

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 12 OCTOBER 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 Nil

ORDER OF BUSINESS Items 1 – 13

IN ATTENDANCE

General Manager
(Mr I Nelson)

Chief Financial Officer
(Ms M Coleman)

Group Manager Engineering Services
(Mr R Graham)

Manager City Planning
(Mr R Lovell)

Manager Health and Community Development
(Mr J Toohey)

Executive Officer to the General Manager
(Ms J Ellis)

The Meeting closed at 11.00pm.

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 12 OCTOBER 2020

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1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. ***CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Council Meeting held on 21 September 2020, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 21 September 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

- 24 September: TasWater ORG General Meeting;
- 25 September: ABC Radio (drive by);
- 28 September: Australia Day Awards Committee Meeting – Event Options;
- 7 October: Interview with “The Mercury”;
ABC – TV Interview;
- 8 October: Photo Shoot for Eastern Shore Sun (No Spray Register);
- 11 October: Launch of Summer Social Disc Golf Season – Rosny Park Public Golf Course;
- 12 October: Minister Ferguson – Rosny Park Access Issues;
Minister Ferguson – Greater Hobart Committee Meeting;
Minister Ferguson – Bridges and Causeways Briefing; and
ABC Interview – Richmond Bridge.

Deputy Mayor

- 23 September: Parliamentary Friends of Football Female Football Week Awards (on behalf of the Mayor);
- 30 September: DST Annual General Meeting – AGM and Networking Function (on behalf of the Mayor);
- 25 September: Ald Warren attended a Workshop on my behalf – Mission Australia Housing Workshop; and
- 5 October: Ald Ewington spoke to ABC Radio regarding a new track and other developments to the Meehan Range Mountain Bike Park.

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
Kangaroo Bay Hotel Site – Further Discussion Bellerive Pier Construction Update Clarence Plains Master Plan	28 September
Kangaroo Bay Hotel Site – Further Discussion Traffic Flow and Pedestrian and Interactions Bellerive Village Dog Management Policy Review	5 October

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

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 Kennedy **Item No. 11.5.2**

6. *TABLING OF PETITIONS**

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

Ald Mulder tabled the following petition which the General Manager advised complies with the Act requirements:

- Received from 2268 signatories requesting Council to activate the “buy back” clause in the contract for the sale of Council land to Chambroad Australia for the construction of a Hotel and Hospitality Training School at Kangaroo Bay Drive, Bellerive.

Two signatures do not comply with the requirement of the Local Government Act, Email advice was sent to the petition organisers as the signatories were unable to physically sign the petition. The signatures were added by the petition organiser on their behalf.

The General Manager tabled the following petition which complies with the Act requirements:

- Electronic petition from 1846 signatories as at 12 October 2020 requesting Council to reject the Development Application on land adjacent to 754 and 798A Dorans Road, Sandford for a Jetty and to develop a strategic plan for the foreshore within the council area to ensure similar private facilities are given a wider consultation process to allow for better scrutiny of future applications.

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

Mr Victor Marsh of Bellerive asked the following question.

PUBLIC PIER - KANGAROO BAY

Information on Council's website about the public pier currently under construction at Kangaroo Bay notes "typical" seating, fencing and lighting. The community expectation was that works would be completed in September 2020. Has the Council considered providing ratepayers with an artist's impression of the completed design to be displayed at the site?

Will the quality of the seating, fencing and lighting be impacted by any "blow out" in the cost of constructing the basic breakwater/pier structure?

ANSWER

Council does not have an artist's impression of the proposed public pier to display at the site.

The proposed seating, fencing and lighting has not changed and many of the items are under fabrication in readiness for installation when the deck work is complete.

/ contd on Page 9...

QUESTIONS WITHOUT NOTICE /contd...

Mrs Joanne Marsh of Bellerive asked the following question.

BELLERIVE BEACH REGIONAL PARK – SHARED CYCLE PATH

I have a plan of the general arrangement of a shared cycle path construction (drawing number 6534-10) at Bellerive Beach Regional Park dated 16 March 2020 with status – construction. It shows a 3m wide concrete path traversing the western side of the park between play areas and the beach.

The park is predominantly a children's play park with a high concentration of pedestrian movement in the area of the proposed pathway.

In my opinion this pathway is most appropriately a multi-user pathway to be consistent with current signage and to respect the safety of pedestrians.

This plan does not show how pedestrians put at risk of colliding with cyclists at a number of intersecting pathways and the limestone pathway from the playground leading to the toilets will be protected.

This plan does not address the issue of the bottle neck created by exercise equipment and adjacent trees that are not set back adequately from the pathway. The toilets are also a setback concern.

This plan does not show clearly how drainage of stormwater that currently pools in a number of areas in the park will be achieved.

When are these proposed works going out to tender?

How soon can the engineering group make available to me plans or documents that address my concerns about the safety and amenity risks to park users and show how Pitt and Sherry's safety recommendations are being implemented?

ANSWER

The Tender documents are under review prior to going to Tender, which is likely to be in November.

After Tenders have been called, we will be in a position to reply to Mrs Marsh and address her comments. It is noted that Council has adopted to undertake a Master Plan review. This will address some of the concerns.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(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)

NOTICE OF MOTION – ALD KENNEDY – GREYHOUND EXERCISE AREA
(REFER ITEM 9.1)

Rosalie Saville provided a deputation regarding the above matter which was read out by the General Manager.

DEVELOPMENT APPLICATION PDPLANPMTD-2019/006096 – LAND ADJACENT TO 754 DORANS ROAD AND 798A DORANS ROAD, SANDFORD - JETTY
(REFER ITEM 11.3.1)

Peter Osborne provided a deputation regarding the above Development Application which was read out by the General Manager.

DEVELOPMENT APPLICATION PDPLANPMTD-2019/001720 – 14 THEMEDA COURT, HOWRAH – DWELLING AND ANCILLARY DWELLING
(REFER ITEM 11.3.3)

Justine McGuinness provided a deputation regarding the above Development Application which was read out by the General Manager.

