

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 1 MARCH 2021

**HOURL CALLED:** 7.00pm

**PRESENT:** The meeting commenced at 7.04pm 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)

Group Manager Engineering Services  
(Mr R Graham)

Chief Financial Officer  
(Ms M Coleman)

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 10.04pm.

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 1 MARCH 2021**

**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE</b>
1.	ATTENDANCE AND APOLOGIES.....	5
2.	***CONFIRMATION OF MINUTES .....	5
3.	MAYOR’S COMMUNICATION .....	5
4.	***COUNCIL WORKSHOPS .....	6
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE .....	6
6.	***TABLING OF PETITIONS.....	7
7.	PUBLIC QUESTION TIME.....	8
7.1	PUBLIC QUESTIONS ON NOTICE .....	8
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	8
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	8
7.4	QUESTIONS WITHOUT NOTICE .....	9
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC .....	10
9.	MOTIONS ON NOTICE.....	11
9.1	NOTICE OF MOTION - ALD MULDER REPLACEMENT OF FENCE – 179/181 CLARENCE STREET .....	11
9.2	NOTICE OF MOTION - ALD JAMES ACCESS INTO MURTONS ROAD FROM EAST DERWENT HIGHWAY .....	12
9.3	NOTICE OF MOTION - ALD VON BERTOUCHE 52 RICHARDSONS ROAD.....	13
10.	***REPORTS FROM OUTSIDE BODIES .....	14
10.1	***REPORTS FROM SINGLE AND JOINT AUTHORITIES .....	14
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• TASMANIAN WATER CORPORATION	
	• GREATER HOBART COMMITTEE	
10.2	***REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES.....	14

11.	REPORTS OF OFFICERS.....	15
11.1	***WEEKLY BRIEFING REPORTS .....	15
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS.....	16

### **11.3 PLANNING AUTHORITY MATTERS**

11.3.1	DEVELOPMENT APPLICATION PDPLANPMTD-2020/008501 – 3176A SOUTH ARM ROAD, SOUTH ARM - DWELLING AND GARAGE.....	18
11.3.2	DEVELOPMENT APPLICATION PDPLANPMTD-2020/015068 – 39 MALUKA STREET, BELLERIVE – DWELLING ADDITIONS AND ALTERATIONS.....	21
11.3.3	DEVELOPMENT APPLICATION PDPLANPMTD-2021/015376 – 39 SOUTH ARM ROAD, ROKEBY - WAREHOUSE.....	23
11.3.4	DEVELOPMENT APPLICATION PDPLANPMTD-2020/012606 – 84 EAST DERWENT HIGHWAY, LINDISFARNE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW).....	25
11.3.5	DEVELOPMENT APPLICATION PDPLANPMTD-2020/015128 – 19 KELLATIE ROAD, ROSNY – 3 MULTIPLE DWELLINGS .....	26
11.3.6	DEVELOPMENT APPLICATION PDPLANPMTD-2020/014184 – 30 PASS ROAD, HOWRAH - RESTAURANT AND TAKEAWAY WITH DRIVE THROUGH FACILITY .....	28

### **11.4 CUSTOMER SERVICE - NIL ITEMS**

### **11.5 ASSET MANAGEMENT - NIL ITEMS**

### **11.6 FINANCIAL MANAGEMENT - NIL ITEMS**

### **11.7 GOVERNANCE**

11.7.1	QUARTERLY REPORT TO 31 DECEMBER 2020.....	38
11.7.2	CITY OF HOBART - REQUEST TO AMEND THE URBAN GROWTH BOUNDARY AT 66 SUMMERHILL ROAD, WEST HOBART .....	39
12.	ALDERMEN'S QUESTION TIME .....	41
12.1	QUESTIONS ON NOTICE.....	41
12.2	ANSWERS TO QUESTIONS ON NOTICE.....	41
12.3	ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING.....	42
12.4	QUESTIONS WITHOUT NOTICE .....	46

13.	CLOSED MEETING .....	47
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	TENDER T1358-20 – BELLERIVE BEACH PARK – SHARED CYCLE PATH CONSTRUCTION	

## 1. ATTENDANCE AND APOLOGIES

Refer to cover page.

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

### RECOMMENDATION:

That the Minutes of the Council Meeting held on 9 February 2021, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 9 February 2021, 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

- 10 February: ABC Interview with Ryk Goddard;  
Tas Broadcasters – Mobile Interview;  
ABC Drive-by Interview;
- 11 February: Channel 7 Tv Interview – regarding Richmond Pooseum;
- 16 February: Triple M Hobart Radio Interview with Brian Carlton;  
Greater Hobart Mayors Forum;  
Greater Hobart Committee Meeting;
- 17 February: RDA Tasmania Committee Dinner;
- 18 February: RDA Tasmania Committee Meeting;  
Pooley Wines – Clarence Jazz Festival; and
- 19 February: Clarence Jazz Festival – Spike Mason – McEntee & Mira.

