no other examples in the street and the topography does not warrant the proposed solution.

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

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

“That the Recommendation be adopted”.

Ald Blomeley returned to the Meeting at this stage (8.50pm).

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

FOR

Ald Chipman
Ald Chong
Ald Edmunds
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Blomeley
Ald Ewington

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001043 – 71
CREMORNE AVENUE, CREMORNE – SINGLE DWELLING**
(File No PDPLANPMTD-2019/001043)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 71 Cremorne Avenue, Cremorne.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Coastal Inundation, 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 10 July 2019.

CONSULTATION

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

- overshadowing;
- the location of water tanks;
- construction management plan; and
- external materials.

RECOMMENDATION:

A. That the application for a Single Dwelling at 71 Cremorne Avenue, Cremorne (CI Ref PDPLANPMTD-2019/001043) 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 Chong

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001299 - 10
PAWTELLA CLOSE, SANDFORD – SINGLE DWELLING
(File No PDPLANPMTD-2019/001299)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the construction of an outbuilding associated with an existing dwelling at 10 Pawtella Close, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire Prone Areas and Natural Assets 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 July 2019.

CONSULTATION

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

RECOMMENDATION:

- A. That the application for an outbuilding at 10 Pawtella Close, Sandford (CI Ref PDPLANPMTD-2019/001299) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. GEN M7 – DOMESTIC USE.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

/ Refer to Page 28 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2019/001299 - 10 PAWTELLA
CLOSE, SANDFORD – SINGLE DWELLING /contd...**

Decision:	MOVED Ald von Bertouch SECONDED Ald Kennedy “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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**11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001261 – 9
YACHTSMANS WAY, TRANMERE – 2 MULTIPLE DWELLINGS AND
ADDITIONAL CROSSOVER**
(File No D-2019/001261)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings and an additional crossover at 9 Yachtsmans Way, Tranmere.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Area, Waterway and Coastal Protection, Stormwater Management and Parking and Access 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 has been extended until 10 July 2019.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings and an additional crossover at 9 Yachtsmans Way, Tranmere (C1 Ref D-2019/001261) 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 M1 – DESIGNS DA.
5. ENG A7 – REDUNDANT CROSSOVER.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 29 May 2019 (TWDA 2019/00746-CCC).

ADVICE

- a. As identified in the Clarence Interim Planning Scheme 2015 mapping, the proposed works are within a Bushfire Prone area. The works are required to comply with the Building Act 2016, Australian Standard AS 3959 and the National Construction Code 2019.
- 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 Walker	
	“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	
	Ald Warren	

11.3.6 DEVELOPMENT APPLICATION D-2019/124 – 2/8 BAYFIELD STREET, ROSNY PARK – CHANGE OF USE TO FITNESS CENTRE
(File No D-2019/124)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Change of Use to Fitness Centre at Level 2, 8 Bayfield Street, Rosny Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Central Business and subject to the Signs and Parking & Access codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended until 10 July 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and no representations were received.

RECOMMENDATION:

- A. That the proposed change of use to fitness centre at 2/8 Bayfield Street, Rosny Park (CI Ref D-2019/124) be refused for the following reasons:
1. The proposal does not comply with Clause E6.6.1 P1 of the *Clarence Interim Planning Scheme 2015* (the Scheme) relating to car parking demand and availability.
 2. The proposal does not comply with Clause E6.6.1 P2 of the *Clarence Interim Planning Scheme 2015* (the Scheme) in that the applicant is seeking a waive of cash-in-lieu for 2 car parking spaces (in-lieu of 3) that cannot be provided on-site.

ADVICE

- a. That in the event of an appeal, Council would be prepared to consent to a permit condition for a cash-in-lieu payment for 3 car parking spaces prior to the commencement of the use. The submission of a new development application addressing this issue would likely result in a recommendation for approval.
- 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 Mulder and Ald Peers declared an Interest in this Item and left the Meeting prior to discussion (8.56pm).

Decision:

MOVED Ald Blomeley **SECONDED** Ald Ewington

“A. That the proposed Change of Use to fitness centre at 2/8 Bayfield Street, Rosny Park (C1 Ref D-2019/124) be approved subject to the following conditions.

1. GEN AP1 – ENDORSED PLAN.
2. A cash contribution of \$12,000 must be provided in-lieu of the 1 car parking space that cannot be provided on-site. This contribution must be paid prior to the commencement of the use or the landowner must enter into an agreement in a registrable form with Council under Part 5 of the Land Use Planning and Approvals Act 1993, prior to the commencement of the use, which provides for the car parking contribution, its calculation and payment arrangement.

The landowner is responsible for the preparation of the agreement and is responsible for all Land Titles Office fees and charges.