DEVELOPMENT APPLICATION PDPLANPMTD-2020/010796 – 34 CLINTON ROAD, GEILSTON BAY – 33 MULTIPLE DWELLINGS
(REFER ITEM 11.3.6)

Angela Jenkins provided a deputation regarding the above Development Application which was read out by the General Manager.

KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE
(REFER ITEM 11.7.2)

Anne Geard provided a deputation regarding the above matter which was read out by the General Manager.

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD KENNEDY
GREYHOUND EXERCISE AREA**

In accordance with Notice given it was:

Decision: **MOVED** Ald Kennedy **SECONDED** Ald Walker

“As a part of Council’s imminent review of the Dog Management Policy, that Council considers providing an area(s) for greyhounds to be exercised off-lead.”

CARRIED UNANIMOUSLY

9.2 NOTICE OF MOTION - ALD WARREN FLYING OF THE ABORIGINAL FLAG

In accordance with Notice given it was:

Decision:	MOVED Ald Warren SECONDED Ald Mulder	
	<p>“A That Council fly the Aboriginal flag on the fourth flagpole outside Council Chambers on an ongoing basis.</p> <p>B That the flag be raised in time for NAIDOC week 2020 (8-15 November) and remain in place thereafter.”</p>	
	The MOTION was put and LOST	
	FOR	AGAINST
	Ald Chong	Ald Chipman
	Ald Edmunds	Ald Blomeley
	Ald Kennedy	Ald Ewington
	Ald Mulder	Ald James
	Ald Peers	Ald von Bertouch
	Ald Warren	Ald Walker

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

September Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

The Mayor tabled a Communique of a Meeting of the Greater Hobart Committee held on 12 October 2020.

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

Nil.

11. REPORTS OF OFFICERS

11.1 ***WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 21 and 28 September and 5 October 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 21 and 28 September and 5 October 2020 be noted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

ORDER OF BUSINESS

Decision: **PROCEDURAL MOTION**

MOVED Ald James **SECONDED** Ald Warren

“That Item 11.7.2 be brought forward for consideration prior to the Planning Authority matters.”

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

FOR

Ald Edmunds
Ald James
Ald Kennedy
Ald Peers
Ald Warren

AGAINST

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

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2019/006096 – LAND ADJACENT TO 754 DORANS ROAD AND 798A DORANS ROAD, SANDFORD - JETTY**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Jetty at land adjacent to 754 Dorans Road and 798A Dorans Road, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Open Space and Environmental Management and subject to the Waterway & Wetlands 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 with the written agreement of the applicant on 10 November 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and eight representations were received (excluding multiples from the same household) raising the following issues:

- access;
- privatisation of the waterway and resulting impact on neighbours;
- commercial use;
- erosion and climate change;
- inconsistency with Scheme objectives and purposes;
- inconsistency with cl.19.3.5, the Waterway and Coastal Erosion Code and cl.9.3;
- land titles;
- existing facilities;
- EPA guidelines;
- Aboriginal Heritage;
- construction;
- notification;
- jetty ruins;

- impact on the spotted handfish and ecosystems; and
- property values.

RECOMMENDATION:

A. That the Development Application for Jetty at land adjacent to 754 Dorans Road and 798A Dorans Road, Sandford (CI Ref PDPLANPMTD-2019/006096) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by Council's Manager City Planning. All works must be undertaken in accordance with the CEMP pursuant to the recommendations of the Marine Ecological Assessment prepared by Marine Solutions Tasmania Pty Ltd (dated July 2019) and the DPIPWE Conservation Assessments (CAS) advice dated 16 July 2020.

Works must be undertaken generally in accordance with the "Wetlands and Waterways Works Manual" (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010).

No construction access is permitted through the Council land at 798A Dorans Road, Sandford without the prior written agreement of the General Manager.

3. No external lighting is permitted on the jetty other than for navigation if required by MAST.
4. The jetty is approved in conjunction with the reasonable residential usage of the property at 754 Dorans Road, Sandford. It may not be used more intensively or for commercial operations, without the further consent of Council.
5. Exterior surfaces must be coloured using colours with a light reflectance value not greater than 40% and must be approved by Council's Manager City Planning prior to the commencement of development.
6. No cleaning or repair of any vessel may take place on or around the jetty.

ADVICE

The site may contain relics which are protected under the Aboriginal Relics Act 1975 and the applicant is therefore responsible to ensure compliance with the provisions of that Act. Applicants are advised to seek independent technical advice in relation to identification and protection of any relics and in accordance with an Unanticipated Discovery Plan (refer to link).

<https://www.aboriginalheritage.tas.gov.au/Documents/UDP.pdf#search=Unanticipated%20Discovery%20Plan>

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

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

“A That the Development Application for Jetty at land adjacent to 754 Dorans Road and 798A Dorans Road, Sandford (C1 Ref PDPLANPMTD-2019/006096) be refused for the following reasons.

1. **Recreational use of adjacent waters - Performance Criteria 19.3.5(P5)**

The proposal does not satisfy the Performance Criteria in that access for the private pleasure boat facility over the Public Open Space zone reduces the recreational use of the adjacent waters rather than augment and support such use and therefore does not satisfy this test for discretionary uses in the zone.

2. **Recreational use of adjacent land- Performance Criteria 29.3.1(P1)(a)**

The proposed use as a private facility detracts from, instead of complementing, the recreational uses of the adjacent land and therefore does not satisfy this test for discretionary uses in the zone.

3. **Need for Coastal Location - Performance Criteria 11.7.2(P1) (a)**

- a. With an existing public facility nearby, there is no demonstrated need for an additional jetty in this coastal location,
- b. There is no demonstrated need for a building, let alone a private building, in this coastal location.

B. That the details and conclusions included in the associated report, with necessary amendment, be recorded as the reasons for Council's decision in respect of this matter.