### Deputy Mayor

- 11 February: Exhibition Opening at School House Gallery (on behalf of Mayor);
- 12 February: Governor of Tasmania – Investiture for Recipients of 2020 Australian Bravery Decorations (on behalf of Mayor);
- 17 February: Cuppa with a Cop (on behalf of Mayor); and
- 18 February: Chemist Warehouse Grand Opening – Rosny (on behalf of Mayor).

#### 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
Budget Items	
LGAT Motions – Meeting 12 March	15 February
South Arm Men's Shed	
Bellerive Village Traffic and Pedestrian Safety Consultation	
Begonia Street	22 February

#### RECOMMENDATION:

That Council notes the workshops conducted.

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

“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:** **NIL**

**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.

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

- Electronic petition received from 256 signatories requesting Council to reconsider the proposal to request the Minister for Planning to extend the Urban Growth Boundary (UGB) within the Southern Tasmanian Regional Land Use Strategy (STRLUS) to include the land at 52 Richardsons Road, Sandford and prior to reconsidering the proposal Council undertake broad consultation within the Lauderdale and Sandford community to ascertain community views in relation to the proposed extension to the UGB.



**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.

At Council's Meeting of 9 February 2021 Mrs Kirstie Judd asked the following question:

**PLAY SPACE SOUTH ARM**

Given the play space at South Arm is approved and funded, will the council reconsider their proposal to delay commencement of its construction, given that it will likely result in noise generation with use, for which the berm will offer no mitigation? Would it not be better to complete all construction in the area and then consider the need for noise mitigation and the best solution across the whole area?

**ANSWER**

The play space at South Arm Oval was approved as part of the South Arm Oval Master Plan (council decision, 12 October 2020). The play space is not yet funded by council. Council will consider funding for the Master Plan as part of its FY2021/22 budget considerations. Subject to funding, detailed design and construction will then be programmed. Detailed design will consider all relevant issues, including noise.

**7.4 QUESTIONS WITHOUT NOTICE**

Mrs Jenni McLeod of South Arm asked the following question.

**EARTH BERM AT SOUTH ARM**

1. In recent months, 3 properties have sold in Calverton Place (backing onto the skatepark) in record time and at record prices. Will the Council acknowledge the skatepark is a community asset adding to property values and not detracting from values, as has been argued by some, and the construction of an earth berm may adversely impact adjacent property values?
2. The proposed development includes an unsafe corridor and pocket preventing safe access for girls and women to this space. In an environment where all levels of government are being questioned about safe environments for women, does the Clarence City Council really want to be seen facilitating an infrastructure build that limits passive surveillance of the site and therefore safe access for women and girls? At the skatepark?

**ANSWER**

1. I am unable to answer that question because it requires me to speculate.
2. Council officers will consider all aspects of any development including safety. This is a standard part of all design work by council.

Mr Michael Geard of Bellerive asked the following question.

**CONTRACT WORKS PIER/BREAKWATER**

Could the General Manager give us an update on the pier/breakwater and if the construction will exceed the budget?

**ANSWER**

We understand from the contractor that he is intending to finish the Bellerive Public Pier this month. In terms of the budget the contractor's variation claims are still to be resolved under the contract in terms of whether they are accepted or not so I am not in a position to advise in relation to the budget at the present time.

Mrs Joanne Marsh of Bellerive asked the following question.

**PEDESTRIAN SAFETY**

A new pedestrian safety sign has been installed at the Howard Road/Brooker Highway intersection. It flashes for about ten seconds when the button is activated and reads give way to pedestrians.

Is it possible for Council engineers to consider installing a similar pedestrian safety device at the intersection facing the cars turning left from Kangaroo bay Drive into Rosny Hill Road where a similar pedestrian safety issue exists?

**ANSWER**

The General Manager took the Question on Notice.

**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)

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/014184 – 30 PASS ROAD, HOWRAH – RESTAURANT AND TAKEAWAY WITH DRIVE THROUGH FACILITY**  
(REFER ITEM 11.3.6)

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

**NOTICE OF MOTION – ALD VON BERTOUCHE – 52 RICHARDSONS ROAD**  
(REFER ITEM 9.3)

Preston Clothier provided a deputation regarding the above matter which was read out by the General Manager.

Eileen Petersen provided a deputation regarding the above matter which was read out by the General Manager.

Mary-anne Evans provided a deputation regarding the above matter which was read out by the General Manager.

Claire I'Anson provided a deputation regarding the above matter which was read out by the General Manager.

