

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 29 JULY 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  
W Kennedy  
T Mulder  
J Peers  
S von Bertouch  
J Walker  
B Warren; present.

**1. APOLOGIES** R H James

**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)

Manager City Planning  
(Mr R Lovell)

Co-ordinator Council Support  
(Ms J Ellis)

The Meeting closed at 8.42pm.

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 29 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 8 July 2019 and the Special Council Meeting held on 22 July 2019, as circulated, be taken as read and confirmed.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Warren

“That the Minutes of the Council Meeting held on 8 July 2019 and the Special Council Meeting held on 22 July 2019, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

## 3. MAYOR'S COMMUNICATION

The Mayor advised that he and the General Manager had met with the State Manager of the North Melbourne Football Club who expressed an interest in working on a Memorandum of Understanding with Council in the area of community development. The Mayor further advised that he has suggested a briefing by the State Manager of the Club at a Council Workshop.

## 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 – Droughty Point/Tranmere Structure Plan Rating 2019/20 Waste Survey Funding Application – Sporting Facility Council Meeting Times	15 July
Presentation – Aboriginal Heritage Interpretation Plan Presentation – Reconciliation Action Plan Droughty Point/Tranmere Structure Plan	22 July

/ Refer to Page 5 for Decision...

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

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**  
(File No)

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

**INTEREST DECLARED**

<b>Alderman Ewington</b>	<b>Item No. 11.3.3</b>
<b>Alderman Kennedy</b>	<b>Item No. 11.3.5</b>
<b>Alderman Peers</b>	<b>Item No. 11.5.1</b>
<b>Alderman Edmunds</b>	<b>Item No. 11.5.1</b>

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

Nil.

## **7. PUBLIC QUESTION TIME**

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

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

### **7.1 PUBLIC QUESTIONS ON NOTICE**

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

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

Mrs Denise Hoggan of Rosny has given notice of the following question:

#### **ROSNY HILL NATURE RECREATION**

The proponent for a development in Rosny Hill Nature Recreation area showed a clearly defined development area, marked on maps displayed to the public, on 2 July 2019. Has Clarence City Council entered into an Offer to Lease, or similar contract, with Hunter Developments?

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

The General Manager provided the following answer to Question Taken on Notice listed at Item 7.1.

#### **ANSWER**

The General Manager advised that Council has not entered into an Offer to Lease, or similar contract, with Hunter Developments.

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

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

#### **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?

/ contd on Page 8...

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

There are a number of projects planned for Bellerive Beach Park in relation to the Master Plan.

**Promenade and Seawall**

Council has received State Government funding to assist with the construction of the Promenade Interim stage works. Detailed design will commence soon by our Landscape Architects with construction intended to commence near March 2020, after the park's summer usage.

The development of the old carpark area into a promenade is being investigated by Pitt & Sherry who will provide recommendations on the sea wall construction and ground levels. It is anticipated this work will be received in August. Following this, Council designers need to assess the extent of the future sea wall and prepare concept designs for the other adjacent works being beach steps, ramps etc in accordance with the Master Plan. From this concept design budget estimates will be arranged to discuss with Council.

**Irrigation**

The installation of irrigation to the Park green space adjacent the playground is underway and due for completion by the end of this month.

**Gym Equipment upgrade**

A Quotation document is being prepared for replacement gym equipment with installation expected to be complete prior to the coming summer.

**Toilet Facility - Changing Places Room**

Council has allocated funds for consideration of a changing places room being added to the existing toilets. A quotation document is being prepared to engage Architects to assess the existing facility. We are aiming to provide options to Council by the end of this year.

Further projects for the precinct include:

**Bellerive Beach Floating Pontoon**

Council has allocated funds for a floating pontoon off Bellerive Beach. A design and construct quotation is being prepared for advertising in August/September, with installation complete by the coming summer.

**Beach Street to Alexandra Esplanade Multi-user Pathway**

The aim of the project is to upgrade the existing bitumen path to a 2.5m wide concrete pathway. Design will be undertaken this year with construction anticipated to be undertaken in Autumn 2020.

**7.4 QUESTIONS WITHOUT NOTICE****BACKGROUND**

Victor Marsh of Bellerive stated: The Vice Commodore of the Bellerive Yacht Club stated in his address to Council on 17 May about the redevelopment of the marina that this development will have services equivalent to any marina in the world, increase the amenity of people in the Bellerive Village itself and will also assist the local businesses. The Bellerive Village precinct is already under pressure regarding pedestrian safety, traffic flow and parking. Also there are major developments earmarked close by that will add to this pressure.