1. As per representation received:

- a. Public access to the proposed jetty will be prevented by the construction of a locked building and security fencing, thereby resulting in the facility reducing rather than complementing the use of adjacent waterways.

/ Decision contd on Page 20...

DEVELOPMENT APPLICATION PDPLANPMTD-2019/006096 – LAND ADJACENT TO 754 DORANS ROAD AND 798A DORANS ROAD, SANDFORD – JETTY /Decision contd...

- b. The existence of a locked building between the public open space on the land and the public open space on the water reduces the amenity and use of the adjacent public land.
- c. There is no demonstrated need for an additional jetty in this location.
- d. There is no demonstrated need for a building in this coastal location.”

CARRIED

FOR

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

AGAINST

Ald Chipman
Ald Blomeley
Ald Ewington

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/011389 – 7 DOUGLAS STREET, BELLERIVE - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing + 1 new) at 7 Douglas Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 14 October 2020.

CONSULTATION

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

- traffic impacts;
- visual bulk; and
- loss of privacy.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 7 Douglas Street, Bellerive (Cl Ref PDPLANPMTD-2020/011389) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A2 – CROSSOVER CHANGE [5.5m wide][TSD-R09].
3. ENG A5 – SEALED CAR PARKING.

4. ENG M1 – DESIGN DA [access arrangements; carpark and driveways construction; service upgrades or relocations; the access driveway must show a clear trafficable width of 3m wide and be free of any fences, eaves, gutters and kerbs.]
 5. ENG M5 – EROSION CONTROL.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. TASWATER – TASWATER CONDITION.
- 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 Walker left the Meeting at this stage (8.17pm)

Decision: **MOVED** Ald Mulder **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2019/001720 – 14
THEMEDA COURT, HOWRAH - DWELLING AND ANCILLARY DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling and Ancillary Dwelling at 14 Themeda Court, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned Low Density Residential and subject to the Bushfire Prone Areas, Natural Assets, Landslide Hazard Areas, Waterway and Coastal Protection Areas, Parking and Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 14 October 2020.

CONSULTATION

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

- impact on privacy and the location of the proposed ancillary dwelling;
- noise and dust associated with the construction;
- stormwater Management;
- the location of the proposed tennis court;
- bushfire management requirements; and
- boundary fencing and costs associated with its replacement.

RECOMMENDATION:

A. That the Development Application for Dwelling and Ancillary Dwelling at 14 Themeda Court, Howrah (C1 Ref PDPLANPMTD-2019/001720) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. Amended plans showing the reduced maximum building height must be submitted and approved by Council's Manager City Planning prior to the commencement of the use/development.
 3. All external surfaces must be finished in non-reflective, muted colours to the satisfaction of Council's Manager City Planning. Details of the colour scheme must be submitted and approved prior to construction.
 4. GEN AM8 – TENNIS COURT.
 5. Should the tennis court be used for commercial purposes, a development application must be lodged with Council for that land use.
- B. The applicant is advised that the proposal is contrary to the Part V Agreement (E3444) dated 29 January 2015. Council as a party to the Part V Agreement (E3444) does not agree to the proposal. The Part V Agreement states that: *"The owners of those lots must not construct a residential dwelling on that part of their Lot marked as 'Building Protection Zone on Attachment 1'"*. The proposal is contained within the building protection zone and is therefore a breach of the Agreement, which Council would be bound to enforce if the development is commenced.
- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Decision:	MOVED Ald Mulder SECONDED Ald Ewington
	"That the Recommendation be adopted".
	CARRIED UNANIMOUSLY

11.3.4 DEVELOPMENT APPLICATION - PDPLANPMTD-2020/008820 – 145 AND 163 PASS ROAD, ROKEBY – 126 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the request to amend the Master Plan and approved staging to satisfy the provisions of Clause F4.8.A1 of the ParanVille Specific Area Plan (the SAP). This request has been made as part of a 126 lot subdivision for 145 Pass Road, Rokeby which is currently on hold until the current matter is resolved.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential, Public Open Space, Community Purpose, Rural Resource and Local Business and subject to the Bushfire Prone Areas, Waterway & Coastal Protection, Inundation Prone Areas, Road and Railway Assets and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

Clause F4.8 of the SAP requires that the subdivision must be in accordance with the Master Plan (Figure 3) and that the land must be developed in accordance with the Staging Plan (Figure 4), unless otherwise approved in writing by Council. This standard is an Acceptable Solution with no corresponding Performance Criteria and therefore this report is for Council to consider the request and either approve or refuse the request to modify the Master Plan and Staging Plan.

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

Not applicable.

RECOMMENDATION:

- A. That Council undertake community consultation prior to determining the request to amend the Master Plan and staging plan in the ParanVille Specific Area Plan.

ADVICE: Should Council ultimately agree to the request, it should be noted that the proposed staging in the draft subdivision plan will not meet Council's Public Open Space Policy, as the public open space is proposed in Stage 10 of the subdivision application PDPLANPMTD-2020/008820 and the Public Open Space should therefore be provided in an earlier stage.

- 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 26 for Decision on this Item...

**DEVELOPMENT APPLICATION - PDPLANPMTD-2020/008820 – 145 AND 163
PASS ROAD, ROKEBY – 126 LOT SUBDIVISION /contd...**

Decision:	MOVED Ald Ewington SECONDED Ald Mulder	
	Ald Walker returned to the Meeting at this stage (8.21pm)	
	“That the Recommendation be adopted.”	
	CARRIED	
	FOR	AGAINST
	Ald Chipman	Ald Blomeley
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2019/006202 – 849 SOUTH ARM ROAD, SANDFORD - 8 LOT SUBDIVISION**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an 8 lot subdivision at 849 South Arm Road, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Resource, Environmental Living, Rural Living and General Residential and subject to the Bushfire Prone Areas, Potentially Contaminated Land, Landslide, Road and Railway Assets, Waterway and Coastal Protection, Inundation Prone Areas, Natural Assets, Parking and Access, Stormwater Management and 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 with the consent of the applicant on 14 October 2020.