Nik Masters 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 MULDER  
REPLACEMENT OF FENCE – 179/181 CLARENCE STREET**

In accordance with Notice given it was:

**Decision:** **MOVED** Ald Mulder **SECONDED** Ald Peers

“Council replaces the dilapidated fence rails and palings on the boundary between Council land at 179 Clarence Street and the private residence at 181 Clarence Street, Howrah.”

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

**FOR**

Ald Edmunds  
Ald Kennedy  
Ald Mulder  
Ald Peers  
Ald Warren

**AGAINST**

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

<b>9.2 NOTICE OF MOTION - ALD JAMES ACCESS INTO MURTONS ROAD FROM EAST DERWENT HIGHWAY</b>
--

In accordance with Notice given it was:

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Blomeley	
	<p>“That Council writes to the Department of State Growth requesting consideration be given for the provision of safe access into Murtons Road off East Derwent Highway Otago.”</p> <p>The Mayor asked the Deputy Mayor to assume the Chair while he entered the debate as an Alderman (7.46pm).</p> <p>The Mayor resumed the Chair at 7.47pm.</p>	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Blomeley	Ald Chipman (abstained)
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Walker	
	Ald Warren	

### 9.3 NOTICE OF MOTION - ALD VON BERTOUCHE 52 RICHARDSONS ROAD

In accordance with Notice given it was:

<b>Decision:</b>	<b>MOVED</b> Ald von Bertouch <b>SECONDED</b> Ald James	
	<p>“A. That Council rescinds the decision made at its 9 February 2021 meeting:</p> <p><i>‘That Council resolves to support the proposed expansion of the UGB to include the land at 52 Richardsons Road, Sandford and requests the Minister for Planning to approve the necessary amendment to the Southern Tasmanian Regional Land Use Strategy.’</i></p> <p>B. That prior to reconsidering the proposal to request the Minister for Planning to extend the Urban Growth Boundary (UGB) within the Southern Tasmanian Regional Land Use Strategy (STRLUS) to include the land at 52 Richardsons Road, Sandford, Council undertakes broad consultation within the Lauderdale and Sandford communities to ascertain community views in relation to the proposed extension of the UGB.”</p>	
	The <b>MOTION</b> was put and <b>LOST</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chong	Ald Chipman
	Ald James	Ald Blomeley
	Ald von Bertouch	Ald Edmunds
	Ald Walker	Ald Ewington
	Ald Warren	Ald Kennedy
		Ald Mulder
		Ald Peers

**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**

December Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

A meeting of the Greater Hobart Committee was held on 16 February 2021. The Meeting communique was attached.

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

**TRACKS AND TRAILS ADVISORY COMMITTEE**

- Ald James tabled the draft Minutes of a Meeting held on 15 December 2020.

**CLARENCE POSITIVE AGEING ADVISORY COMMITTEE**

- Ald von Bertouch tabled the Minutes of a Meeting held on 17 December 2020.

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

The Weekly Briefing Reports of 8, 15 and 22 February 2021 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 8, 15 and 22 February 2021 be noted.

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

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



**11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**

Nil.

### **11.3 PLANNING AUTHORITY MATTERS**

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

**11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/008501 – 3176A SOUTH ARM ROAD, SOUTH ARM - DWELLING AND GARAGE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling and Garage at 3176A South Arm Road, South Arm.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Village and subject to the Parking and Access, On-site Wastewater Management, Coastal Erosion Hazard, Waterway and Coastal Protection, 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 3 March 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 22 representations were received raising the following issues:

- Directors determination regarding construction in coastal areas;
- privacy of beachgoers;
- visual impact and visual amenity;
- date of lodgement;
- lodgement of the application;
- village atmosphere;
- precedent for building close to the beach;
- climate change;
- density of development;
- flora and fauna impacts;
- building line;
- front boundary setback;
- decrease in property value;
- plan of subdivision building area;
- development height;

- loss of views;
- Coastal Erosion Hazard Code;
- State Coastal Policy;
- method of advertising;
- a full set of reports was not provided for the application;
- Waterway and Coastal Protection Code; and
- qualifications of the author of the coastal erosion documentation.

**RECOMMENDATION:**

A. That the Development Application for Dwelling and Garage at 3176A South Arm Road, South Arm (CI Ref PDPLANPMTD-2020/008501) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. STRUCTURE FOUNDATION REQUIREMENTS

The foundations associated with the structure (dwelling) must be designed and constructed in accordance with all recommendations of the Coastal Vulnerability Report prepared by Geo-Environmental Solutions dated July 2020, taking into account the additional measures noted in the peer review by Pitt & Sherry of the Coastal Vulnerability Report. Foundations must be engineered to compensate for lateral and vertical forces and be founded within the stable foundation layer (below - 1.0mAHD).

3. SOIL MANAGEMENT PLAN

A Site Soil and Water Management Plan must be prepared by a suitably qualified person for the development. This must be provided prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works and be to the satisfaction of Council's Group Manager Engineering Services.

