

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 19 AUGUST 2019

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.00pm with the Acting Mayor (Ald H Chong) in the Chair and with Aldermen:

B A Blomeley
L Edmunds
D Ewington
R H James
W Kennedy
T Mulder
J Peers
S von Bertouch
J Walker
B Warren; present.

1. APOLOGIES Mayor (D C Chipman) [Leave of Absence]

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr I Nelson)

Chief Financial Officer
(Ms M Coleman)

Acting Corporate Secretary
(Ms C Shea)

Manager Health and Community Development
(Mr J Toohey)

Group Manager Engineering Services
(Mr R Graham)

Manager City Planning
(Mr R Lovell)

Co-ordinator Council Support
(Ms J Ellis)

The Meeting closed at 9.28pm.

Prior to the commencement of the meeting, the Acting 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 Acting 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 19 AUGUST 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 29 July 2019, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 29 July 2019, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

3. MAYOR'S COMMUNICATION

The Acting Mayor advised that the Greater Hobart Bill received Royal Assent on Friday, 16 August 2019 and will be proclaimed once the regulations are finalised.

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

Presentation – Welcoming Cities

Presentation – Derwent Estuary Program

Roadway/Access Issue – Cremorne

Council Meeting Matters

5 August

Urban Design Survey

Suburb Boundary Change/Howrah Gardens Survey Results

Roadway/Access Issue – Cremorne

Lauderdale Primary School Safety

12 August

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

That Council notes the workshops conducted.

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

“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

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

QUESTION

At Council's Meeting of 29 July 2019 Victor Marsh of Bellerive asked: "When will the Council begin working on a traffic management plan that will provide for safe and efficient traffic management, pedestrian well-being and safety and minimise local impacts"?

ANSWER

Council monitors traffic, pedestrian and parking activity within the Bellerive Village and surrounding areas on an ongoing basis. This includes review of reported crash history data on Council's roads on an annual basis as part of the Black Spot funding program. Road safety audits have not identified any significant safety concerns in the Bellerive village precinct. In relation to parking, Council has adopted the Kangaroo Bay Public Car Parking Strategy which provides strategic direction to manage car parking as development in the Kangaroo Bay area continues.

Council Officers recognise pedestrian connectivity enhancements will be beneficial to the community. The Kangaroo Bay developments, including the BYC marina development, will contribute to improved pedestrian and cycleway connectivity. Other opportunities to improve pedestrian connectivity are commonly undertaken in conjunction with road reconstruction works. Percy Street and Cambridge Road are due for road reconstruction within the next five years and Officers will provide improvement options for Council to consider when master plan design work is complete for these roads.

7.4 QUESTIONS WITHOUT NOTICE**FUTURE TRAFFIC MANAGEMENT PLANNING BELLERIVE PRECINCT**

Joanne Marsh of Bellerive asked the following question on behalf of Victor Marsh, who was unable to attend. The question relates to the answer to his previous question regarding the future traffic management planning in the Bellerive precinct. The term pedestrian connectivity enhancement was used, given that pedestrians currently feel unsafe in the Bellerive area, would Council Officers please give some examples of possible pedestrian connectivity enhancements in the area that would benefit the community?

ANSWER

The Acting Mayor took the Question on Notice.

LAUDERDALE PRIMARY SCHOOL SAFETY

Michael Figg of Lauderdale stated: In the Council Agenda for tonight's Meeting, under the Council Workshop Item, the Lauderdale Primary School safety was listed on 12 August. Can you please explain why Council promised that I and others from the Advanced Lauderdale Association would be at that workshop and were not advised?

ANSWER

The General Manager advised that he was not aware of any invitation to any external body or person in respect to the Lauderdale Primary School safety item.

COUNCIL CHAMBER ACOUSTICS AND ELECTRONICS

Michael Figg of Lauderdale asked: Why we cannot answer a statement about ourselves and the community that you are talking about being loud from the gallery when we cannot even hear you from the gallery because the sound system is so poor and we have brought this up, myself and about a dozen other people. I think we would have to admit that the acoustics in this room are very poor, if that is the case, I think that instead of addressing the public to be quiet, maybe you should be addressing the acoustics and the electronics that are not working.

ANSWER

The Acting Mayor advised that a considerable amount of work had been undertaken to try and make the acoustics better in the chambers.

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)

CONSULTATION REGARDING ROSNY HILL NATURE RECREATION AREA

Denise Hoggan addressed the meeting regarding the above matter.