CONSULTATION

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

- support for development;
- width of proposed trail;
- provision of additional land for trail adjacent road frontages;
- land transfer to Council;
- impact on wildlife;
- TasNetworks infrastructure; and
- environmental impacts on saltmarsh.

RECOMMENDATION:

- A. That the Development Application for an 8 Lot Subdivision at 849 South Arm Road, Sandford (Cl Ref PDPLANPMTD-2019/006202) be approved subject to the following conditions and advice.

1. AP1 – ENDORSED PLANS.
2. GEN AP2 – STAGING [Stage 1: Lots 2 to 8 inclusive; and Stage 2: Lot 9 and Balance].
3. A Remediation Management Plan must be submitted to and approved by Council’s Senior Environmental Health Officer in accordance with the recommendations of the Detailed Site Investigation – Contamination prepared by GHD and dated August 2020, prior to the commencement of any remediation works on-site.
4. Prior to the sealing of the final plan of survey for each stage, advice from a suitably qualified expert must be provided to confirm that the site has been remediated in accordance with the approved Remediation Management Plan.
5. GEN M1 – TREE REMOVAL.
6. ENG M2 – DESIGNS SD [Delete “road design (including line marking) and road stormwater drainage”].
7. ENG A1 – NEW CROSSOVER [TSD-R03].
8. ENG A7 – REDUNDANT CROSSOVER.
9. ENG M7 – WEED MANAGEMENT PLAN.
10. ENG S1 – INFRASTRUCTURE REPAIR.
11. ENG M5 – EROSION CONTROL.
12. ENG M8 – EASEMENTS, insert “including a 12m wide easement to benefit TasNetworks to provide for the existing overhead distribution powerlines within the boundaries of the site.” at the end of the last sentence.
13. The subdivision works (including clearance of vegetation) must be undertaken in accordance with the conclusions and recommendations of Section 4.0 of the Natural Values Assessment prepared by GHD and dated December 2019.
14. GEN F2 – COVENANTS [The provision of a building exclusion zone/ nest reserve which must be provided and maintained in perpetuity in the vicinity of the identified white-bellied sea eagle nest located on the north-western part of the site, as prescribed by the recommendations contained at Section 4.0 of the Natural Values Assessment prepared by GHD and dated December 2019.]

15. GEN F5 – PART 5 AGREEMENT [To ensure that construction activities associated with the development of the lots (and including fencing) within 500m or 1km direct line of sight of the nest site occurs only outside the eagle breeding season being July to January inclusive, as prescribed by the recommendations contained at Section 4.0 of the Natural Values Assessment prepared by GHD and dated December 2019, unless it is found by supplementary Natural Values Assessment that the nest is assessed as being inactive in any given breeding season. Confirmation from of this must also be provided by the Department of Primary Industries, Parks, Water and Environment (DPIPWE), Policy and Conservation Advice Branch prior to any works commencing on site.]
16. PROP3 – TRANSFER.
17. The land known as Mays Point Road and including access to Roches Beach is to be transferred to Council in accordance with the requirements of Condition 12. The transfer to Council is has no obligation for the area to be either constructed or maintained by Council for the purposes of access. Upon transfer, Council will arrange the licensing of this land where used for access with those owners affected.
18. ADVICE - The Department of Primary Industries, Parks, Water and Environment (DPIPWE), Policy and Conservation Advice Branch has advised that on the basis the site contains a known eagle nest, that it is the responsibility of the proponent and future lot owners to develop and manage the land in accordance with the requirements of the *Threatened Species Protection Act 1995*. Should further advice be sought in relation to appropriate management measures, please contact the Threatened Species and Private and Conservation Section, DPIPWE: ThreatenedSpecies.Enquiries@dpipwe.tas.gov.au.
19. ADVICE - The Department of Primary Industries, Parks, Water and Environment (DPIPWE), Policy and Conservation Advice Branch has advised that a “Permit to Take” is required under the *Threatened Species Protection Act 1995* if proposed to disturb or destroy threatened flora or fauna which includes identified *Eucalyptus risdonii* located within the boundaries of the site. Information on applying for a permit can be found at: [http://dpipwe.tas.gov.au/conservation/development-planning-conservation-assessment/permit-to-take-threatened-species-\(for-consultants-development-related-activities\)](http://dpipwe.tas.gov.au/conservation/development-planning-conservation-assessment/permit-to-take-threatened-species-(for-consultants-development-related-activities)).
20. ADVICE – The Department of Primary Industries, Parks, Water and Environment (DPIPWE), Policy and Conservation Advice Branch advises that on the basis that species listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* are located within the boundaries of the site, and that associated obligations are to be met by the proponent and future lot owners.

21. ADVICE - The Department of Primary Industries, Parks, Water and Environment (DPIPWE), Policy and Conservation Advice Branch recommends that the DPIPWE (2015) Weed and Disease Planning and Hygiene Guidelines – Preventing the spread of weeds and diseases in Tasmania be adhered to during any development activities to prevent the spread of weeds and that any weeds present on the property be properly managed. The guidelines can be found at: <http://dPIPWE.tas.gov.au/invasive-species/weeds/weed-hygiene/weed-and-disease-planning-and-hygiene-guidelines>.

- 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 Mulder

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

**11.3.6 DEVELOPMENT APPLICATION PDPLANPMTD-2020/010796 – 34
CLINTON ROAD, GEILSTON BAY - 33 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 33 multiple dwellings at 34 Clinton Road, Geilston Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Bushfire Prone Areas, Landslide, Road and Railway Assets, Parking and Access, Stormwater Management and Waterway and Coastal Protection 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 20 October 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 18 representations were received raising the following issues:

- additional documentation required;
- bushfire risk;
- traffic;
- pedestrian safety;
- stormwater;
- decrease in land value;
- community services;
- impact on residential amenity;
- character of area and density;
- waste storage, collection and odour;
- infrastructure capacity; and
- impact on natural values.