4. The works must be undertaken generally in accordance with "Wetlands and Waterways Works Manual" (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and avoid unnecessary use of machinery within watercourses or wetlands.

**ADVICE**

a. The peer review authored by Pitt & Sherry has been provided to the applicant and suggests additional measures may be required to ensure the sustainable structural stability of the dwelling.

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 20 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/008501 – 3176A SOUTH ARM ROAD, SOUTH ARM - DWELLING AND GARAGE /contd...**

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

**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/015068 – 39 MALUKA STREET, BELLERIVE – DWELLING ADDITIONS AND ALTERATIONS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for dwelling additions and alterations at 39 Maluka Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Landslide, 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 with the written consent of the applicant on 3 March 2021.

**CONSULTATION**

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

- stormwater runoff and site drainage;
- necessity for a geotechnical report; and
- building envelope and setback.

**RECOMMENDATION:**

A. That the development application for dwelling additions and alterations at 39 Maluka Street, Bellerive (CI Ref PDPLANPMTD-2020/015068) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

**ADVICE**

Any existing drains affected by the new additions are to be relocated to ensure all overflow gullies are clear and are to be constructed using PVC. This work (if required) is to be addressed by the Building/Plumbing Permit applications when lodged.

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

**Decision:** **MOVED** Ald Walker **SECONDED** Ald Blomeley

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/015376 – 39 SOUTH ARM ROAD, ROKEBY - WAREHOUSE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Warehouse at 39 South Arm Road, Rokeby.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Light Industrial and subject to the 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 3 March 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and three representations were received (two from the same property) raising the following issues:

- drainage;
- colours;
- landscaping;
- construction hours;
- use of 3 Droughty Point Road during construction; and
- previous history of non-compliance;

**RECOMMENDATION:**

A. That the Development Application for Warehouse at 39 South Arm Road, Rokeby (CI Ref PDPLANPMTD-2021/015376) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.



2. GEN AM3 – EXTERNAL COLOURS - Replace first sentence with “All external surfaces must be finished in muted tones to the satisfaction of Council’s Manager City Planning.”
  3. GEN AM7 – OUTDOOR LIGHTING.
  4. GEN C1 – ON-SITE CAR PARKING [71].
  5. ENG A5 – SEALED CAR PARKING.
  6. ENG M1 – DESIGNS DA.
  7. ENG S1 – INFRASTRUCTURE REPAIR.
  8. For the purposes of protecting Council’s stormwater system all stormwater runoff from impervious surfaces within the site must be treated and discharged from the site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010 and consistent with the Stormwater System Management Plan for the relevant catchment. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions or a model using industry accepted proprietary software, such as MUSIC must be submitted to Council’s Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. A Maintenance Management Schedule/Regime must also be submitted, and the facility must be maintained in accordance with this schedule.
  9. The development must meet all required Conditions of Approval specified by TasWater notice dated 12 January 2021 (TWDA 2021/00024).
- 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 Peers <b>SECONDED</b> Ald Kennedy  “That the Recommendation be adopted”.  Ald Walker left the Meeting at this stage (8.49pm).  The <b>MOTION</b> was <b>put</b> and <b>CARRIED UNANIMOUSLY</b>
------------------	---

**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/012606 – 84 EAST DERWENT HIGHWAY, LINDISFARNE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)**

## **EXECUTIVE SUMMARY**

### **PURPOSE**

The purpose of this report is to consider a consent agreement to resolve an appeal against council's decision to refuse the development application made for 3 Multiple Dwellings (1 existing + 2 new) at 84 East Derwent Highway, Lindisfarne.

### **RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the parking and Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme).

### **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.

### **RECOMMENDATION:**

- A. That Council resolves to enter into a Consent Agreement to grant a permit in accordance with the draft Agreement contained in Attachment 2 of the Associated Report.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

### **Decision:**

**MOVED** Ald Blomeley **SECONDED** Ald Mulder

“That the Recommendation be adopted”.

Ald Walker returned to the Meeting at 8.53pm.

Ald Edmunds left the Meeting at 8.54pm.

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

**11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2020/015128 – 19  
KELLATIE ROAD, ROSNY - 3 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings at 19 Kellatie Road, Rosny.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 3 March 2021.

**CONSULTATION**

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

- overshadowing;
- visual impacts;
- privacy;
- streetscape; and
- property values.

**RECOMMENDATION:**

A. That the Development Application for 3 Multiple Dwellings at 19 Kellatie Road, Rosny (CI Ref PDPLANPMTD-2020/015128) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A5 – SEALED CAR PARKING.
3. ENG M1 – DESIGNS DA.