**QUESTION**

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?

The Mayor took the Question on Notice.

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

**DEVELOPMENT APPLICATION PDPLANPMTD-2019/001548 – 31 TIANNA ROAD, LINDISFARNE AND ADJOINING ROAD RESERVATION – 3 MULTIPLE DWELLINGS**  
(REFER ITEM 11.3.1)

Emily Ouston addressed the Meeting regarding the above Development Application.

**DEVELOPMENT APPLICATION D-2019/183 – 64 KAOOTA ROAD, ROSE BAY – 4 MULTIPLE DWELLINGS**  
(REFER ITEM 11.3.3)

Kate Brown addressed the Meeting regarding the above Development Application.

**DEVELOPMENT APPLICATION PDPLANPMTD-2019/001133 – 25 DILLON STREET, BELLERIVE – FENCE EXTENSION (RETROSPECTIVE)**  
(REFER ITEM 11.3.4)

Bruce Glanville addressed the Meeting regarding the above Development Application.

## 9. MOTIONS ON NOTICE

### 9.1 NOTICE OF MOTION - ALD EWINGTON GROWING HEALTH CRISIS

(File No 10-03-05)

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

“That Council calls on the Tasmanian Government to:

- (1) Acknowledge that Tasmania is facing a growing health crisis caused by chronic and preventable disease.
- (2) Acknowledge that one of the statutory functions of councils is to provide for the health, safety and welfare of the community.
- (3) Recognise that a continued costly focus on hospitals and traditional medical treatment cannot improve community health and health outcomes in the same way that a strategic focus on healthy behaviours and physical activity can.
- (4) Create adequate funding mechanisms through new and existing budget allocations for Local Government - to allow for the adequate provision of sportsgrounds, playgrounds, outdoor walking, cycling and jogging trails and other infrastructure that will increase the exercise and activity options for all Tasmanians, with a key focus on children.
- (5) Facilitate and fund appropriate public health awareness campaigns focussed on the need to increase the uptake of healthy exercise behaviours by the wider Tasmanian community”.

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

**Decision:** **MOVED** Ald Ewington **SECONDED** Ald Kennedy

“A. That Council requests the State Government to:

- (1) Acknowledge that Tasmania is facing a growing health crisis caused by chronic and preventable disease.
- (2) Acknowledge that one of the statutory functions of councils is to provide for the health, safety and welfare of the community.

/ Decision contd on Page 12...

**NOTICE OF MOTION - ALD EWINGTON  
GROWING HEALTH CRISIS /Decision contd...**

- (3) Recognise that a continued costly focus on hospitals and traditional medical treatment cannot improve community health and health outcomes in the same way that a strategic focus on healthy behaviours and physical activity can.
- (4) Create adequate funding mechanisms through new and existing budget allocations for Local Government - to allow for the adequate provision of sportsgrounds, playgrounds, outdoor walking, cycling and jogging trails and other infrastructure that will increase the exercise and activity options for all Tasmanians, with a key focus on children.
- (5) Facilitate and fund appropriate public health awareness campaigns focussed on the need to increase the uptake of healthy exercise behaviours by the wider Tasmanian community.

- B. That Council requests LGAT support recommendations 1-5 above and advocate to the State Government on behalf of the Local Government sector accordingly”.

**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.

- **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**

- **GREATER HOBART COMMITTEE**

**10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**

**SOUTH EAST REGION DEVELOPMENT ASSOCIATION**

- The Mayor tabled the Minutes of a Meeting held on 15 November 2018.

**GREATER HOBART HOMELESSNESS ALLIANCE**

- The Mayor tabled the Meeting Notes for the Meeting held on 5 July 2019.

**RICHMOND ADVISORY COMMITTEE**

- Ald Chong tabled the Minutes of a Meeting held on 19 June 2019.

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

(File No 10/02/02)

The Weekly Briefing Reports of 8, 15 and 22 July 2019 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 8, 15 and 22 July 2019 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

## 11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

### 11.2.1 PETITIONS – PROPOSED SUBURB BOUNDARY CHANGE/CREATION OF NEW SUBURB OF HOWRAH GARDENS

(File No)

#### EXECUTIVE SUMMARY

##### PURPOSE

The purpose of this report is to consider 2 petitions received by Council on 8 July 2019, requesting Council to reject the proposal to alter the boundaries of Howrah and Rokeby and introduce a new suburb of Howrah Gardens.