RECOMMENDATION:

A. That the Development Application for 33 Multiple Dwellings at 34 Clinton Road, Geilston Bay (Cl Ref PDPLANPMTD-2020/010796) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP2 – STAGING.
 - Stage 1: Units 1-13 inclusive;
 - Stage 2: Units 14-22 inclusive;
 - Stage 3: Units 23-29 inclusive; and
 - Stage 4: Units 30-33 inclusive.

Each stage must include the associated lot connections, access ways and footpaths.

3. A building permit will not be issued for the development until such time as the Certificate of Title for the boundary adjustment approved under PDPLANPMTD-2019/003196 has been issued and a copy provided to Council.
4. 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.
5. Details of the proposed private garbage collection service for the development are to be provided to and approved by Council's Group Manager Engineering Services prior to the granting of a building permit. Upon approval, garbage collection must be undertaken in accordance with the approved arrangement unless an alternative on-site arrangement is subsequently approved by Council's Group Manager Engineering Services.
6. ENG A2 – CROSSOVER CHANGE, 5.5m (minimum).
7. ENG A5 – SEALED CAR PARKING.
8. ENG M1 – DESIGNS DA.
9. ENG M5 – EROSION CONTROL.
10. ENG M8 – EASEMENTS.
11. ENG S1 – INFRASTRUCTURE REPAIR.
12. ENG S3B – WATER SENSITIVE URBAN DESIGN PRINCIPLES – BODY CORPORATE.

13. EHO 4 – NO BURNING.
14. A landscape plan for the car parking areas where more than five spaces are shown, and associated vehicle circulation areas must be submitted to and approved by Council's Manager City Planning prior to the commencement of works. The plan must be to scale and show:
- a north point;
 - existing trees and those to be removed;
 - proposed driveways, paths, buildings, car parking, retaining walls and fencing;
 - any proposed rearrangement of ground levels;
 - details of proposed plantings including botanical names, and the height and spread of canopy at maturity; and
 - estimated cost of the landscaping works.
- All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.
- All landscape works must be maintained:
- in perpetuity by the existing and future owners/occupiers of the property;
 - in a healthy state; and
 - in accordance with the approved landscape plan.
- If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or which was removed.
15. The development must meet all required Conditions of Approval specified by TasWater notice dated 31 July 2020 (TWDA 2020/01044-CCC).
16. ADVICE – 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.
- 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 34 for Decision on this Item...

DEVELOPMENT APPLICATION PDPLANPMTD-2020/010796 – 34 CLINTON ROAD, GEILSTON BAY - 33 MULTIPLE DWELLINGS /contd...

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

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

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 SPITFARM ROAD STORMWATER DRAINAGE IMPROVEMENTS – AMENDMENTS TO 2020/2021 STORMWATER CAPITAL BUDGET****EXECUTIVE SUMMARY****PURPOSE**

To approve an amendment to the 2020/2021 Stormwater Capital Budget by reallocating funds to the “Spitfarm Road, Opossum Bay – Stormwater Drainage Improvements” Budget Estimate.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016/2026 is relevant.

LEGISLATIVE REQUIREMENTS

Approval of the reallocation of funds requires a simple majority of Council in accordance with the Local Government Act 1993, s.82(5).

CONSULTATION

Initial consultation has occurred with the owners of 92 and 98A Spitfarm Road, being the properties previously impacted by stormwater inundation from Spitfarm Road. Further engagement with all residents will occur prior to final approval of the design plans and prior to construction commencing.

FINANCIAL IMPLICATIONS

The proposed reallocation of funds will not result in any substantive change to the Stormwater Capital Budget.

RECOMMENDATION:

That Council:

Reallocate funds within the 2014/2015, 2019/2020 and 2020/2021 Stormwater Capital Budgets as follows:

- allocate funds from the Hawthorne Swale Stormwater Project (2014/2015) to the Spitfarm Road Stormwater Drainage Improvements project (2020/2021): **\$42,000**;
- allocate funds from Elinga Street/Carella Street Stormwater Pipe Replacement Project (2019/2020) to the Spitfarm Road Stormwater Improvements project (2020/2021): **\$38,000**.

Decision:

MOVED Ald Peers **SECONDED** Ald Kennedy

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.5.2 SOUTH ARM OVAL MASTER PLAN – OCTOBER 2020**EXECUTIVE SUMMARY****PURPOSE**

To consider the results of the community consultation and revision of the South Arm Oval Master Plan.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 and Community Engagement Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The South Arm Oval Master Plan has been subject to previous community consultation. Most recently, residents adjacent to the Skate Park and key stakeholders were invited to comment on the revision of the South Arm Oval Master Plan. Feedback was sought on three main components:

- Proposed Men's Shed;
- Skate Park noise mitigation options; and
- Children's play space design.

FINANCIAL IMPLICATIONS

There is \$51,559 remaining within the 2019-2020 Passive Recreation Capital Works Budget for the South Arm Oval Master Plan implementation. Any further development and/or implementation of the master plan, including in accordance with this report, will require Council approval and possibly additional funding.

RECOMMENDATION:

- A. That Council adopt the revised South Arm Oval Master Plan to include the location for the Men's Shed and to provide "in principle" support to the South Arm Peninsula Men's Shed Inc. for the Men's Shed project.
- B. That Council adopts the revised South Arm Oval Master Plan to include a modified play space and surrounds resulting from the community consultation.
- C. That Council adopts the revised South Arm Oval Master Plan to remove the hitting wall and hardstand area.
- D. That Council adopts the revised South Arm Oval Master Plan with an earth berm and paling fence and authorises the General Manager to engage a designer to prepare detailed engineering plans and estimate for Option 1 – Earth Berm with Paling Lap Fence to mitigate noise from the skate park. The General Manager to report back to Council on the design and cost estimate for further consideration.