4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG A2 – CROSSOVER CHANGE.
6. ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES.
7. The development must meet all required Conditions of Approval specified by TasWater notice dated 23/12/2020 (TWDA 2020/02194-CCC).

**ADVICE**

The proposed works are located within a mapped overland flow path and therefore prone to flood. As such, as part of the building permit application it is required to demonstrate that the finished floor level of all habitable rooms is 300mm or more above the designated flood level for that land. The Building Surveyor must consider this as part of their assessment and certification of the documents.

- 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 Kennedy

“That the Recommendation be adopted”.

Ald Edmunds returned to the Meeting at this stage (8.57pm).

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

**FOR**

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

**AGAINST**

Ald James (abstained)

**11.3.6 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014184 – 30 PASS ROAD, HOWRAH - RESTAURANT AND TAKEAWAY WITH DRIVE THROUGH FACILITY****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a restaurant and takeaway with drive through facility at 30 Pass Road, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Business and is subject to the Road and Railway Assets Code, Parking and Access Code, Stormwater Management Code, Signs Code, Public Art Code and the Glebe Hill Neighbourhood Centre Specific Area Plan 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 3 March 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 30 representations were received within the statutory timeframe and one submission received outside of the statutory timeframe. The representors have raised the following issues:

- hours of operation;
- traffic and access impacts;
- location of development;
- noise impact;
- anti-social behaviour;
- policing pressures;
- loss of privacy;
- structural integrity of road design;
- landscaping;
- littering;
- impact upon nearby medical centre;
- external lighting impacts;

- odour management;
- community health;
- delivery vehicle arrangements; and
- support.

**RECOMMENDATION:**

A. That the Development Application for restaurant and takeaway with drive through facility at 30 Pass Road, Howrah (C1 Ref PDPLANPMTD-2020/014184) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM7 – OUTDOOR LIGHTING.
3. GEN C1 – ON-SITE CAR PARKING [262] [delete last sentence].
4. The approved signage is referenced as A1, S13B, A2 and S13A on the endorsed plans, but does not include S13A.
5. GEN S7 – SIGN MAINTENANCE.
6. Prior to the commencement of the use, a Security and Operational Management Plan (the Plan) must be submitted to and approved by Council's Manager City Planning. The plan must set out the management aspects such as security patrols, operation of CCTV, vehicle licence plate recognition, duress/alarm buttons in toilets, location and servicing of rubbish receptacles. The Plan must set out a process for the operator to review requirements on an annual basis and respond to any reasonable community concerns raised by Council.
7. A plan for the management of construction must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:
  - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
  - proposed hours of construction;
  - identification of potentially noisy construction phases, such as operation of rockbreakers;
  - explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
  - spread of pathogens which may include noxious weeds such as Texas needle grass;
  - control of dust and emissions during working hours;
  - construction parking;
  - proposed screening of the site and vehicular access points during work; and

- procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

8. ENG A5 – SEALED CAR PARKING.
9. ENG M1 – DESIGNS DA.
10. ENG S1 – INFRASTRUCTURE REPAIR.
11. ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES – PART 5.
12. The footpath connection between the carpark and the multi-use path on Pass Road must be designed and constructed at a minimum width of 2.5m to the satisfaction of Council's Group Manager Engineering Services.
13. Noise emissions measured at the boundary of a residential zone 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) (LAm<sub>ax</sub>) 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 levels for tonality and impulsiveness. Noise levels are to be averaged over a 15-minute time interval.

A report from a suitably qualified person verifying the noise levels do not exceed this requirement must be submitted to Council within 30 days of the commencement of the use and 12 months thereafter. Should levels exceed this requirement, suitable mitigation must be undertaken to the satisfaction of Council's Senior Environmental Health Officer.
14. Commercial vehicle movements, (including loading and unloading and garbage removal) to or from the Restaurant must be within the hours of:
  - (a) 6.00am to 10.00pm Mondays to Saturdays inclusive; and
  - (b) 7.00am to 9.00pm Sundays and public holidays.
15. LAND 1A – LANDSCAPE PLAN.
16. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

17. Public art works valued not less than \$20,000 must be provided in a form and location in accordance with Council's documented guidelines, procedure and criteria to the satisfaction of Council's Manager City Planning. The form and location must be agreed prior to the issue of a Building Permit and installation of the art works must occur prior to the commencement of any uses hereby approved.
  18. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 November 2020 (TWDA 2020-01962-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.

