

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 10 AUGUST 2020

**HOURL CALLED:** 7.00pm

**PRESENT:** The meeting commenced at 7.00pm 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

**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)

Manager City Planning  
(Mr R Lovell)

Acting Manager Community Services  
Ms T Cockburn

Executive Officer to the General Manager  
(Ms J Ellis)

The Meeting closed at 10.18pm.

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 10 AUGUST 2020**

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**1. ATTENDANCE AND APOLOGIES**

Refer to cover page.

**1A. ADDITIONAL ITEM – URGENT AGENDA ITEM**

The Mayor advised of an Urgent Item to be discussed in Governance. In accordance with Regulation 8(6) the Local Government (Meeting Procedures) Regulations 2015 the General Manager has advised that:

- he regards the matter as urgent; and
- the nature and details of the matter were not known at the time of agenda preparation for this meeting.

The Mayor called for a Procedural Motion.

**Decision:** **PROCEDURAL MOTION**

**MOVED** Ald von Bertouch **SECONDED** Ald Mulder

“That pursuant to the provisions of Regulation (8) of the Local Government (Meeting Procedures) Regulations 2015, Council includes an additional agenda item in relation to convening of a special council meeting”.

**CARRIED UNANIMOUSLY**

**2. \*\*\*CONFIRMATION OF MINUTES**

(File No. 10/03/01)

**RECOMMENDATION:**

That the Minutes of the Council Meeting held on 20 July 2020, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 20 July 2020, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

### 3. MAYOR'S COMMUNICATION

The Mayor reported on the following meetings and attendances since the last Council Meeting:

#### Mayor

- 20 July: Local Government Awards Event – Town Hall;
- 21 July: Greater Hobart Mayors Forum;
- 22 July: LGAT General Meeting;
- 23 July: Meetings:
  - Proposal for Hobart City Foreshore;
  - Kangaroo Bay Hotel;
- 24 July: Tree Planting – National Australia Day;
- 28 July: David Noonan – Taste of Tasmania;
- 29 July: Meetings:
  - Minister Roger Jaensch;
  - TasWater Owners Representatives Group Session;
- 31 July: Nic Street MP – General Catchup;
- 3 August: Meetings:
  - Senator Wendy Askew – Meet and Greet;
  - Australia Day Awards Committee Meeting;
- 4 August: Hobart Airport Community Aviation Consultative Group Meeting; and
- 5 August: Redline CEO Michael Larissey – South-Eastern Traffic Congestion.

#### Deputy Mayor

- 22 July: LGAT General Meeting;
- 28 July: David Noonan – Taste of Tasmania;
- 1 August: Launch of Eastern Region Junior Football Association Season 2020;
- 3 August: One Community Together Opening Steering Committee/Meeting; and
- 6 August: 75<sup>th</sup> Anniversary of Bombing of Hiroshima.

The Mayor acknowledged the recent passing of former Aldermen Bill McKinnon and Marjan Guersen and on behalf of Council expressed condolences to their respective families.

The Mayor tabled a report by former Alderman Daniel Hulme on the Smart City Expo Conference he attended on 3 – 4 September 2018.

### 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
Food Van Policy	
COVID-19 Hardship Policy	
Review of Council Committees	
Premier's Economic Social Recovery Advisory	
Council Recommendations	
No Spray Policy	27 July

Local Provisions Schedule  
Various Minor Matters

3 August

**RECOMMENDATION:**

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE**

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

**INTEREST DECLARED**

**Alderman Chong**

**Item No. 11.3.4**



**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.

**DAMAGE TO THE END OF LANTANA ROAD, RISDON VALE**

At Council's Meeting of 27 July 2020 Mr Griggs of Risdon Vale asked the following question:

A contractor installed a new sewage pipeline along the edge of the Risdon Vale rivulet behind houses from the fire station to the end of Lantana Road near number 64. (Redshaw Excavations) on behalf of a property development. Required by TasWater. The work finished a few months ago. The kerb and guttering was damaged, the road surface was destroyed, no proper drainage channel was put in for stormwater to enter the rivulet, causing serious erosion, and the end road railing needs to be replaced.

Can Council please repair the above damage, billing the contractor or TasWater or property developer who paid for the pipeline, or Council itself?

**ANSWER**

An inspection of the area has found a previous stormwater discharge pipe appears to be missing and some degradation has occurred to the end of the kerb and the road. Though it is likely the end of the road was not in good condition prior to the work. We will liaise with the contractor over the issues.

**7.4 QUESTIONS WITHOUT NOTICE**

Mrs J Marsh of Bellerive asked the following questions:

**BELLERIVE BEACH REGIONAL PARK**

I have two questions which seek to clarify statements made in documents dated 2 April 2020 relating to the footpath and landscaping works.

The first question relates to a statement in the response box for Coastal Erosion Hazard Area E16.7.1[a] Performance Criteria – Sugden and Gee

1. Where are the precedent 3m wide footpaths along adjacent properties recently constructed by council and what are their respective lengths?

The second question relates to a statement in the response box for Coastal Erosion Hazard Area E16.7.1 [j] – Sugden and Gee.

2. Where are the existing garden beds and how are they defined?

**ANSWER**

The General Manager took the questions 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)

**PETITION – TREE REMOVAL 26 MOIRUNNA ROAD, LINDISFARNE**  
(REFER ITEM 11.2.1)

M/s Kim Rowlands provided a deputation regarding the above matter which was read out by the General Manager.

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/009315 – 12 BANGALEE STREET, LAUDERDALE – 4 MULTIPLE DWELLINGS AND COMMERCIAL TENENACY (CONVENIENCE STORE)**

The General Manager advised that a submission was received from Susanne Hovington of Lauderdale regarding this development application. Unfortunately, due to the length of the submission it was unable to be read in the time allowed. A copy of the full submission was emailed to Aldermen prior to the meeting and a hard copy provided tonight.