##### RELATION TO EXISTING POLICY/PLANS

Not applicable.

##### LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 (the Act) requires Council to formally consider petitions within 42 days of receipt.

##### CONSULTATION

The Rules for Place Names in Tasmania require Council to consult with Lands Tasmania on any proposed suburb boundary change, prior to any community consultation occurring. Lands Tasmania indicated that it was unlikely that the Nomenclature Board would support the creation of a new suburb named Howrah Gardens.

Lands Tasmania also provided 3 options for the proposed boundary change, which were potentially acceptable to the Nomenclature Board. At its Meeting of 8 July 2019, Council resolved to provide in-principle support for one of the options and to undertake broad based community consultation on the preferred option.

Consultation has commenced in the form of correspondence with directly affected landowners and community members who have previously written to Council on the matter. A community survey via the Council's "Have Your Say" forum is also underway. The consultation period concludes on 31 July 2019.

##### FINANCIAL IMPLICATIONS

Not applicable.

#### RECOMMENDATION:

That Council notes the intent of the petition and advises the petitioners that the petitions will be taken into account as part of the broader community consultation process.

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

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

### **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-2019/001548 – 31 TIANNA ROAD, LINDISFARNE AND ADJOINING ROAD RESERVATION - 3 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings at 31 Tianna Road, Lindisfarne and adjoining road reservation.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and is subject to the Bushfire Prone Areas Code, 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 31 July 2019 as agreed with the applicant.

**CONSULTATION**

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

- building height;
- loss of privacy;
- dwelling density;
- site coverage;
- location of visitor park and stairs along the southern side boundary;
- garage opening width facing the street;
- adequacy of access;
- lack of visitor parking; and
- compliance with Bushfire Prone Areas Code.

**RECOMMENDATION:**

A. That the Development Application for 3 Multiple Dwellings at 31 Tianna Road, Lindisfarne and adjoining road reservation (C1 Ref PDPLANPMTD-2019/001548) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.
2. ENG A3 – COMBINED ACCESS [5.5M wide, TSD-R09 (Urban)].
3. ENG A5 – SEALED CAR PARKING.
4. ENG M1 – DESIGNS DA [Access arrangements, carpark and driveway construction; service upgrades or relocations; and lighting of car parking areas to comply with relevant Australian Standards].
5. ENG M5 – EROSION CONTROL.
6. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles or achieve stormwater quality and quantity targets in accordance with the *State Stormwater Strategy 2010*.  
  
Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) and a Maintenance Management Schedule/Regime must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. The facility must be maintained in accordance with this schedule.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 17 June 2019 (TWDA2019/00818-CCC).

**ADVICE**

- a. Council's Building Department have advised that a Soil and Water Management Plan will be required to form part of the certified documents provided as part of a future building permit application. The plan will need to specifically address how the excavation works will be managed, site drainage arrangements and project management specifications to ensure adjoining properties and Council's road reservation are not impacted during the construction phase.

- b. Council’s Building Department have advised that the property is located within a bushfire prone area therefore a Bushfire Attach Level (BAL) and bushfire assessment report will be required to be included as part of the certified documentation provided with a future building permit application. In addition to the proposed access way, a bushfire assessment is likely to specify requirements for water storage, hard stand areas, vehicle turning point and requirements for building and plumbing materials.

- 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 Kennedy

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION SD-2019/5 – 3 BUSCOMBE STREET, BELLERIVE – 1 LOT SUBDIVISION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 3 Buscombe Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Stormwater Management 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 expires on 30 July 2019.

**CONSULTATION**

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

- loss of view;
- overshadowing;
- loss of privacy; and
- building envelope.

**RECOMMENDATION:**

A. That the application for a one lot subdivision at 3 Buscombe Street, Bellerive (CI Ref SD-2019/5) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS4 – POS CONTRIBUTION [5%].
3. ENG A1 – NEW CROSSOVER [3.6m width].
4. ENG S1 – INFRASTRUCTURE REPAIR.

5. ENG M2 – DESIGNS SD (lot access, stormwater drainage).
6. Lots 1 and 2 must be provided with a minimum 150mm diameter stormwater drainage connection to Council’s piped infrastructure. An extension to Council’s stormwater main may be required at the owner’s expense.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 5 June 2019 (TWDA 2019/00199-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 Blomeley

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.3 DEVELOPMENT APPLICATION D-2019/183 – 64 KAOOTA ROAD, ROSE BAY - 4 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 4 Multiple Dwellings at 64 Kaoota Road, Rose Bay.