3. ADVICE 1 – PERMIT EXPIRY ADVICE.

/ Decision contd on Page 33...

DEVELOPMENT APPLICATION D-2019/124 – 2/8 BAYFIELD STREET, ROSNY PARK – CHANGE OF USE TO FITNESS CENTRE /Decision contd...

B. That the reasons for Council’s decision in respect of this matter are as follows:

- there are sufficient car parking spaces in the subject area; and
- specifically noting that the core business operating hours are not the same as neighbouring businesses”.

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

FOR

Ald Blomeley
Ald Edmunds
Ald Ewington
Ald Kennedy

AGAINST

Ald Chipman
Ald Chong
Ald James
Ald von Bertouch
Ald Walker
Ald Warren

FORESHADOWED MOTION

MOVED Ald James **SECONDED** Ald von Bertouch

“That the officer’s recommendation be adopted”.

CARRIED

FOR

Ald Chipman
Ald Chong
Ald James
Ald von Bertouch
Ald Walker
Ald Warren

AGAINST

Ald Blomeley
Ald Edmunds
Ald Ewington
Ald Kennedy

Ald Mulder and Ald Peers returned to the Meeting at this stage (9.14pm).

11.3.7 APPLICATION SD-2019/7 – 3178 SOUTH ARM ROAD, SOUTH ARM – 4 LOT SUBDIVISION
(File No Sd-2019/7)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 4-lot subdivision (and balance) at 3178 South Arm Road, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Coastal Erosion Hazard, Inundation Prone Areas, Waterway & Coastal Protection Areas and Parking and Access 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 was extended with the consent of the applicant until 10 July 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the issue of lack of foreshore reserve.

RECOMMENDATION:

- A. That the application for a 4-lot subdivision at 3178 South Arm Road, South Arm (CI Ref SD-2019/7) be approved subject to the following conditions and advice.
- 1 GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN – [the provision of public open space which encompasses the foreshore area with a variable width measured from 1m east of the base of the sand dune to the western boundary of the lot, generally in accordance with the Rogerson and Birch subdivision plan dated 27 June 2019].

3. ENG A3 – COMBINED ACCESS [TSD-R03 (Rural)].
4. ENG A4 – DIER ACCESS.
5. ENG M2 – DESIGNS SD.
6. ENG S2 – SERVICES.
7. The applicant is to enter into a licence agreement for the use of the boatsheds in accordance with Council’s adopted Leased Facilities Pricing and Terms of Lease Policy, indemnifying Council in relation to the owner’s use of Council land during the period of the licence. The agreement shall be entered into within 60 days of the transfer of the public open space to Council.

The landowner is responsible for the preparation of the agreement and is responsible for all Land Titles Office fees and charges.
8. PROP 3 – TRANSFER.

ADVICE

1. Please note that the license agreement is assessed on a yearly basis and Council is not obligated to renew if circumstances change in the future.
 2. If a licence agreement, required by Condition 7, is not entered into within 60 days of the transfer of the public open space to Council the boatsheds will be removed from the site.
- 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 von Bertouch declared an Interest in this Item and left the Meeting prior to discussion (9.14pm).

Decision:	MOVED Ald Ewington SECONDED Ald Chong “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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Ald von Bertouch returned to the Meeting at this stage (9.15pm).

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 RESCISSION OF COUNCIL DECISION – HOWRAH GARDENS SUBURB PROPOSAL / REPLACEMENT DECISION**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To rescind Council's decision of 8 April 2019 providing in-principle support for creation of a new suburb named "Howrah Gardens" including consequential suburb boundary changes; and replace the rescinded decision with a new decision related to the Howrah / Rokeby suburb boundary.

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 (Meeting Procedures) Regulations 2015;*
- *Local Government Act 1993;*
- *Survey Co-ordination Act 1944;*
- *Rules for Place Names in Tasmania (Nomenclature Board of Tasmania).*

CONSULTATION

Should Council approve the rescission motion, community advice regarding the rescission of Council's 8 April 2019 decision should occur.

Should Council approve the request for a suburb boundary change, community consultation in accordance with the Rules for Place Names in Tasmania will be required before submission to the Nomenclature Board.

FINANCIAL IMPLICATIONS

There are none identified.

RECOMMENDATION A:

That Council rescinds its decision of 8 April 2019 (Item 11.7.4).

RECOMMENDATION B:

That subject to Recommendation A above being Carried:

1. Council authorises the General Manager to advise the community of Council's decision to rescind its 8 April 2019 decision (Item 11.7.4) and replace that decision with this decision.
2. Council provides in-principle support for an alteration of the suburb boundary between Howrah and Rokeby as shown in Option 3 of the attachments to the Associated Report.