## 9. MOTIONS ON NOTICE

### 9.1 NOTICE OF MOTION - ALD MULDER SHOVEL-READY ROAD PRIORITIES

(File No 10-03-05)

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

“Council requests an Officer report to a council workshop on the steps and costings of making the following road priorities “shovel ready” ahead of the 2022 state and federal elections, including road alignments and reservations, cost benefit analyses and design work.

1. Rosny Park Access (Tasman Highway ramps);
2. East Richmond Bypass (Brinktop Road to Colebrook Road;
3. Flagstaff Gully Link Road (extension to Geilston Bay)”.

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

**Decision:**

**MOVED** Ald Mulder **SECONDED** Ald James

“Council requests an Officer report to a council workshop on the steps and costings of making the following road priorities ‘shovel ready’ ahead of the 2022 state and federal elections.

1. Rosny Park Access (Tasman Highway ramps);
2. East Richmond Bypass (Brinktop Road to Colebrook Road;
3. Flagstaff Gully Link Road (extension to Geilston Bay)”.

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as an Alderman (7.32pm).

The Mayor **resumed** the Chair at 7.33pm.

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

**FOR**

Ald Blomeley  
Ald Chipman  
Ald Edmunds  
Ald Ewington  
Ald James  
Ald Kennedy  
Ald Mulder  
Ald von Bertouch  
Ald Walker

**AGAINST**

Ald Chong  
Ald Peers  
Ald Warren

**9.2 NOTICE OF MOTION - ALD WALKER  
CASH-IN-LIEU CONTRIBUTIONS FOR PARKING**  
(File No 10-03-05)

In accordance with Notice given it was:

**Decision:** **MOVED** Ald Walker **SECONDED** Ald Warren

“That council work with the Planning Policy Unit to facilitate changes to Tasmanian Planning Scheme (TPS) that would allow councils to adopt a more flexible approach to staging cash-in-lieu contributions”.

**CARRIED**

**FOR**

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

**AGAINST**

Ald James (abstained)

**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**

Ald Walker advised that a meeting of the Authority is scheduled for 13 August 2020.

- **TASWATER CORPORATION**

The Mayor tabled the meeting notes for the information session held on 29 July 2020 and the briefing for Owners' dated 29 July 2020.

- **GREATER HOBART COMMITTEE**

The Mayor tabled the Greater Hobart Strategic Partnership – Executive Office report dated July 2020.

The Mayor tabled a letter to Don Challen AM, the Chairman of the Premier's Economic and Social Recovery Council signed by the Mayors of the 4 Metro Councils.

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

**LINDISFARNE COMMUNITY ACTIVITIES CENTRE MANAGEMENT COMMITTEE**

- Ald Blomeley tabled the Minutes of a Meeting held on 23 July 2020 and also on behalf of the Committee conveyed their appreciation to Council staff, particularly Mr Ross Graham for recent interactions and that the committee is delighted with the relationship it has with Council.

**HOWRAH COMMUNITY CENTRE**

- Ald Mulder tabled the Minutes of a Meeting held on 23 July 2020 and raised an issue regarding car parking at the Centre.

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

(File No 10/02/02)

The Weekly Briefing Reports of 20 and 27 July and 3 August 2020 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 20 and 27 July and 3 August 2020 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS****11.2.1 PETITION – TREE REMOVAL 26 MOIRUNNA ROAD, LINDISFARNE**  
(ECM 4388251)**EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at Council's Meeting on 29 June 2020 from 24 signatories requesting the removal of two *Eucalyptus viminalis* trees located in the road reserve adjacent to 26 Moirunna Road, Lindisfarne.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 and Management of Trees on Council Land Policy are relevant.

**LEGISLATIVE REQUIREMENTS**

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of the petition being tabled at a Council meeting.

**CONSULTATION**

Consultation with residents was undertaken in April 2020 when the initial application to remove the trees was received. Nine neighbours were contacted and three responses received. Of the responses received, all three supported the application to remove the trees.

**FINANCIAL IMPLICATIONS**

The cost of removal of these trees is estimated at around \$3,000 and can be funded from the Natural Environment Programme if removal is approved.

**RECOMMENDATION:**

That Council:

- A. Notes the petition.
- B. Notes the General Manager's advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).
- C. Determine that the *Eucalyptus viminalis* trees adjacent to 26 Moirunna Road, Lindisfarne be retained as the trees are healthy, in good condition and significant to the landscape.
- D. Authorises the General Manager to write to petitioners advising of Council's decision.

/ Refer to Page 17 for Decision on this Item...

**TREE REMOVAL 26 MOIRUNNA ROAD, LINDISFARNE /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Mulder <b>SECONDED</b> Ald Ewington
	“That Council:
	A. Notes the petition.
	B. Notes the General Manager’s Advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).
	C. Determines that the <i>Eucalyptus viminalis</i> trees adjacent to 26 Moirunna Road Lindisfarne be replaced with a more suitable species.
	D. Authorises the General Manager to write to the petitioners advising them of Council’s decision.
	E. That the reasons for Council’s decision in respect of this matter be recorded as follows.
	1. Unsuitable location:
	a. the large trees are unsuited to the narrow nature strip;
	b. tree roots are destroying infrastructure;
	c. leaves, bark and branches are blocking drainage systems;
	d. the trees do not qualify for retention under any of the 5 Integrated Assessments Policy criteria;
	e. the trees do not qualify for retention under any of the 8 Asset Management Policy criteria (note: error in Officer’s report relating to neighbourhood opposition 2 c) below.
	2. Neighbour support for removal:
	a. thirty-one local residents petitioned the council to remove the trees (7 inadmissible due to technical reasons);
	b. no neighbour expressed support for retention of the trees;

/ Decision contd on Page 18...