9. MOTIONS ON NOTICE

Nil.

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.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

June Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

Quarterly Reports

TasWater Corporation has distributed its Quarterly Report for the period 1 April to 30 June 2019.

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

- **GREATER HOBART COMMITTEE**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

ALMAS ACTIVITIES CENTRE CLARENCE

- Ald von Bertouch tabled the Minutes of a Meeting held on 16 July 2019.

CLARENCE POSITIVE AGEING ADVISORY COMMITTEE

- Ald von Bertouch tabled the Minutes of Meetings held on 18 April 2019 and 20 June 2019.

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

(File No 10/02/02)

The Weekly Briefing Reports of 29 July and 5 and 12 August 2019 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 29 July and 5 and 12 August 2019 be noted.

Decision: **MOVED** Ald Walker **SECONDED** Ald Peers

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001641 – 151 EAST DERWENT HIGHWAY, LINDISFARNE - FOOD VAN**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Food Van at 151 East Derwent Highway, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Parking and Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 21 August 2019.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and six representations were received. It has been noted that four of these representations came from the same household and business.

The following issues were raised:

- the proposed development does not add any appeal to the streetscape;
- the proposal will generate traffic hazards and nuisance to adjoining residences;
- a food van will be unfair competition to the existing businesses;
- the proposed hours of operation will be outside of the permitted hours;
- there is no consideration for landscaping;
- there is no requirement for street signage application;
- the proposal does not include toilet facilities;
- the proposal does not have a provision for rubbish facilities;
- the development will lead to more food vans;
- the proposed development does not have a time limit;
- the visual appearance of the food van can change any time; and
- the proposed days of trading will jeopardise other businesses in the area.

RECOMMENDATION:

- A. That the Development Application for a Food Van at 151 East Derwent Highway, Lindisfarne (CI Ref PDPLANPMTD-2019/001641) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AM1 – NUISANCE.
 3. GEN AM5 – TRADING HOURS [5.00pm] to [9.30pm].
 4. The operator of the food van must provide a rubbish bin next to the food van during the hours of operation and dispose of the contents regularly to ensure there is no rubbish about 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.

Decision:**MOVED** Ald Walker **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED**FOR**

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

AGAINST

Ald James

11.3.2 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/3) AND 28 LOT SUBDIVISION (SD-2018/56) - 102 AND 106 PASS ROAD, ROKEBY, 118 PASS ROAD AND 50 MINNO STREET, HOWRAH (SECTION 39 REPORT)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council's decision of 6 May 2019 in light of the representations received during the public exhibition period in accordance with the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

RELATION TO PLANNING PROVISIONS

The land at 102 and 106 is zoned Particular Purpose (32.0 – Urban Growth zone) and the land at 118 Pass Road and 50 Minno Street is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme).

Additionally, all of the parcels are subject to the Bushfire-Prone Areas Code and the land at 118 Pass Road and 50 Minno Street is also subject to the North Glebe Hill Specific Area Plan.

The proposed subdivision is currently Prohibited under the Scheme.

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.

Section 43A(1) of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

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.

CONSULTATION

The draft Amendment, Proposal and draft Permit conditions were advertised in accordance with statutory requirements and 1 representation was received from the applicant. The issue raised related to Condition 3 of the draft Permit and specifically the payment of a cash contribution in-lieu of Public Open Space. This matter is discussed in further detail within the body of this report.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representation does not warrant modification to draft Amendment A-2018/3.
- B. That Council resolves, under Section 43F of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representation warrant the modification to Condition 3 of the draft Permit SD-2018/56.
- Specifically, Condition 3 of the draft Permit should be modified to require a POS contribution relating to 5% of the value of the area of land in the approved plan described as Lots 104-122 only.
- C. 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
	<p>“A. That Council resolves, under Section 39(2) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representation does not warrant modification to draft Amendment A-2018/3.</p> <p>B. That Council resolves, under Section 43F of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representation warrant the modification to Condition 3 of the draft Permit SD-2018/56.</p> <p>Specifically, Condition 3 of the draft Permit should be modified to require a POS contribution relating to 3% of the value the area of land in the approved plan described as Lots 104-122 only.</p> <p>C. That the details included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter, specifically, that:</p> <ul style="list-style-type: none"> at the request of Council Planning officers, a 350m² lot was requested for infrastructure purposes and a public walkway that aligns with CPTED principles; and

/ Decision contd on Page 19...