- E. That Council authorises the General Manager to write to residents and property owners in the vicinity of the South Arm Oval, SAPRA and Calverton Hall Committee and on Council's website advising of Council's decision.

Ald Kennedy Declared an Interest in this Item and left the Meeting prior to discussion (8.46pm).

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

Decision:	MOVED Ald Mulder SECONDED Ald Edmunds	
	“That Recommendations A, B, C and E be adopted.”	
	CARRIED UNANIMOUSLY	
	MOVED Ald Mulder SECONDED Ald Edmunds	
	“That Recommendation D be adopted.”	
	CARRIED	
	FOR	AGAINST
	Ald Chong	Ald Blomeley
	Ald Edmunds	Ald von Bertouch
	Ald Ewington	Ald Chipman (abstained)
	Ald James	
	Ald Mulder	
	Ald Peers	
	Ald Walker	
	Ald Warren	

Ald Kennedy returned to the Meeting at this stage (9.20pm).

11.5.3 CLARENCE PLAINS MASTER PLAN – OCTOBER 2020**EXECUTIVE SUMMARY****PURPOSE**

To consider the appointment of MODE and C Change Sustainable Solutions to prepare the Clarence Plains Master Plan.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

There will be two stages of consultation conducted during Stage 1:

- Council, Government and Emergency Services; and
- Community groups, business and industry partners.

FINANCIAL IMPLICATIONS

The MODE and C Change Sustainable Solutions fee proposal totals \$118,715 (excluding GST) for Stages 1 and 2.

There is \$59,700 (excluding GST) remaining within the 2019-2020 Passive Recreation Operational Works Budget for the Clarence Plains Master Plan implementation. This is insufficient funds to complete the Clarence Plains Master Plan and therefore approval is sought to reallocate funding from Clarence Youth Centre to the Clarence Plains Master Plan, the amount of \$65,000 (Excl GST). Making a total of \$124,700 (excluding GST) available for the development of the Clarence Plains Master Plan.

RECOMMENDATION:

- A. That Council approves the reallocation of funds from Clarence Youth Centre for the amount of \$65,000 (excluding GST) to the Clarence Plains Master Plan project. Making a total of \$124,700 (excluding GST) for the development of the Clarence Plains Master Plan.
- B. That Council authorises the General Manager to approve through Council's Procurement Procedure the appointment of MODE and C Change Sustainable Solutions to develop the Clarence Plains Master Plan for the amount of \$118,715 (excluding GST).

Decision:

MOVED Ald Chipman **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 RECREATIONAL WATERS REPORT 1 JULY 2019 – 30 JUNE 2020****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to advise of all activities undertaken in the City of Clarence in accordance with the *Recreational Water Quality Guidelines 2007*. This includes all sampling undertaken by operators of public swimming pools and spas and all public health surveillance and sampling of identified, primary swimming beaches during the swimming season from December 2019 to the end of March 2020.

The *Recreational Waters Report 1 July 2019- 30 June 2020* summarises all water sampling results of public swimming pools and spas and includes a summary of Council's recreational water monitoring activities and results.

RELATION TO EXISTING POLICY/PLANS

There are no Council policies applicable to this activity which is undertaken in accordance with legislative requirements

LEGISLATIVE REQUIREMENTS

- *Public Health Act 1997*; and
- *Recreational Water Quality Guidelines 2007* issued by the Director of Public Health.

CONSULTATION

A copy of the *Recreational Waters Report 1 July 2019 - 30 June 2020* has been endorsed by Council's General Manager and submitted as required to the Director of Public Health.

No other consultation was required.

FINANCIAL IMPLICATIONS

All financial implications are contained within council's Environmental Health's allocated beach sampling budget.

RECOMMENDATION:

- A. The Report on the *Recreational Waters Report 1 July 2019 – 30 June 2020* be received and noted.
- B. The *Recreational Waters Report 1 July 2019 – 30 June 2020* be made available on the Council website and at the Council offices for inspection.

/ Refer to Page 42 for Decision on this Item...

RECREATIONAL WATERS REPORT 1 JULY 2019 – 30 JUNE 2020 /contd...

Decision:	MOVED Ald Kennedy SECONDED Ald Walker “That the Recommendation be adopted”. CARRIED UNANIMOUSLY
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11.7.2 KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE**EXECUTIVE SUMMARY****PURPOSE**

To grant a further extension of time to Chambroad Overseas Investment Australia Pty Ltd to achieve substantial commencement of the Kangaroo Bay Hotel and Hospitality School Site development, in accordance with the Sale and Development Agreement between the parties.

RELATION TO EXISTING POLICY/PLANS

Clarence City Council Strategic Plan 2016 – 2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. Should an alternative recommendation be adopted, there may be significant financial implications for council.

RECOMMENDATION:

That Council:

- A. Notes the written request for an extension of time by Chambroad Overseas Investment Australia Pty Ltd (Chambroad), dated 7 October 2020, including the proposed measures to monitor the project and provide updated information to Council on a regular six-monthly basis during the extension period.
- B. Acknowledges the challenges and circumstances that have confronted Chambroad and the University of Tasmania (UTAS) as a consequence of the global COVID-19 pandemic, and that the non-compliance with the agreed time limit for substantial commencement arises for reasons not within the reasonable control of Chambroad.
- C. Authorises the General Manager to write to Chambroad to offer an extension of time in accordance with the terms of the Sale and Development Agreement, subject to the following conditions:
 - a. That the time for substantial commencement be no later than 13 October 2022.
 - b. That the Mayor and General Manager be briefed on progress immediately following each six-monthly review meeting, or at any other time that a critical decision related to the site or project is to be made, with an update report to be provided for tabling in open council by the Mayor at the following meeting of Council.