**TREE REMOVAL 26 MOIRUNNA ROAD, LINDISFARNE /Decision contd...**

- c. the Officer's report incorrectly claims that there is neighbourhood opposition to removal (Asset Management Policy Check List Item 8). Three neighbours replied to council's original neighbourhood survey and unanimously supported removal".

**CARRIED****FOR**

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

**AGAINST**

Ald von Bertouch

### **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-2019/006007 – 9 MARSH STREET AND 33 SPITFARM ROAD, OPOSSUM BAY - 16 LOT SUBDIVISION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 16 Lot Subdivision at 9 Marsh Street and 33 Spitfarm Road, Opossum Bay.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and Rural Resource and subject to the Natural Assets, Bushfire-Prone Areas, Waterway & Coastal Protection Area, Parking and Access, Road and Rail Assets, Stormwater Management, On-site Wastewater 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 7 August 2020 but has been extended with the consent of the applicant until 12 August 2020.

**CONSULTATION**

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

- increase in traffic;
- inaccurate traffic assessment;
- inadequate road infrastructure;
- question regarding possibility of new road to reduce load on Spitfarm Road;
- style of development, ie kerb and gutter, inappropriate for “Village” area; and
- environmental impact through stormwater and on site wastewater run-off.

**RECOMMENDATION:**

- A. That the Development Application for a 16 Lot Subdivision at 9 Marsh Street and 33 Spitfarm Road, Opossum Bay (Cl Ref PDPLANPMTD-2019/006007) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
  2. The development must be undertaken in accordance with the recommendations of the Bushfire Hazard Report (Enviro-dynamics, March 2020).
  3. GEN F5 – PART 5 AGREEMENT [to establish and maintain a Hazard Management Area on the western boundary of Lot 18 in accordance with the recommendations of the Bushfire Hazard Management Plan, (Enviro-dynamics, March 2020).
  4. GEN F2 – COVENANTS [Lot 18 must not be the subject of residential development].
  5. ENG A1 – NEW CROSSOVER.
  6. ENG A3 – COMBINED ACCESS.
  7. ENG A3 – M2 – DESIGNS SD add additional dot point “sealed driveways for all internal lots”.
  8. ENG M7 – WEED MANAGEMENT PLAN.
  9. ENG M8 – EASEMENTS.
  10. ENG R1 – ROAD NAMES.
  11. ENG R2 – URBAN ROAD.
  12. ENG R5 – ROAD EXTENSION.
  13. ENG S1 – INFRASTRUCTURE REPAIR.
  14. ENG S2 – SERVICES.
  15. ENG S4 – STORMWATER CONNECTION.
  16. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
  17. ENG S10 – UNDERGROUND SERVICES.
  18. PROP 3 – TRANSFER.
  19. GEN POS1 – POS CONTRIBUTION [5%] [1-14, 16 and 17].
- 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 22 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2019/006007 – 9 MARSH STREET  
AND 33 SPITFARM ROAD, OPOSSUM BAY - 16 LOT SUBDIVISION /contd...**

**Decision:**

**MOVED** Ald Mulder **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/009315 – 12 BANGALEE STREET, LAUDERDALE - 4 MULTIPLE DWELLINGS AND COMMERCIAL TENANCY (CONVENIENCE STORE)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 4 multiple dwellings and commercial tenancy (convenience store) at 12 Bangalee Street, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Local Business and is subject to the Potentially Contaminated Land, Road and Railway Assets, Parking and Access, Stormwater Management and Inundation Prone Areas Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 12 August 2020.

**CONSULTATION**

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

- visual impact;
- overshadowing;
- privacy;
- traffic impacts;
- lack of on-site parking;
- construction impacts;
- proximity of convenience stores;
- loss of value;
- inaccuracy of plans;
- noise;
- waste storage/collection; and
- stormwater management.



**RECOMMENDATION:**

A. That the Development Application for 4 Multiple Dwellings and Commercial Tenancy (Convenience Store) at 12 Bangalee Street, Lauderdale (Cl Ref PDPLANPMTD-2020/009315) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Works must be conducted in accordance with recommendations of the GES Environmental Site Assessment dated April 2020. All identified Level 2 material must be transported to a landfill site identified in IB105 Classification and Management of Contaminated Soil for Disposal (EPA Tasmania) that is approved to accept low level contaminated soil (level 2).
3. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

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

All landscape works must be maintained:

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

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

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released the works must be deemed satisfactory by Council's Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

4. LAND 2 – LANDSCAPE BOND (RESIDENTIAL).
5. GEN AM5 – TRADING HOURS. Insert:
  - "7.00am to 9.00pm Mondays to Saturdays inclusive;
  - 9.00am to 5.00pm Sundays and public holidays". Except for office and administrative tasks.
6. Commercial vehicle movements (including loading and unloading and garbage removal) to or from the site must be within the hours of:
  - 7.00am to 5.00pm Mondays to Fridays inclusive;
  - 9.00am to 5.00pm Saturdays;
  - 10.00am to 12.00pm Sundays and public holidays.
7. Noise emissions measured at the boundary of a residential zone for non-residential use on the site must not exceed the following:
  - a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;
  - b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;
  - c) 65dB(A) (LAmix) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise level.

Noise levels are to be averaged over a 15 minute time interval.

8. A construction management plan identifying the proposed car parking, traffic flow and circulation measures to be undertaken during construction must be submitted to and approved by Council's Group Manager Engineering Services prior to the granting of a building permit.

9. GEN AM3 – EXTERNAL COLOURS. Delete “must be finished in non-reflective, muted colours” and insert “of the western elevation of the building must be coloured using colours with a light reflectance value not greater than 40 percent”.
10. ENG M1 – DESIGNS DA.
11. END A7 – REDUNDANT CROSSOVER.
12. ENG A5 – SEALED CAR PARKING.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. GEN AM7 – OUTDOOR LIGHTING.
15. GEN S1 – SIGN CONSENT.
16. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 June 2020 (TWDA 2020/00692-CCC).