11.3.2 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING (A-2018/3) AND 28 LOT SUBDIVISION (SD-2018/56) - 102 AND 106 PASS ROAD, ROKEBY, 118 PASS ROAD AND 50 MINNO STREET, HOWRAH (SECTION 39 REPORT) /Decision contd...

- this area equates to 2% of the requested total POS and therefore ought to be deducted from the cash-in-lieu sought by Council”.

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

FOR

Ald Blomeley
Ald Edmunds
Ald Ewington
Ald Walker

AGAINST

Ald Chong
Ald James
Ald Kennedy
Ald Mulder
Ald Peers
Ald von Bertouch
Ald Warren

FORESHADOWED MOTION

MOVED Ald Mulder **SECONDED** Ald James

“That the Recommendation be adopted”.

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

FOR

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

AGAINST

Ald Blomeley
Ald Ewington
Ald Walker

11.3.3 SUBDIVISION APPLICATION – 90A AND 92 GORDONS HILL ROAD, LINDISFARNE – 1 LOT SUBDIVISION
(File No. PDPLANPMTD-2019/001781)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 90A and 92 Gordons Hill Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the Road and Rail Assets Code, Parking and Access Code and Stormwater Management 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 21 August 2019 as agreed with the applicant.

CONSULTATION

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

- impact of future development;
- access arrangements;
- servicing capacity;
- responsibility for access upgrades; and
- maintenance of public footway.

RECOMMENDATION:

A. That the application for a 1 lot subdivision at 90A and 92 Gordons Hill Road, Lindisfarne (CI Ref PDPLANPMTD-2019/001781) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN POS1 – POS CONTRIBUTION [5% - Lot1].
3. Prior to the sealing of the Final Plan of Survey the developer must purchase a right-of-way easement over the Council land at 90A Gordons Hill Road. The developer is responsible for all costs associated with the creation of the right-of-way including an agenda report, valuation, survey costs and land titles fees.
4. ENG M2 – DESIGNS SD [lot accesses, shared driveway and stormwater drainage].
5. Lots 1 and 2 must be provided with a 5.5m wide by 7.5m long sealed crossover from Gordons Hill Road to the boundary with 90A Gordons Hill Road in accordance with *Tasmanian Standard Drawing TSD-R09 (Urban)* (copy available from Council). The remainder of the shared driveway over 90A Gordons Hill Road to the boundary of Lots 1 and 2 must be sealed and have a minimum width of 3.6m. The access and driveway must be inspected by Council prior to sealing or pouring new concrete.

Following construction, the crossover and driveway must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.

OR

Both existing access crossovers from Gordons Hill Road to 90A Gordons Hill Road must be widened and sealed to provide passing opportunities for vehicles entering and leaving Gordons Hill Road. The two access points and passing bays must be reconstructed to a minimum width of 5.5m and 7.5m long from the kerb with a sealed pavement continuous to the property boundary.

6. ENG M8 – EASEMENTS.
7. ENG S2 – SERVICES.
8. ENG S4 – STORMWATER CONNECTION AND DETENTION.
9. ENG S1 – INFRASTRUCTURE REPAIR.
10. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 July 2019 (TWDA 2019-00889-CCC).

ADVICE

- a. As a consequence of the development, the street numbering allocated to each lot/unit will be as set out as follows:
- Lot 1 - 92A Gordons Hill Road; and
 - Lot 2 - existing dwelling 92 Gordons Hill Road.
- 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 Ewington

“A. That the application for a 1 lot subdivision at 90A and 92 Gordons Hill Road, Lindisfarne (CI Ref PDPLANPMTD-2019/001781) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS1 – POS CONTRIBUTION [5% - Lot1].
3. Prior to the sealing of the Final Plan of Survey the developer must purchase a right-of-way easement over the Council land at 90A Gordons Hill Road. The developer is responsible for all costs associated with the creation of the right-of-way including an agenda report, valuation, survey costs and land titles fees.
4. ENG M2 – DESIGNS SD [lot accesses, shared driveway and stormwater drainage].
5. Lots 1 and 2 must be provided with a 5.5m wide by 7.5m long sealed crossover from Gordons Hill Road to the boundary with 90A Gordons Hill Road in accordance with *Tasmanian Standard Drawing TSD-R09 (Urban)* (copy available from Council). The remainder of the shared driveway over 90A Gordons Hill Road to the boundary of Lots 1 and 2 must be sealed and have a minimum width of 3.6m. The access and driveway must be inspected by Council prior to sealing or pouring new concrete.