<b>Decision:</b>	<b>MOVED</b> Ald Blomeley <b>SECONDED</b> Ald Ewington
	<p>“A. That the Development Application for restaurant and takeaway with drive through facility at 30 Pass Road, Howrah (Cl Ref PDPLANPMTD-2020/014184) be approved subject to the following conditions and advice.</p> <ol style="list-style-type: none"> <li>1. GEN AP1 – ENDORSED PLANS.</li> <li>2. GEN AM7 – OUTDOOR LIGHTING.</li> <li>3. GEN C1 – ON-SITE CAR PARKING [262] [delete last sentence].</li> <li>4. The approved signage is referenced as A1, S13B, A2 and S13A on bda plan 33/59 on the endorsed plans, but does not include S13A on Richmond + Ross drawing number A805 issue B.</li> <li>5. GEN S7 – SIGN MAINTENANCE.</li> <li>6. Prior to the commencement of the use, a Security and Operational Management Plan (the Plan) must be submitted to and approved by Council's Manager City Planning. The plan must set out the management aspects such as security patrols, operation of CCTV, vehicle licence plate recognition, duress/alarm buttons in toilets, location and servicing of rubbish receptacles. The Plan must set out a process for the operator to review requirements on an annual basis and respond to any reasonable community concerns raised by Council.</li> </ol>

/ Decision contd on Page 32...



**DEVELOPMENT APPLICATION PDPLANPMTD-2020/014184 – 30 PASS ROAD,  
HOWRAH - RESTAURANT AND TAKEAWAY WITH DRIVE THROUGH FACILITY  
/Decision contd...**

7. A plan for the management of construction must be submitted and approved by Council's Group Manager Engineering Services prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:
  - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
  - proposed hours of construction;
  - identification of potentially noisy construction phases, such as operation of rockbreakers;
  - explosives or pile drivers, and proposed means to minimise impact on the amenity of neighbouring buildings;
  - spread of pathogens which may include noxious weeds such as Texas needle grass;
  - control of dust and emissions during working hours;
  - construction parking;
  - proposed screening of the site and vehicular access points during work; and
  - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.
8. ENG A5 – SEALED CAR PARKING.
9. ENG M1 – DESIGNS DA.
10. ENG S1 – INFRASTRUCTURE REPAIR.
11. ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES – PART 5.
12. The footpath connection between the carpark and the multi-use path on Pass Road must be designed and constructed at a minimum width of 2.5m to the satisfaction of Council's Group Manager Engineering Services.

/ Decision contd on Page 33...

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/014184 – 30 PASS ROAD,  
HOWRAH - RESTAURANT AND TAKEAWAY WITH DRIVE THROUGH FACILITY  
/Decision contd...**

13. Noise emissions measured at the boundary of a residential zone 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) (LAmax) 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 levels for tonality and impulsiveness. Noise levels are to be averaged over a 15-minute time interval.

A report from a suitably qualified person verifying the noise levels do not exceed this requirement must be submitted to Council within 30 days of the commencement of the use and 12 months thereafter. Should levels exceed this requirement, suitable mitigation must be undertaken to the satisfaction of Council's Senior Environmental Health Officer.

14. Commercial vehicle movements, (including loading and unloading and garbage removal) to or from the Restaurant must be within the hours of:
- (a) 6.00am to 10.00pm Mondays to Saturdays inclusive; and
  - (b) 7.00am to 9.00pm Sundays and public holidays.

15. LAND 1A – LANDSCAPE PLAN.

16. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

/ Decision contd on Page 34...

**DEVELOPMENT APPLICATION PDPLANPMTD-2020/014184 – 30 PASS ROAD,  
HOWRAH - RESTAURANT AND TAKEAWAY WITH DRIVE THROUGH FACILITY  
/Decision contd...**

17. Public art works valued not less than \$20,000 must be provided in a form and location in accordance with Council's documented guidelines, procedure and criteria to the satisfaction of Council's Manager City Planning. The form and location must be agreed prior to the issue of a Building Permit and installation of the art works must occur prior to the commencement of any uses hereby approved.

18. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 November 2020 (TWDA 2020-01962-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."

**CARRIED**

**FOR**

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

**AGAINST**

Ald James

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

<b>11.4 CUSTOMER SERVICE</b>
------------------------------

Nil Items.

<b>11.5 ASSET MANAGEMENT</b>
------------------------------

Nil Items.

<b>11.6 FINANCIAL MANAGEMENT</b>
----------------------------------

Nil Items.

**11.7 GOVERNANCE****11.7.1 QUARTERLY REPORT TO 31 DECEMBER 2020****EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 October 2020 to 31 December 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 31 December 2020 be received.

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

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**11.7.2 CITY OF HOBART - REQUEST TO AMEND THE URBAN GROWTH BOUNDARY AT 66 SUMMERHILL ROAD, WEST HOBART****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a referral from the City of Hobart seeking Council's endorsement for an amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS) to extend the Urban Growth Boundary (UGB) to include the balance portion of the land at 66 Summerhill Road, West Hobart.

**RELATION TO PLANNING PROVISIONS**

The land at 66 Summerhill Road, West Hobart is currently zoned General Residential, Environmental Management and Environmental Living under the Hobart Interim Planning Scheme 2015.