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

**Decision:** **MOVED** Ald Ewington **SECONDED** Ald Blomeley

Ald Walker left the Meeting at this stage (8.42pm).

“That the Recommendation be adopted”.

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

**FOR**

Ald Blomeley  
Ald Chipman  
Ald Chong  
Ald Edmunds  
Ald Ewington  
Ald Mulder  
Ald Peers  
Ald von Bertouch

**AGAINST**

Ald James  
Ald Kennedy  
Ald Warren

**11.3.3 SECTION 43A AMENDMENT APPLICATION PROPOSED REZONING AND  
13 LOT RESIDENTIAL SUBDIVISION (PDPSPAMEND-2020-004373) – 16  
NAYUKA STREET AND 10 THOONA STREET, GEILSTON BAY**  
(File No PDPSPAMEND-2020-004373)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a combined Section 43A application for a planning scheme amendment and 13 lot residential subdivision incorporating public open space and road lots at 16 Nayuka Street, Geilston Bay. The proposal also involves the adjoining Council reserve at 10 Thoona Street for the establishment of new stormwater infrastructure.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Low Density Residential under the provisions of Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code.

The proposed subdivision layout is currently Prohibited under the Scheme.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (LUPAA) are references to the former provisions of the LUPAA 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.

Essentially, the savings and transitional provisions apply to existing planning schemes in force prior to the approval of the Tasmanian Planning Scheme Local Provisions Schedule and includes the Scheme.

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**

Applications made under Section 43A are not formally open for public comment until after Council has agreed to certify the Amendment and it has been publicly advertised. Draft Permit conditions would also be advertised for public comment as part of the public consultation process for the combined amendment (rezoning) and development of the site.

**RECOMMENDATION:**

- A. That Council resolves, under Section 30O(1) of the Land Use Planning and Approvals Act 1993 that the draft Amendment PDPSPAMEND-2020-004373 at 16 Nayuka Street, Geilston Bay is:
- (i) limited to a local provision;
  - (ii) practical; and
  - (iii) consistent with the Southern Tasmanian Regional Land Use Strategy 2010-2035.
- B. That Council resolves, under Section 34(1) of the Land Use Planning and Approvals Act 1993 to initiate draft Amendment PDPSPAMEND-2020-004373 at 16 Nayuka Street, Geilston Bay.
- C. That Council resolves, under Section 35(1) of the Land Use Planning and Approvals Act 1993 that draft Amendment PDPSPAMEND-2020-004373 meets the requirements specified under Section 32.
- D. That Council resolves, under Section 35(2) of the Land Use Planning and Approvals Act 1993, to prepare and certify draft Amendment PDPSPAMEND-2020-004373, sign the instrument as required and to forward it to the Tasmanian Planning Commission.
- E. That the 13 Lot Subdivision at 16 Nayuka Street and 10 Thoona Street, Geilston Bay be approved subject to the following conditions and advice.
- 1. GEN AP1 – ENDORSED PLANS.
  - 2. GEN POS 4 – POS CONTRIBUTION [1.68%][Lots 1-12].
  - 3. PROP 3 – TRANSFER.
  - 4. ENG A1 – NEW CROSSOVER [TSD-R09 (Urban)].
  - 5. ENG M2 – DESIGNS SD.
  - 6. ENG M4 – POS ACCESS.
  - 7. ENG M5 – EROSION CONTROL.
  - 8. ENG M7 – WEED MANAGEMENT PLAN.
  - 9. ENG M8A – SERVICE EASEMENTS.
  - 10. ENG R2 – URBAN ROAD.
  - 11. ENG R5 – ROAD EXTENSION.
  - 12. ENG S1 – INFRASTRUCTURE REPAIR.

13. ENG S4 – STORMWATER CONNECTION.
14. ENG S5 – STORMWATER PRINCIPLES.
15. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
16. ENG S10 – UNDERGROUND SERVICES.
17. ENG S2 – SERVICES.
18. TASWATER CONDITION.

**ADVICE**

Clarence City Council owns the land adjacent to the property subject to the development application. Council presently manages vegetation and the associated bush fire risk on that land via the implementation of a works plan. Council may update, modify or otherwise alter its vegetation and fire management plans at a future date without notice to adjoining landowners.

Adjoining title holders are solely responsible for undertaking vegetation and fire management on their property. Therefore, the landowner is also required to implement and undertake adequate fire management practices on their property and at no time act in reliance of works undertaken by Council. Accordingly, the Council is not accountable in respect of any future loss the landowner believes results from the management of Council's land, with the exception of negligence.

- 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.

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Blomeley  “That the Recommendation be adopted”.  Ald Walker returned to the Meeting at this stage (8.48pm).  The <b>MOTION</b> was <b>put</b> and <b>CARRIED UNANIMOUSLY</b>
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**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001183 – 10 FRANKLIN STREET, RICHMOND (WITH SERVICING INFRASTRUCTURE OVER 6 FRANKLIN STREET) - 1 LOT SUBDIVISION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 Lot Subdivision at 10 Franklin Street, Richmond (with servicing infrastructure over 6 Franklin Street).

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Parking and Access, Historic Heritage, Stormwater Management and Road and Railway 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 7 August 2020 but was extended with the consent of the applicant until 12 August 2020.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and two representations, including one letter with nine signatories, were received raising the following issues:

- impact on character of Richmond;
- size of lot;
- potential for vehicle conflict over access strip; and
- concern with future tenants.