**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 30 July 2019.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and three representations were received (including one received out of time) raising the following issues:

- additional traffic and congestion in Kaoota Road;
- impact on streetscape;
- overshadowing;
- loss of privacy;
- lack of private open space for each dwelling;
- overdevelopment of the site;
- location of bins on footpath impacting pedestrian movement;
- concern that the parking arrangements do not meet the AS; and
- excavations may impact structural damage to adjoining properties.

**RECOMMENDATION:**

- A. That the Development Application for 4 Multiple Dwellings at 64 Kaoota Road, Rose Bay (CI Ref D-2019/183) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [the screens on the northern side of the deck on Unit 3 and southern side of the deck on Unit 4 extended for the whole length of the decks, and the sill height of the windows of Bed 1 of all Units increased to a minimum of 1.7m above finished floor level or the use of opaque glass for these windows].
3. GEN A2 – CROSSOVER CHANGE.
4. ENG A5 – SEALED CAR PARKING.
5. ENG A7 – REDUNDANT CROSSOVER.
6. ENG M1 – DESIGNS DA.
7. ENG M5 – EROSION CONTROL.
8. ENG S1 – INFRASTRUCTURE REPAIR.
9. ENG S11 – SEALING OF SERVICES.
10. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles or achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.  
  
Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) and a Maintenance Management Schedule/Regime must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. The facility must be maintained in accordance with this schedule.
11. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 May 2019 (TWDA 2019/00517-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.

Ald Ewington declared an Interest in this Item and left the Meeting prior to discussion (7.56pm).

/ Refer to Page 24 for Decision on this Item...

**DEVELOPMENT APPLICATION D-2019/183 – 64 KAOOTA ROAD, ROSE BAY - 4  
MULTIPLE DWELLINGS /contd...**

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

**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001133 – 25 DILLON STREET, BELLERIVE - FENCE EXTENSION (RETROSPECTIVE)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Fence Extension (Retrospective) at 25 Dillon Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access 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 1 August 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 extension (Retrospective) at 25 Dillon Street, Bellerive (CI Ref PDPLANPMTD-2019/001133) be refused for the following reasons.
1. The proposal is inconsistent with the front fences for all dwellings objectives at 10.4.7(c) of the Clarence Interim Planning Scheme 2015.
  2. 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 and traffic volumes does not warrant the proposed solution.

**ADVICE**

If a permit is not granted, the structure must be removed within 60 days of the date of the decision otherwise Council may take enforcement action.

- 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 Ewington returned to the Meeting at this stage (8.02pm).

**Decision:**

**MOVED** Ald Ewington **SECONDED** Ald Blomeley

“A. That the Development Application for a Fence extension (Retrospective) at 25 Dillon Street, Bellerive (CI Ref PDPLANPMTD-2019/001133) be approved subject to the following condition:

1. GEN AP1 – ENDORSED PLANS.

B. That the reasons for Council’s decisions in respect of this matter be recorded as follows.

- The fence extension is required for safety and it is compatible with the height and transparency of the fences in the street”.

**CARRIED**

**FOR**

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

**AGAINST**

Ald Chong  
Ald von Bertouch

**11.3.5 DEVELOPMENT APPLICATION D-2019/170 – 24 THOMPSON WAY, CLIFTON BEACH - DWELLING, OUTBUILDING AND POOL****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling, Outbuilding and Pool (Re-advertised) at 24 Thompson Way, Clifton Beach.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Bushfire Prone Area, Coastal Erosion Hazard, Stormwater Management, On-site Wastewater Management, Parking and Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 30 July 2019.

**CONSULTATION**

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

- visitor accommodation;
- height, size, mass – visual impact;
- development footprint; and
- inundation.

**RECOMMENDATION:**

A. That the Development Application for Dwelling, Outbuilding and Pool (Re-advertised) at 24 Thompson Way, Clifton Beach (Cl Ref D-2019/170) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

**ADVICE**

- a. Stormwater is to be collected and connected to the property stormwater system and is to comply with AS/NZS 3500.
- b. The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for the building permit application.

The bushfire assessment should also consider water for fire-fighting provision and access to the site for fire-fighting vehicles.