Following construction, the crossover and driveway must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.

OR

SUBDIVISION APPLICATION – 90A AND 92 GORDONS HILL ROAD, LINDISFARNE – 1 LOT SUBDIVISION /Decision contd...

Both existing access crossovers from Gordons Hill Road to 90A Gordons Hill Road must be widened and sealed to provide passing opportunities for vehicles entering and leaving Gordons Hill Road. The two access points and passing bays must be reconstructed to a minimum width of 5.5m and 7.5m long from the kerb with a sealed pavement continuous to the property boundary.

6. ENG M8 – EASEMENTS.
7. ENG S2 – SERVICES.
8. ENG S4 – STORMWATER CONNECTION AND DETENTION [After ‘main’ delete the rest of the standard condition and replace with ‘together with a minimum of 2 cubic metres stormwater detention per lot, with flow rates from detention being confirmed by detailed engineering design.’].
9. ENG S1 – INFRASTRUCTURE REPAIR.
10. The development must meet all required Conditions of Approval specified by TasWater notice dated 3 July 2019 (TWDA 2019-00889-CCC).

ADVICE

- a. As a consequence of the development, the street numbering allocated to each lot/unit will be as set out as follows:
 - Lot 1 - 92A Gordons Hill Road; and
 - Lot 2 - existing dwelling 92 Gordons Hill Road.
- 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 and further including:
 - To amend the standard condition to introduce on-site detention to ensure that Council stormwater infrastructure downstream, which is at capacity, is not overloaded and other properties are not adversely impacted by the proposal”.

CARRIED UNANIMOUSLY

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001177 – 16 COTTESLOE STREET, LINDISFARNE - ADDITIONS AND CHANGE OF USE TO VISITOR ACCOMMODATION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and change of use to Visitor Accommodation at 16 Cottesloe Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the 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 21 August 2019.

CONSULTATION

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

- loss of privacy;
- visual impact; and
- lack of privacy.

RECOMMENDATION:

A. That the Development Application for additions and change of use to Visitor Accommodation at 16 Cottesloe Street, Lindisfarne (CI Ref PDPLANPMTD-2019/001177) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a 1.7m screen with a minimum transparency of at least 25% along the eastern side of the deck servicing the Visitor Accommodation].

3. ENG M1 – DESIGNS DA.
4. ENG A5 – SEALED CAR PARKING.
5. ENG A2 – CROSSOVER CHANGE.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 24 May 2019 (TWDA 2019/00731-CCC).

ADVICE

The building work is to comply with the National Construction Code 2019 Part 3 Fire Separation.

- 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 UNANIMOUSLY

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 COUNCIL DELEGATIONS UNDER THE LAND USE PLANNING AND APPROVALS ACT 1993**

(File No 20-01-00)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider an amendment to Council's delegations under the Land Use Planning and Approvals Act 1993 (LUPAA), in order to ensure the continued efficient provision of services.

RELATION TO EXISTING POLICY/PLANS

The changes sought are specifically aimed at improving the efficient delivery of services and will not impact on any pre-existing policies or strategies of the Council.

LEGISLATIVE REQUIREMENTS

Delegations under the Land Use Planning and Approvals Act 1993 must be direct from Council to the officer, as they cannot be on-delegated by the General Manager.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That Council resolves to approve the following Delegation in respect to the Land Use Planning and Approvals Act, 1993.

NO.	ACT REF	DETAILS OF DELEGATION	DELEGATION
133	Land Use Planning and Approvals Act, 1993 S57, 58	To administer the processing of applications and agreements in respect to planning permits; and to grant permits, or to grant permits with conditions (development applications and subdivisions) as appropriate in relation to applications for permits in accordance with the provisions of the relevant Planning Scheme and to attach conditions to permits granted with respect to any matters specified in a relevant Planning Scheme and/or consistent with Council policies and standards in respect of applications for Discretionary Permits where:	General Manager; Manager City Planning (incorporating the role of Manager Integrated Assessment), Senior Statutory Planner

NO.	ACT REF	DETAILS OF DELEGATION	DELEGATION
		<ul style="list-style-type: none"> representations are only from State Government Departments; there is a maximum of one representation which is also deemed to include all separately submitted representations from or on behalf of one property address; the development value is less than \$10M. 	