**RECOMMENDATION:**

A. That the Development Application for a 1 Lot Subdivision at 10 Franklin Street, Richmond (with servicing infrastructure over 6 Franklin Street) (Cl Ref PDPLANPMTD-2019/001183) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. ENG A2 – CROSSOVER CHANGE [5.5M].
  3. ENG M2 – DESIGNS SD Insert “in accordance with the Richmond Townscape Study and must be” after “Such designs must be”, delete “road design (including line marking), delete last paragraph.
  4. ENG M8 – EASEMENTS.
  5. ENG S1 – INFRASTRUCTURE REPAIR.
  6. ENG S2 – SERVICES.
  7. ENG S4 – STORMWATER CONNECTION.
  8. GEN POS1 – POS CONTRIBUTION [5%] [Lot 2].
  9. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 May 2019 (TWDA 2019/00680-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 Chong declared an Interest in this Item and left the meeting prior to discussion (8.49pm).

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Ewington  “That the Recommendation be adopted”.  <b>CARRIED UNANIMOUSLY</b>
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Ald Chong returned to the Meeting at this stage (8.52pm).



**11.3.5 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 471 CAMBRIDGE ROAD AND 540 PASS ROAD, CAMBRIDGE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a request to modify the Southern Tasmanian Regional Land Use Strategy's (STRLUS) Urban Growth Boundary (UGB). Specifically, it requested that the UGB be extended to include the land at 471 Cambridge Road and 540 Pass Road, Cambridge.

**RELATION TO PLANNING PROVISIONS**

The land at 471 Cambridge Road and 540 Pass Road, Cambridge is zoned Rural Living under the provisions of Clarence Interim Planning Scheme 2015 (the Scheme). It is also subject to the Bushfire Prone Areas, Waterway and Coastal Protection Areas, and Landslide Hazard Area Code.

**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 2005.

**CONSULTATION**

The request to amend the STRLUS has not been exhibited and there is no requirement to do so.

**RECOMMENDATION:**

- A. That Council resolves to advise the applicant that:
  - i. The proposal is premature, and Council does not support an expansion of the UGB to include the land at 471 Cambridge Road and 540 Pass Road, Mornington.
  - ii. As part of a comprehensive review of the STRLUS, should it be demonstrated that additional urban land is required, then the subject land should be considered as a potential site in the context of the overall review progressed by the Minister for Planning.
- 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 33 for Decision on this Item...

**SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF URBAN GROWTH BOUNDARY AT 471 CAMBRIDGE ROAD AND 540 PASS ROAD, CAMBRIDGE /contd...****Decision:****MOVED** Ald Mulder **SECONDED** Ald Kennedy

“A. That Council resolves that the General Manager write to the Minister for Planning to:

1. Advise that it supports an amendment to the Southern Tasmanian Regional Land Use Strategy that expands the Urban Growth Boundary to include the properties at 471 Cambridge Road, Mornington and 540 Pass Road, Cambridge.
2. Provide a copy of the report by Ireneinc & Smith Street Studio Planning and Urban Design dated December 2019 in support of the amendment.

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

- (i) Precedents – The land is similar in location and access to services as that at Atkins Street, Rokeby and other recent adjustments to other Urban Growth Boundary.
- (ii) LPS Zoning Guidelines – Incorporation into the Urban Growth Boundary is consistent with LPS Zoning Guidelines.
  - a. *GRZ1(b)* The land is easily connected to a reticulated water supply service and reticulated sewerage system that are provided to neighbouring developed residential land, ie the land is a natural extension of existing urban development.
  - b. *GRZ2(c)* Is supported by the more detailed strategic analysis in the report by Ireneinc & Smith Street Studio Planning and Urban Design.
- (iii) Land Banking – Currently 200Ha of undeveloped land exists in the Clarence Municipality. At a time of high demand, the underdevelopment of available land is artificially constraining supply.

/ Decision contd on Page 34...

**SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY - REVIEW OF  
URBAN GROWTH BOUNDARY AT 471 CAMBRIDGE ROAD AND 540 PASS  
ROAD, CAMBRIDGE /Decision contd...**

- (iv) Affordable Land – The land is the only remaining land in the Mornington catchment and is surrounded on two sides by urban residential development”.

**CARRIED****FOR**

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

**AGAINST**

Ald von Bertouch

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 ROSNY PARK ACCESS – TASMAN HIGHWAY ACCESS RAMPS****EXECUTIVE SUMMARY****PURPOSE**

To consider the outcomes of a Department of State Growth study into the Rosny Park access – Tasman Highway access ramps project and to seek Council's endorsement for a letter to be sent by the Mayor to the Minister for State Growth endorsing both the Rosny Park access – Tasman Highway access ramps project in combination with the upgrade of the Mornington interchange.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2016-2026 is applicable.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There is no direct impact on Council's budget in sending a letter to the Minister in relation to this item.

**RECOMMENDATION:**

That Council authorises the Mayor to write to the Minister for State Growth to advise of Council's support for the Rosny Park access – Tasman Highway access ramps project in combination with the upgrade of the Mornington interchange and requests the State Government seek funding for both projects for ongoing design and construction.

**Decision:** **MOVED** Ald James **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

<b>11.6 FINANCIAL MANAGEMENT</b>
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Nil Items.

**11.7 GOVERNANCE****11.7.1 QUARTERLY REPORT TO 30 JUNE 2020****EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 April 2020 to 30 June 2020.

**RELATION TO EXISTING POLICY/PLANS**

The report uses as its base the Annual Plan adopted by council and is consistent with council's previously adopted Strategic Plan 2016-2026.

**LEGISLATIVE REQUIREMENTS**

There is no specific legislative requirement associated with regular internal reporting.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

The Quarterly Report provides details of council's financial performance for the period.

**RECOMMENDATION**

That the Quarterly Report to 30 June 2020 be received.

**Decision:** **MOVED** Ald Warren **SECONDED** Ald Chong

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**11.7.2 REVIEW OF 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 review a Council delegation under the Land Use Planning and Approvals Act 1993 (LUPAA).

**RELATION TO EXISTING POLICY/PLANS**

The delegation which is the subject of this report is aimed at improving the efficient delivery of services and does not impact on any pre-existing Council policies or strategies.