- c. Prior to any decision to commence works at the site, the General Manager must be notified in writing. Chambroad is to provide council access, via an independent probity auditor appointed by the General Manager, to the following executed agreements which will provide evidence that key agreements are in place to support a reasonable conclusion that Chambroad will be able to complete the project. The key agreements are:
 - i. The agreements with UTAS (or another educational partner) in respect to the collaboration and rental of the education and related facilities;
 - ii. The agreement with a hotel operator in respect to the management agreement of the five-star hotel facility; and
 - iii. The head contract with the principal construction contractor for construction of the buildings and other onsite facilities as approved by the relevant development permit, to the practical completion stage. If there is more than one head construction contract, then each contract shall be provided.
 - d. Upon completion of the requirements set out at Recommendation C(c) above, the General Manager will issue Chambroad a certificate that confirms Council is satisfied that Chambroad can reasonably complete the project.
 - e. That Chambroad provides acknowledgment that the extension of time and conditions set out above do not alter the buy-back provisions contained in the Sale and Development Agreement, which will become active from the 14 October 2022 if substantial commencement has not occurred.
 - f. That Chambroad provides acknowledgment accepting Council's offered extension including the conditions contained within this Recommendation C.
- D. Authorises the General Manager to take all reasonable steps to conclude the arrangements set out at Recommendation C above.
- E. Acknowledges Chambroad's offer to make the site available on a temporary basis for community use prior to development commencing.

KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE /contd...

Decision:	MOVED Ald Ewington SECONDED Ald Blomeley	
	“That the Recommendation be adopted”.	
	The Mayor asked the Deputy Mayor to assume the Chair while he entered the debate as an Alderman (9.59pm).	
	The Mayor resumed the Chair at (10.04pm).	
	The MOTION was put and LOST	
	FOR	AGAINST
	Ald Chipman	Ald Edmunds
	Ald Chong	Ald James
	Ald Blomeley	Ald Kennedy
	Ald Ewington	Ald Mulder
	Ald von Bertouch	Ald Peers
	Ald Walker	Ald Warren

12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald James

1. In relation to 19 Corinth Street in Howrah. There has been not so pleasant discourse between residents in relation to the adjoining properties abutting 19 Corinth Street. Given that there has been now some resolution in relation to what is to proceed next are you interested to send a letter to those people just to calm the waters and say unfortunately we got off to a bad start but now we have in fact reached an area of making an amendment? Is the General Manager prepared to calm the waters between the residents in relation to where we stand now in relation to this and try to settle some of the issues that have been brought to the fore and have made those residents in particular a little bit unhappy with the way matters have been handled?

ANSWER

The General Manager was unclear as to what Alderman James was seeking. Ald James to provide further information at his convenience.

Ald James subsequently clarified his question as follows.

On 27 March 2020 Dr Whitham received a reply email from the GM CCC and wrote, inter alia ***“neither I nor my staff will deal further with your complaints regarding 19 Corinth Street beyond this email”*** citing the ***“circumstances of the current COVID-19 crisis”***

In the spirit of cooperation and fostering good relations between Council and the Whithams resulting in the changed circumstances and possible changes to the development at 19 Corinth Street, Howrah, it is suggested the General Manager CCC write to Dr Whitham and thank them, Whithams, for providing further information and bringing matters to Council's attention.

ANSWER

The decision regarding further dealings with Dr Whitham was not related to the COVID-19 crisis. Considering all of the circumstances pertaining to this matter, it is inappropriate to proceed as Ald James suggests.

2. Regarding Kangaroo Bay Hotel Development, is it proposed on 12 October to have some information available to the Aldermen that will be circulated as part of the open meeting proposal and also is it proposed to have some information that is only available in closed meeting which obviously will only be available to the Aldermen and that may hamstring the ability to be able to debate the issues?

ANSWER

(Mayor) It is too early to say at this point in time. We are still waiting for discussion between the General Manager and the parties concerned. Those discussions are still a work in progress. When we know what the outcome of those are then we will be in a position to schedule workshops and council meetings. The intention is to hold an open meeting in regard to that on 12 October. We can't confirm that at this stage because negotiations are still taking place.

Question contd

What information will be available to the public?

ANSWER

(Mayor) It is too early for me to say.

Question contd

Will there be information available to the public which will help to assist obviously not only the Aldermen in providing the debate but also being able to canvass at least those issues with the public?

ANSWER

(Mayor) It is a work in progress Ald James. Rest assured we will release as much as we possibly can to the public as soon as it is available to the Aldermen. In other words, we will be briefing the Aldermen before we brief the public.

Ald Blomeley

I refer to the answer that the General Manager provided earlier this evening to a Question on Notice from a member of the public and also further to our discussion we had in recent times Mr Mayor, both with you and the General Manager which involved the CIO and other staff particularly regarding the ability of elected members to participate in council meetings when through no reason of their own they are not allowed as we are now in the COVID environment to attend a council meeting. Is it the last advice I received on the 9th of this month or is there a work around or is it not possible? I proposed a potential way forward and I would just like an update whether that is allowed otherwise Mr Mayor as I indicated previously because I am required by government rules to be in isolation on 12 October I am in effect disenfranchised from being present here at the council meeting and from the democratic process?

ANSWER

The update that I can provide is that we have written to the Director of Local Government and are awaiting a response. The question that we have posed is per our discussions at the workshop on Monday night - that if you are able to view the live feed can you either email or text your vote to the chair of the meeting and have that recognised? I have not had a response at this point in time but as soon as I do I will circulate that to all Aldermen.

Ald Walker

1. Clarence City Council has a YouTube page which it hosts where people can look up meetings past and present but separate to that two months ago six short videos were put up in relation to Clarence health system parts. I note it has had 23 views which if the technology and voice over were managed in house then it is a credit to our staff for the high level elocution and way that they do this however if this was outsourced I would like to know what was the cost and what that works out per view of the YouTube site?