3. Council authorises the General Manager to conduct community consultation regarding the proposed boundary change in accordance with the “Rules for Place Names in Tasmania” and advice from the Nomenclature Board of Tasmania – to determine whether there is community support for the proposed changes.
4. Following the completion of the consultation, the General Manager provide a report to Council and that Council then determine whether to refer the proposed suburb boundary change to the Nomenclature Board of Tasmania for determination.

Decision:	MOVED Ald Mulder SECONDED Ald James		
	RECOMMENDATION A		
	“That Council rescinds its decision of 8 April 2019 (Item 11.7.4)”.		
	CARRIED		
	<table border="0"> <tr> <td data-bbox="558 862 829 907">FOR</td><td data-bbox="829 862 1410 907">AGAINST</td></tr> </table>	FOR	AGAINST
FOR	AGAINST		
	<table border="0"> <tr> <td data-bbox="558 907 829 952">Ald Blomeley</td><td data-bbox="829 907 1410 952">Ald Ewington (abstained)</td></tr> </table>	Ald Blomeley	Ald Ewington (abstained)
Ald Blomeley	Ald Ewington (abstained)		
	Ald Chipman		
	Ald Chong		
	Ald Edmunds		
	Ald James		
	Ald Kennedy		
	Ald Mulder		
	Ald Peers		
	Ald von Bertouch		
	Ald Walker		
	Ald Warren		
	RECOMMENDATION B		
	MOVED Ald Mulder SECONDED Ald Walker		
	“That subject to Recommendation A above being carried:		
	<ol style="list-style-type: none"> 1. Council authorises the General Manager to advise the community of Council’s decision to rescind its 8 April 2019 decision (Item 11.7.4) and replace that decision with this decision. 		
	<ol style="list-style-type: none"> 2. Council provides in-principle support for an alteration of the suburb boundary between Howrah and Rokeby as shown in Option 2 of the attachments to the Associated Report. 		

/ Decision contd on Page 41...

**RESCISSION OF COUNCIL DECISION – HOWRAH GARDENS SUBURB
PROPOSAL / REPLACEMENT DECISION /Decision contd...**

3. Council authorises the General Manager to conduct community consultation regarding the proposed boundary change in accordance with the “Rules for Place Names in Tasmania’ and advice from the Nomenclature Board of Tasmania – to determine whether there is community support for the proposed changes.
4. Following the completion of the consultation, the General Manager provide a report to Council and that Council then determine whether to refer the proposed suburb boundary change to the Nomenclature Board of Tasmania for determination”.

CARRIED**FOR**

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

AGAINST

Ald Edmunds
Ald James
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

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 GREAT SOUTHERN LIGHTS – STREET LIGHT ENERGY EFFICIENCY, LED ROLL OUT

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; 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.

Decision:

PROCEDURAL MOTION

MOVED Ald Edmunds **SECONDED** Ald Warren

“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 “GREAT SOUTHERN LIGHTS” – STREET LIGHT ENERGY EFFICIENCY, LED ROLL OUT

Decision:	MOVED Ald Chong SECONDED Ald Warren
	<p>“A. That Council approve the procurement of goods and services and the entering into contracts necessary for the implementation of the “Great Southern Lights” project, being the replacement of existing residential street lights throughout the Clarence area, with energy efficient LED lights.</p> <p>B. That Council authorise the General Manager to enter into an Asset Sale Agreement with TasNetworks to purchase the existing street lights, at their written down value from TasNetworks. An absolute majority is needed, pursuant to Regulation 27(i)(iii) of the <i>Local Government (General) Regulations 2015</i> (Tas), to exempt the procurement from tender on the basis that there is an unavailability of competitive tenders because TasNetworks is the monopoly provider of existing street lights within the City.</p> <p>C. That Council authorise the General Manager to accept the lowest price tender response through the existing MAV procurement register and to then sign the relevant contract with a supplier to supply LED light types approved by TasNetworks for use on their distribution network in Clarence.</p> <p>D. That Council authorise the General Manager to accept the lowest price tender response through the existing MAV procurement register and to then sign the relevant contract with an installer accredited with TasNetworks to install the LED replacement lights on the TasNetworks’ distribution network.</p>

/ Decision contd on Page 45...

“GREAT SOUTHERN LIGHTS” – STREET LIGHT ENERGY EFFICIENCY, LED ROLL OUT /Decision contd...

- E. That in accordance with Regulation 34(3) of the *Local Government (Meeting Procedures) Regulations 2015* (Tas), 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.
- F. That Council authorise the General Manager to execute the contracts, draw on the loan facility from the State Government ALGCP and take all other action reasonably required to implement the above-mentioned Recommendations B to E.
- G. That Council publishes its decision only in regard to this matter in the open Minutes of this Meeting.

CARRIED UNANIMOUSLY

The Meeting closed at 9.48pm.