The STRLUS UGB plan shows that the General Residential zoned portion of the land is currently within the UGB and the balance is outside of it.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

The Minister for Planning has requested that the City of Hobart seek endorsement from all councils within the southern region for a proposal to extend the UGB, to include the balance portion of the land at 66 Summerhill Road, West Hobart.

**RECOMMENDATION:**

- A. That the Minister for Planning be advised that:
  - 1. Council supports the request to extend the Southern Tasmanian Regional Land Use Strategy's Urban Growth Boundary to include the balance portion of the land at 66 Summerhill Road, West Hobart.
  - 2. Council is concerned that continued ad hoc expansion of the urban growth boundary at the fringes has potential to prejudice the implementation of established settlement strategies and accordingly, wishes to reiterate its previous requests for an urgent review of the Regional Strategy.
- 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 40 for Decision on this Item...



**CITY OF HOBART - REQUEST TO AMEND THE URBAN GROWTH BOUNDARY  
AT 66 SUMMERHILL ROAD, WEST HOBART /Decision contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Mulder <b>SECONDED</b> Ald James	
	“A. That the Minister for Planning be advised that:	
	1. Council supports the request to extend the Southern Tasmanian Regional Land Use Strategy’s Urban Growth Boundary to include the balance portion of the land at 66 Summerhill Road, West Hobart.	
	2. Council reiterates its previous requests for an urgent review of the Regional Strategy.	
	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>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chipman	Ald Chong
	Ald Blomeley	Ald von Bertouch
	Ald Edmunds	Ald Warren
	Ald Ewington	
	Ald James	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald Walker	

**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).

Ald Warren has given notice of the following question:

**FERRY TERMINAL OPTIONS - CLARENCE**

1. Given the recent discussion in the media on the upcoming Ferry trial, could the General Manager please update Council and ratepayers on the status of ferry terminal options in Clarence with particular reference to the suitability of the following existing structures:
  - The site of the original ferry terminal at Kangaroo Bay, currently owned by Chambroad and referred to in stakeholder consultations meetings in 2018 with Metro Tasmania as the intended ferry wharf site;
  - The boardwalk currently under construction;
  - The existing ferry wharf on Victoria Esplanade;
  - Any other plans such as a floating ferry wharf at another location.
2. Could the General Manager also update Council and ratepayers on any discussions about provision of parking for prospective passengers or measures that might be taken to avoid suburban streets becoming the preferred parking solution?

**12.2 ANSWERS TO QUESTIONS ON NOTICE****FERRY TERMINAL OPTIONS - CLARENCE**

1. At this point it is difficult to provide a detailed update. I have been in contact with the Department of State Growth and I am anticipating that we will have advice regarding the Tender decision for a ferry operator within the next fortnight and at that point in time we will have details of what is proposed. In terms of those 4 dot points of existing structures that might act as a ferry terminal in terms of the original proposal for the Chambroad site at this point in time I am not aware of any proposal that this site might be used as a ferry terminal. The boardwalk currently under construction, that is the pier site I understand, is not designed to take boats up against it so in terms of any proposal to use part of that would require construction by the proponent adjacent to it and that would need to satisfy engineering requirements and also any marine safety requirements in terms of vessel movements. The existing ferry wharf on Victoria Esplanade that is owned and operated by Federal Hotels potentially could be a site, but it would necessitate discussion between Federal hotels and a potential operator. I am not aware of any other floating ferry wharf other than the potential for something next to the pier that we are currently constructing but again I have not had any details about that.

/ contd on Page 42...

**ANSWERS TO QUESTIONS ON NOTICE /contd...**

2. At this point in time until we know what the details of a potential operator are and what is proposed I am not really in a position to provide any detail but what I would advise is that once that proposal is understood we would be looking to workshop that with Aldermen in terms of not only what is proposed but what operating arrangements may be made to avoid any foreseeable issues so as soon as I have some information I will make Aldermen aware of that.

**Supplementary Question**

Could you also rule in or rule out the Chambroad site as a potential ferry wharf?

**ANSWER**

I am not in a position to do that because it is a privately owned site. If there was a proposal to use that it would involve a discussion with Chambroad, the operator, Council and the Department of State Growth in the same way that a proposal to utilise the Federal wharf example might do as well. So, I cannot rule it in or out but we will just need to see what the proposal is once it is received.

**12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING****Ald Warren**

In relation to the charity bin next to the Unicorn Opportunity Shop in Lindisfarne, the bin hasn't been used since last year and the manager of the shop who is about to take over is happy for that bin to be removed. I've had complaints from the community about dumping, so my question is what assistance can council provide in helping to have that bin removed in consultation with the manager and would it be possible to replace it with perhaps a bench and perhaps some minor landscaping to discourage people who are creatures of habit from continuing to dump stuff in that location?