**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:**

That Council receives and notes the report.

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

“That this Council receives and notes the report and this matter be reviewed at a workshop of Aldermen”.

**CARRIED UNANIMOUSLY**



**11.7.3 REVIEW OF COVID-19 FINANCIAL HARDSHIP POLICY****EXECUTIVE SUMMARY****PURPOSE**

To consider a revision of the “COVID-19 Financial Hardship Policy” approved by Council on 29 June 2020, to provide guidance to lessees of council owned property as to available assistance, and other minor amendments.

**RELATION TO EXISTING POLICY/PLANS**

Nil.

**LEGISLATIVE REQUIREMENTS**

The *COVID-19 Disease Emergency (Commercial Leases) Act 2020* (Tas), *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Tas) and the *Local Government Act 1993* (Tas) (the Act) are relevant.

**CONSULTATION**

On 29 June 2020, Council adopted the COVID-19 Financial Hardship Policy that provides the basis to assess hardship claims in relation to payment of rates, fees and charges. The Policy is limited in that it does not provide a mechanism to consider applications for financial hardship from lessees of council property where the *COVID-19 Disease Emergency (Commercial Leases) Act 2020* (Tas) applies.

**FINANCIAL IMPLICATIONS**

There are significant immediate and long-term financial implications associated with the COVID-19 pandemic response. Balancing the provisions of the support package with the financial consequences associated with such measures has underpinned Council’s consideration of the 2020/21 Estimates and Annual Plan and will continue to influence budget and planning processes in subsequent years.

**RECOMMENDATION:**

That Council:

- A. Approves the amended COVID-19 Financial Hardship Policy for application during the period 1 July 2020 to 30 June 2021.
- B. Authorises the General Manager (or delegate) to assess and approve hardship claims in accordance with the policy.
- C Requests that the General Manager:
  - At each Council Meeting during the 2020/21 financial year when the Quarterly Report is tabled, in closed meeting, provide a report detailing approved lease rental hardship claims, including property details and value of each approved claim; and

- Report the cumulative number and value of all approved hardship applications in accordance with this policy in each Quarterly Report during the 2020/21 financial year.

**Decision:****MOVED** Ald Chong **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

**CARRIED****FOR**

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

**AGAINST**

Ald James

**11.7.4 URGENT ITEM – CONVENING OF SPECIAL COUNCIL MEETING – LPS SUBMISSIONS****EXECUTIVE SUMMARY****PURPOSE**

To consider the convening of a Special Council Meeting for the purpose of reviewing the representations received following the exhibition of the draft Local Provisions Schedule (LPS).

Two workshops have been held with Aldermen to consider the submissions received with a further workshop to be conducted prior to formal consideration by council. Once considered by council, the submissions and recommendations then need to be forwarded to the Tasmanian Planning Commission (TPC). Due to the number and complicated nature of submissions, three extensions of time have been sought and granted by the Commission. As the latest deadline has now passed, a further extension of time will need to be applied for. Confirmation of a council meeting date will provide certainty to the TPC in terms of council's response.

**RELATION TO EXISTING POLICY/PLANS**

In accordance with Council's Consolidated Meeting Procedures.

**LEGISLATIVE REQUIREMENTS**

The Mayor or the General Manager is to convene a meeting if the Council determines in accordance with Regulation 4(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

This item is presented to Council as an urgent matter of business in accordance with Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*. Confirmation of a special meeting date is an urgent matter given the extensions of time already granted by the TPC have expired. The nature and details of this matter were not known at the time of agenda preparation for this meeting. The proposed timing of a special meeting was not finalised until Friday following distribution of the agenda. This matter is not one in which the General Manager must provide certification in accordance with Section 65 of the *Local Government Act 1993*, as the matter does not require advice by a qualified person.

**CONSULTATION**

The submissions received on the LPS have been considered by council at two workshop sessions. An additional workshop will be conducted prior to formal consideration by council.

**FINANCIAL IMPLICATIONS**

There are no financial implications relating to convening a special council meeting.

**RECOMMENDATION:**

That Council:

- A. Authorises the Mayor to convene a Special Council Meeting at 7.00 pm on Wednesday 26 August 2020 for the purpose of considering the representations received following the exhibition of the draft Local Provisions Schedule, and associated recommendations to the Tasmanian Planning Commission pursuant to section 35F of the *Land Use Planning and Approvals Act 1993*.
- B. Authorises the General Manager to make all necessary arrangements for conduct of the Special Meeting.

<b>Decision:</b>	<b>MOVED</b> Ald Ewington <b>SECONDED</b> Ald Blomeley
	“That the Recommendation be adopted”.
	<b>CARRIED UNANIMOUSLY</b>

**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 QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING****Ald Chong**

1. Do we have a date yet in relation to the opening of the Cambridge By-pass?

**ANSWER**

I have not received formal advice from the Department of State Growth in terms of a formal opening time but I will enquire and advise Aldermen.

Note – The Cambridge By-pass was opened by the Minister for Infrastructure, the Honourable Michael Ferguson, on Tuesday, 21 July.

2. Where do we stand in our preparedness if we do have a second incidence of COVID-19? I note, following on from Victoria and we have our first case again back in Tasmania today obviously we don't want to go down the whole business recovery plan again but where are we in terms of readiness?

**ANSWER**

About 2-3 weeks ago we started a review process in preparation for the possibility of a second wave. We are looking at what worked and what didn't work but also where we might need to resource in terms of supplies and such like. I am hoping to have that plan revised and updated within the next week.

**Ald Edmunds**

1. I saw some news today about possible games of football at our stadium in Bellerive. I just wondered has the Council been involved in any talks regarding that?