- 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 Kennedy declared an Interest in this Item and left the Meeting prior to discussion (8.15pm)

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

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

<b>11.4 CUSTOMER SERVICE</b>
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Nil Items.

**11.5 ASSET MANAGEMENT****11.5.1 LEVELLING THE PLAYING FIELD GRANT PROGRAM – ANZAC PARK PAVILION UPGRADE****EXECUTIVE SUMMARY****PURPOSE**

To support the application to the Department of Communities, Sport and Recreation Levelling the Playing Field grant program, for the upgrade of the ANZAC Park Pavilion.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 and Recreation Needs Analysis 2019 are relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Council has undertaken consultation with local clubs and State Sporting Associations with in-principle support for the funding application.

**FINANCIAL IMPLICATIONS**

Council will need to allocate an amount of \$10,000 - \$15,000 to engage a consultant for the preparation of a concept design and cost estimate to support the Levelling the Playing Field grant application. This funding is available in the Active Recreation Programme.

**RECOMMENDATION:**

- A. That Council authorises the General Manager to submit the necessary information as described in the Report for the Stage 2 application of the Levelling the Playing Field grant program for the upgrade of the ANZAC Park Pavilion.
- B. That should Council be successful with the Stage 2 application of the Levelling the Playing Field grant for the upgrade of the ANZAC Park Pavilion, that a Report will be presented to Council to consider funding options.

Ald Kennedy returned to the Meeting at this stage (8.16pm).

Ald Edmunds and Ald Peers declared an Interest in this Item and left the Meeting at this stage (8.16pm).

/ Refer to Page 31 for Decision on this Item...

**LEVELLING THE PLAYING FIELD GRANT PROGRAM – ANZAC PARK PAVILION  
UPGRADE /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Walker <b>SECONDED</b> Ald Ewington  “That the Recommendation be adopted”.  <b>CARRIED UNANIMOUSLY</b>
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Ald Edmunds and Ald Peers returned to the Meeting at this stage (8.20pm).

## **11.6 FINANCIAL MANAGEMENT**

Nil Items.

**11.7 GOVERNANCE****11.7.1 COUNCIL MEETINGS – CHANGE OF COMMENCEMENT TIME**

(File No 10/03/03)

**EXECUTIVE SUMMARY****PURPOSE**

To consider altering the commencement time for Ordinary Council Meetings.

**RELATION TO EXISTING POLICY/PLANS**

Council has historically commenced its Ordinary Council Meetings at 7.30pm. Special Council Meeting times can vary to accommodate other Council commitments such as Workshop sessions.

**LEGISLATIVE REQUIREMENTS**

Regulation 6(1) of the Local Government (Meeting Procedures) Regulations 2015 requires Councils to conduct meetings after 5.00pm unless otherwise determined by a resolution of Council. Provided that the meeting is held after 5.00pm, Councils have discretion to set a preferred meeting time.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**RECOMMENDATION:**

- A. That Council changes the commencement time for Ordinary Meetings from 7.30 to 7.00pm to come into effect from its Meeting of 19 August 2019.
- B. That Council's previously adopted meeting schedule remain unchanged, other than to amend the commencement time.
- C. That members of the public be advised of the change to meeting time via Council's website, social media and the statutory advertising process.

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

“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 URGENT ITEM – REQUEST FOR PREAPPROVAL FOR UNMETERED PUBLIC LIGHTING ELECTRICITY SUPPLY CONTRACT

13.3 URGENT ITEM – CONTRACT FOR THE ACCEPTANCE OF RECYCLABLE MATERIAL

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:

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

**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 UNANIMOUSLY**

**CLOSED MEETING /contd...**

The following Closed Meeting Motions have been authorised by Council for publication in the public Minutes.

**13.2 URGENT ITEM - REQUEST FOR PREAPPROVAL FOR UNMETERED PUBLIC LIGHTING ELECTRICITY SUPPLY CONTRACT**
**Decision:**

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

- “A. That Council approve in-principle to enter into the supply of unmetered public lighting with the preferred Electricity Retailer through the LGAT managed Public Lighting Energy Tender as reported.
- B. That Council delegate approval to the General Manager to enter into a three year contract with the preferred Tasmanian Electricity Retailer for the electricity supply to the unmetered public lighting of the City of Clarence.
- C. 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.
- D. That Council publishes its decision only in regard to this matter in the open Minutes of this Meeting”.

**CARRIED UNANIMOUSLY**

The Meeting closed at 8.42pm.