B. That the delegation be reviewed one year after introduction.

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

11.7.2 HOWRAH/ROKEBY SUBURB BOUNDARY ALTERATION

(File 25-03-01)

EXECUTIVE SUMMARY**PURPOSE**

To confirm Council's in-principle support for a boundary change between Howrah and Rokeby and refer the proposed boundary change to the Nomenclature Board, in consideration of landowner feedback and community feedback following consultation.

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

CONSULTATION

Direct consultation with the three affected landowners has occurred as well as broad community consultation by advertising the proposed boundary change on Council's website, via social media and Have Your Say community consultation portal.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

- A. That following the consultation with the three affected landowners and the broader community, Council resolves to support the proposed boundary change (Option 2) and refer the proposed suburb boundary alteration to the Nomenclature Board for final decision.
- B. That Council authorises the General Manager to provide the results of the consultation to the Nomenclature Board.

The Acting Mayor advised the Meeting that the Recommendation would be dealt with ad seriatum.

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

HOWRAH/ROKEBY SUBURB BOUNDARY ALTERATION /contd...

Decision:	MOVED Ald Mulder SECONDED Ald Blomeley	
	“A. That following the consultation with the three affected landowners and the broader community, Council resolves to support the proposed boundary change (Option 2) and refer the proposed suburb boundary alteration to the Nomenclature Board for final decision”.	
	CARRIED	
	FOR	AGAINST
	Ald Blomeley	Ald Edmunds
	Ald Chong	Ald James
	Ald Ewington	Ald Kennedy
	Ald Mulder	Ald Warren
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	MOVED Ald Mulder SECONDED Ald Peers	
	“B. That Council authorises the General Manager to provide the results of the consultation to the Nomenclature Board”.	
	CARRIED	
	FOR	AGAINST
	Ald Chong	Ald Blomeley
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

11.7.3 DERWENT ESTUARY PROGRAM

(File No 3601191)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider authorising the Mayor to sign a new Partnership Agreement with the Derwent Estuary Program.

RELATION TO EXISTING POLICY/PLANS

Council is currently a partner of the Derwent Estuary Program. The program partners encompass a number of Councils, the State Government, Government agencies and private industry members. The Council's Strategic Plan 2016-2026 is also relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

No consultation has been undertaken.

FINANCIAL IMPLICATIONS

Council currently makes an annual contribution of \$52,730 to the Derwent Estuary Program. The other partners also make a cost contribution to the Program.

RECOMMENDATION:

That Council:

- A. Supports Council's continued participation as a member of the Derwent Estuary Program; and
- B. Authorises the Mayor to sign the new 5 year Partnership Agreement on behalf of Council.

Decision:

MOVED Ald Warren **SECONDED** Ald Blomeley

"That the Recommendation be adopted".

CARRIED

FOR

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

AGAINST

Ald Mulder

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 JOINT AUTHORITY MATTER

13.3 TENDER – VERGE AND HORSE TRAIL MAINTENANCE

13.4 TENDER T1308-19 – 2019 ANNUAL HARD WASTE COLLECTION SERVICE

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;
- information provided to the council on the condition it is kept confidential; 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 Peers SECONDED Ald Edmunds	
	“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.	
	CARRIED	
	FOR Ald Blomeley Ald Chong Ald Edmunds Ald Ewington Ald Kennedy Ald Mulder Ald Peers Ald von Bertouch Ald Walker Ald Warren	AGAINST Ald James (abstained)

CLOSED MEETING /contd...

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

13.3 TENDER – VERGE AND HORSE TRAIL MAINTENANCE

(File No T1298-19 – 3599386)

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

- “A. That Council accepts the Tender of \$272,230.00, excluding GST, submitted by LMRS Pty Ltd for the provision of Road Verge and Horse Trail Maintenance within the City of Clarence.
- B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That Council publishes its decision only in regard to this matter in the open Minutes of this Meeting”.

CARRIED UNANIMOUSLY

13.4 TENDER T1308-19 - 2019 ANNUAL HARD WASTE COLLECTION SERVICE
(File No T1308-19:ECM 3601647)**Decision:****MOVED** Ald Warren **SECONDED** Ald Blomeley

“That Council resolves:

- A. That the Tender received from Corporate Management Solutions (Tas) Pty Ltd for \$99,430.08, excluding GST, together with the schedule of fees as submitted for any additional Call Back Days be accepted for the provision of the 2019 Residential Hard Waste Collection Service.
- B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for the release of the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That Council publish its decision only in regard to this matter in the open Minutes of this Meeting”.

CARRIED**FOR**

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

AGAINST

Ald Mulder

The Meeting closed at 9.28pm.