**ANSWER**

I received a phone call at about 11.00 am today letting me know that an article had appeared in the Mercury on-line. At that stage the TCA was getting in contact with the Clarence Football Club and we have been working between the club and the TCA to see how any outcome can be accommodated. As I understand things, matches are proposed for August commencing on 1 August but that has not been finally confirmed yet. I also understand that part of the arrangement hinges upon the technician from Sydney coming down and being able to remove the sight screen infrastructure before anything can happen.

2. The Prime Minister held a press conference talking about a sophisticated state based cyber actor and I will just quote a couple of things he said. He said that "...this activity is targeting Australian organisations across a range of sectors including all levels of government. We know it is a state based cyber actor because of the scale and nature of the target and trade craft used". He then goes on to say that the government's expert agency on cyber matters is the Australian Cyber Security Centre and it has published a range of technical advisory notes in recent times and they will be alerting potential targets and briefing state and territories, although he does not mention all levels of government there. Has anything come through to us because obviously I haven't seen anything as an Alderman about the comments by the Prime Minister about all levels of government whether we've had any briefings or any kind of updates to our security or any advice on that front that has come through from the federal government or its agencies?

**ANSWER**

We are part of a group that ultimately links through to those agencies in terms of updates and information, so we do receive information from an operational perspective. We've recently updated our firewall and other protection systems so we are comfortable at this point that we are as well prepared as we possibly can be and those protections are regularly tested as well as being updated. So yes, we do receive information. It is an operational matter for the most part but we do keep ourselves apprised of any significant incidents that do occur from the government's point of view.

**Ald James**

1. My question concerns the stalled development of the hotel and hospitality school proposed for Kangaroo Bay. Has the developer applied for a building and plumbing permit and if not has any indication been given of when they will do so?

**ANSWER**

We are in regular contact. The discussions at this point in time are at the development application level, I am not aware of any detailed plans having been submitted in terms of building and plumbing so at this point in time I am not sure if I can give any further advice or update.

2. I was unable to hear the response provided earlier in the meeting, so is the Clarence City Council aware that the rescheduled dates for the RMPAT hearing are the 7 and 11 September 2020.

**ANSWER**

Yes.

**Ald Kennedy**

With some of the development activity underway at Seven Mile Beach at the moment including the Aqua Place subdivision which has resulted in quite a significant increase in traffic movements can you please provide for me and some of the residents an update on the works that have been planned for Woodhurst Road?

**ANSWER**

Regarding the works on Woodhurst Road, the designs have actually been put on hold at the moment. We are assessing our road reconstruction program out of the major dig out program for this financial year but I will follow up and inform Aldermen on the status of that project.

(Mayor)

I think that Ald Kennedy was interested in Seven Mile Beach projects overall.

After detailed investigation and community consultation on a possible upgrade of Woodhurst Road, significant scope change was required and the subsequent estimate exceeded allowance within the roads major dig-out programme. Council engineers will list the full reconstruction of Woodhurst Road as part of future annual budgets. The priority of this upgrade will need to be considered with other potential road projects.

Council staff are currently investigating the roads to be included on the 20/21 road resealing program. The following Seven Mile Beach roads are presently under investigation for possible inclusion in 2020/21 or later years:

- Kuru Road;
- Montgomery Avenue;
- Eastern part of Woodhurst Road;
- Seabrook Street; and
- Part of Lewis Ave.

For information, the Seven Mile Beach old toilet block will be replaced this financial year.

**Ald Mulder**

1. The owner of the Rokeby IGA wishes to place road signage on South Arm Highway similar to that which exists on many roads including Cambridge Road at Warrane. What is the process for gaining planning approval for highway signage to support this local business?

**ANSWER**

It is not a planning matter. Roadside signage is possibly an asset management issue but you might also say it is a state roads issue.

(Mayor)

Can you just confirm that planning approval is not required for a roadside sign?

**ANSWER**

Roadside signs do not come under the planning scheme. I think with a state road it would be a Department of State Growth responsibility in terms of what sign goes on their road reserves but we can enquire with them and advise Aldermen.

2. To follow on from that first of all I asked this simple question on 7 June and again on 30 June and I have got to go to a formal Council meeting to get what is basically a simple response but the issue that also arises is that under the Roads and Jetties Act what goes on verges of highways is actually a council matter. No doubt DIER would want to be consulted but also the area in question is actually the verge between West Grange Road and South Arm Highway so that bit of road, the bit of grassed area, council would have a responsibility for. All I am after is what is the process? Does this guy apply to us or does he apply to the Department of State Growth for permission to put a simple road sign up?

(Mayor)

Perhaps we could get a specific place that this person has in mind so we can ascertain whether it is our land or the State Government's land.

In general where there is a street sign council can approve small directional signage which involves standard blue background with white writing. This is considered on an individual basis, where space is available on the street sign post.

Approval of other signage on the state road reserve is carefully controlled by the Department of State Growth through its relevant policy framework. Essentially signage designed in accordance with the policy is approved and performs a directional or informational function and does not become a planning scheme matter.

However, there have been previous requests for IGA signage on Rokeby Road on median strips around the Burtonia Street intersection. From these we understand that the purpose is to replace the white on blue shopping centre sign with a purpose designed IGA sign. As the road is a State Road, permission is required from the Department of State Growth. However it is anticipated the request would be refused, as such signage would be contrary to the Department's "Tasmanian Roadside Signs Manual".



The Manual provides that “Within Road Reserve (60kph or lesser zones) other than approved Traffic Control, Guide, Service or approved Tourism Information Signs, neither permanent nor temporary advertising and commercial signs (including sandwich boards) are permitted to be erected, put up or placed in a State or Local Government Road reserve without the permission of the road authority and Local Government.”