ANSWER

The Clarence health systems parts videos were produced in July 2019. The content was developed by staff (UTAS, DoH, CCC) and the production was outsourced. The videos were funded by Tasmanian Government as part of its Anticipatory Care Research project (ACR). The production cost of the videos including the illustrations was \$3,460.

2. Through the budgeting process we discussed a range of things as we do with every budget it also includes scope and level of funding for Help2health. Two months ago brings us into July which is the beginning of the new financial year. What is the focus that council has with this project and how is it related to what directives Aldermen gave through the budgeting process?

ANSWER

The Help to Health (H2H) project is one of four projects that have been funded by the Tasmanian Government as part of its Anticipatory Care Research project (ACR). The other funded projects are in Ulverstone, Flinders Island, Launceston (northern suburbs). The goal of the ACR project is to explore new ways of delivering anticipatory care to communities with the aim of improving health and wellbeing.

Clarence's project - Help to Health - aligns strongly with Council's Community Health and Wellbeing Plan 2013-2018 and was implemented through our Community Health and Wellbeing Committee. After the initial pilot, funded by Primary Health Tasmania, the Department of Health invested a further \$225,000 in the Clarence community, funding the program and associated research activities. As part of the budget deliberations Council decided that it would not allocate any funds to H2H for this financial year; Council did not resolve on any other action in respect to the project. As there is still ACR funding left H2H is continuing in pared back form focusing on providing health information and connecting local health practitioners in line with the program aims and objectives.

Ald Edmunds

1. Regarding Pipers Road Geilston Bay, I believe there are plans afoot about the state of that road which is copping a hiding from trucks particularly at the intersection with the first street on the left. Where are those works at and will the works also look at possibly having a slip lane off the East Derwent Highway?

ANSWER

The design is complete for the Pipers Road junction and upgrade of the road itself and the works are out to tender. That includes a left slip lane off the highway. There will be a report coming to council shortly

2. In terms of the upcoming Council Meeting with the decision around Kangaroo Bay, whether as part of the materials or briefing before that meeting the Aldermen will be given a run down of the terms of any potential buy back?

ANSWER

We are still working with the developer at the moment to flesh out their proposal following the workshop - so getting down to the nuts and bolts of some detail. I would expect at some stage very soon to be providing a briefing to Aldermen probably at a workshop within the next fortnight.

Question contd

That particular issue of the buy back is that something we will be briefed on before October 12?

ANSWER

Yes, but to be really complete about it in my mind there are two elements to that. There is the proposal and the details to the proposal that the developer would wish to put forward and then I need to brief Aldermen in terms of the requirements of the contract and the advice that goes along with that prior to you considering via a report.

Ald Ewington

1. Is there any update you can give us on the discussions in relation to the extra access for the guys down at airport roundabout for the development?

ANSWER

(Mr Lovell) The matter has been deferred for hearing by the tribunal.

(Mayor) I understand that there will be no further discussion between the proponents until that hearing has taken place. That is the latest information I have.

Question contd

Can I ask, you met with them so can you tell us what happened between you and them?

ANSWER

(Mayor) All I can say is that I don't think there is any intention for the parties to get together again until that hearing has taken place at the tribunal that is the next step.

2. When we had COVID happening we were notified that the dog rangers had changed roles and helped out in other areas. I have had regular feedback from people given the high use we have had on the tracks and beaches that there are a lot of unruly dogs out there so I just question whether we have got the rangers back on the tracks and whether they are ready for spring to kick in and make sure we get a bit of law and order back there?

ANSWER

The rangers are back resuming their normal duties and they are back patrolling the tracks. The intensification will start from 1 December when we start our summer period. The other thing to aid that we are purchasing another bicycle so that they can get around the tracks a lot more quickly.

Question contd

When are we due to review the dog policy?

ANSWER

We are scheduled to commence the review early November. We are coming to a workshop next month.

Ald Kennedy

With our future planning for dog parks in the city and any works that might be undertaken with them are we actually making a provision to at least explore off leash areas for greyhounds given the huge number of greyhounds that are now being adopted by members of our city?

ANSWER

That will be part of the workshop discussion. It just requires special recognition in relation to declaring an area for greyhounds.

Ald Mulder

1. Given that Section 48 1(b) of the Evidence Act 2001 allows into evidence, and the following is an extract so don't blame me for the language, thank the Parliamentary Council, "allows into evidence a document that is a copy of a document and that has been produced by a device that reproduces contents of documents" why does the General Manager not accept scanned paper petitions as compliant with Part 6 of the Local Government Act?

ANSWER

The Local Government Act requires signatories to a paper petition to add their details to the paper petition and to sign the petition. The wording of the Act doesn't make any provision, unlike the Evidence Act, for copies of a petition to be accepted.

2. Regarding the Kangaroo Bay Hospitality School, once the buy back clause in the contract has been extinguished by substantial commencement should that occur, are there any legal or contractual impediments to Chambroad abandoning the hotel project and submitting an alternative development application?

ANSWER

There is no legal or contractual impediment that I am aware of. Basically, it is the same situation for any developer. Once they have achieved substantial commencement then if they cease construction, we have a very limited suite of actions that we can take and there is a particular property that we know and talk of regularly that fits that bill.

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 T1351/19 – RINGWOOD ROAD STORMWATER UPGRADE

13.3 ANNUAL REVIEW – GENERAL MANAGER

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:

- personnel matters;
- 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:	<p>PROCEDURAL MOTION MOVED Ald Chong SECONDED Ald Peers</p> <p>“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”.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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CLOSED MEETING /contd...

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

13.2 TENDER 1351/19 – RINGWOOD ROAD STORMWATER UPGRADE

Decision:	MOVED Ald Mulder SECONDED Ald Peers
	“A. That the Tender received from MS Tas Civil Pty Ltd for the amount of \$316,402.70 excluding GST, be accepted for the Ringwood Road stormwater upgrade.
	B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”
	CARRIED UNANIMOUSLY

The Meeting closed at 11.00pm.