The manual specifies that road signs should never be used as the principal or only means of promoting the location of a business to customers. It also provides guidelines for a wide range of signage types and the assessment criteria for temporary event signs gives an outline of considerations that would be given to an application for permanent commercial signage:

- “• the sign should not detract from the message of legitimate signs needed for the purposes of road safety, statutory control and guidance of road users;
- the sign should not obstruct or form a confusing background to traffic signs or signals;
- the sign should not obstruct a driver’s or pedestrian’s view of the road or of other road users;
- the method of construction, selection of materials and site installation must be such that the sign cannot cause danger to road users;
- the number of competing signs in the area - too many signs in one location can be hazardous to road safety because drivers may be overloaded with information;
- the design, location and colouring of the sign must be simple and clear”.

It is unlikely that the Department would consider that private signage in the road reserve in this location would be appropriate for 1 or more of the above reasons. Moreover because the Department’s policy favours standardised signage in road reserves it is a further reason to doubt unique private signage would be approved. Still, if they so desire IGA can contact the Department to seek consent.

In the event that the Department did consent to such signage, then approval under the planning scheme must be considered. While signs approved by Council that are in accordance with the manual (specifically the typical white on blue signs), are treated as directional signs consistent with street infrastructure, more elaborate or specific signage would be considered a type of advertising sign under the scheme – probably a pole/ pylon sign or a Poster Panel sign. In this case, Clause E7.6.1 relevantly provides that “A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed”. In other words, the signage would be prohibited.

### **Ald von Bertouch**

As part of the background to Council’s proposed coastal erosion policy could Council be appraised of the issues and possible solutions in relation to the recent large storm which has eroded the Wamberal Beach and caused major damage to several houses in the Central Coast Council area of NSW?

### **ANSWER**

We are planning to bring a draft coastal policy to Aldermen to discuss at a workshop during August and that coastal policy will talk about strategic priorities for dealing with issues which include coastal erosion and storm damage.

Question contd

Could that actually be included, could we actually be appraised of that situation and the possible solutions or actual solutions that take place because that's important in terms of our issues that we have as far as coastal erosion is concerned?

**ANSWER**

The coastal policy that we are drafting will deal with those sort of storm events and how they might be responded to. You will appreciate that in some circumstances there will be very few viable options available.

**Ald Walker**

I note recent Facebook posts in relation to COVID affecting dogs in the dog park. My question is can I have an update about how this situation is evolving and what extra measures we are putting in place to try and decrease the risk for dog owners?

**ANSWER**

The question was taken on notice.

**Suggested response:** Firstly, it is important to note that the coronavirus affecting dogs is not the same as the COVID-19 virus. The canine coronavirus appears to be transmitted via dog faeces. We are encouraging dog owners to clean up after their dogs. We have also posted signage to alert dog owners to the virus and measures to control its spread.

**Ald Warren**

1. We have been looking at the local provisions for the planning scheme and before us we have a proposal to change the zoning of the Rosny Hill Nature Recreation Area. Given that it is a matter that is currently before RMPAT I am just wondering how that fits in with us voting on that particular rezoning when I believe the rezoning is probably one of the contested points.

**ANSWER**

It is correct that Council is dealing with the zoning of that property but also every other property in the City as part of the LPS. It is yet to come to Council however, the fact that there is an appeal or a permit or whatever it happens to be at the time the scheme is processed has no bearing on how you deal with these matters. They are both separate, one relates to a current development application which is subject to appeal, the other relates to a planning scheme. At any time a planning scheme is being assessed by a council or by the commission there are invariably many planning applications in train so it would be impossible for example not to process a planning scheme because there are permits in play.

(Mayor)

Could you confirm that the tribunal as a council would, is required to assess it against the scheme in place at the application time?

**ANSWER**

That is correct. The Act was amended several years ago to ensure that the tribunal considered the application against the planning scheme that existed on the day that the decision was made so there is no impact on the assessment of the appeal by mooted planning schemes at any point.

2. Regarding Cyber-crime, as part of the Council response to that can the General Manager please reassure me that there will also be education available for officers and Aldermen because we all know that the weakest link is often the user and people who unwisely open emails and click on links or open attachments can be the way that many of our systems are hacked. Will Council be taking that into account in its response?

**ANSWER**

From an internal officer point of view we regularly receive emails updating us on recent threats. In most cases it might be an example of an email where someone is trying to get a response which triggers a hacking incident. I am not aware of whether Aldermen are provided with those updates but it is certainly a simple thing for us to include Aldermen on those emails to make sure you are appraised as well.

**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 be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

**13. CLOSED MEETING**

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters were listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 TENDER T1352-19 – BLESSINGTON STREET STORMWATER UPGRADE STAGE 2

13.3 TENDER T1366-20 INTERSECTION SOUTH STREET AND HIGH STREET, BELLERIVE – ROUNDABOUT RECONSTRUCTION

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

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

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

**Decision:****PROCEDURAL MOTION**

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

“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 TENDER T1352-19 – BLESSINGTON STREET STORMWATER UPGRADE  
STAGE 2**  
(ECM No 4390093)**Decision:****MOVED** Ald Blomeley **SECONDED** Ald James

- “A. That the Tender received from De Kleine Contracting Pty Ltd for the amount of \$349,813.36 excluding GST, be accepted for the Blessington Street Stormwater Upgrade, Stage 2 works.
- B. That in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public and for communication to relevant parties.
- C. That Council publishes its decision only in regard to this matter in the open Minutes of this Meeting”.

**CARRIED UNANIMOUSLY**

**13.3 TENDER T1366-20 INTERSECTION SOUTH STREET AND HIGH STREET, BELLERIVE - ROUNDABOUT RECONSTRUCTION**

(FILE NO T1366-20; ECM 4390719)

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

- “A. That the Tender Response from Spectran Contracting Pty Ltd for the amount of \$426,819.89 excluding GST, be accepted for the road works at the intersection of South Street and High Street, Bellerive.
- B. That, in accordance with Regulation 34(3) of the Local Government (Meetings 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**

The Meeting closed at 10.18pm.