**ANSWER**

A work order has been issued and the charity bin has been removed.

**Ald James**

1. According to the Local Government Act of 1993 Section 22(4) a General Manager is to (a) keep a register of any delegations and (b) make the register available for inspection at a public office. At what public office is our General Manager's Delegation Register available and how can it be inspected by members of the public?

**ANSWER**

The delegation register is kept in this office and it can be inspected by appointment.

2. I refer to Chambroad Australia's summary of meeting notes of Wednesday, 3 February 2021 which was circulated earlier this evening. On the reverse side page it said that "the significant outgoing negative impact of the COVID-19 pandemic across the global tourism and hospitality market is expected to result in a surplus of skilled hospitality personnel globally and therefore a declining demand for training and education for an uncertain period of time. A combination of those factors has resulted in UTAS unable to identify a viable commercial path to commit to the Kangaroo Bay project". Now my question is given that as it seems as though highly unlikely for them to commit to the project under the terms of the SDA is it possible that it would have to advertise for another education provider in order to fulfil the conditions of the SDA as a hospitality and hotel complex?

**ANSWER**

(Mayor) They don't have to advertise but if they want the project to proceed, they have to find another education provider. It doesn't have to be UTAS.

Question contd

Does council have to be advised or is that something that the SDA basically as part of their decision making process?

**ANSWER**

My recollection is that the SDA doesn't provide a specific education provider, but I will confirm that.

(Further advice) – the SDA does not provide for a specific education provider.

**Ald Blomeley**

1. Mr Mayor, in late December, I was contacted by Howrah residents regarding the need to address long grass on the South Arm Highway between the Mornington and Shoreline roundabouts.

As we know, this stretch of Highway is owned and maintained by the Department of State Growth and I'd like to thank Mr Graham for his assistance in bringing this matter to the attention of DSG, who contacted me and arranged a works order for this to be addressed.

In late January the work occurred, however, the finished work was far from satisfactory.

One resident wrote to me: *"In my disbelief, I watched the gentlemen look at the length of grass and literally move on"*.

Mr Mayor, this resident is the parent of young children and has concerns about fire and snakes.

I contacted DSG's Maintenance Services South a week ago and have yet to receive a response.

Mr Mayor, would it please be possible for Council to add its weight to this matter by writing to DSG requesting that the long grass along this stretch of road be adequately mowed?

**ANSWER**

(Further advice) Council officers have written to DSG to ask for the long grass to be addressed

2. Mr Mayor, on the 30th of January, the City of Launceston presented the Key to the City to champion cyclist Richie Porte.

Has the City of Clarence ever presented the “Key to the City”?

**ANSWER**

On 31 August 1992, Council adopted a Civic Awards Policy which provided a three-tier recognition award system including Freedom of the City; Freeman of the City; and Key to the City.

In regard to the Key to the City element the policy allows the award to be granted “at the discretion of the Aldermen of the City of Clarence to any person who significantly distinguishes himself/herself in any sphere of activity”.

At its meeting of 14 September 1992, Council granted a Key to the City to Stephen Hawkins and gave recognition to the other two local athletes who represented Australia at the Barcelona Olympics.

A copy of the policy can be provided to Aldermen via the Weekly Briefing Report.

(Further advice) The policy was provided to Aldermen in the Weekly Briefing Report dated February 2021.

**Ald von Bertouch.**

1. Will Council be involved in the roll out of the COVID-19 vaccinations?

**ANSWER**

Council is likely to be involved in the last two phases. The State Government will commence their roll out in the last week of this month and the first 2 phases will be handled by the State and Commonwealth because they deal with emergency workers, border control and aged care and disability care workers. I do not have the exact timing of that at this stage.

2. If so, will they be linked or separate to the regular flu vaccinations?

**ANSWER**

They will be separate to the regular flu vaccinations because there is a requirement to have a two week gap between receiving a flu vaccination and a COVID-19 vaccination.

**Ald Edmunds**

I noted a couple of Mondays ago Kingborough Council had set up a process for public to attend their meetings. I just wondered if we have a plan or a strategy or a timeline around when that can potentially happen and what protocols we would need to have in place?

**ANSWER**

I am not aware that there has been any change in the distancing requirements and room number requirement and that has been our limiting factor within this chamber. The only way that we would be able to have the public back in a council meeting would be to find a larger room and the best location for that is Bellerive Oval and that comes at some cost. At the moment we do not have a plan in place for the public to attend but we are continually monitoring the situation.

**Ald Ewington**

I note of late there has been a lot of stickers placed around the community on posts and rubbish bins and things like that. I just want to confirm that there must be a council by-law and is that against a by-law and what are the penalties for people putting stickers all over the council property - bus stops and signs and those sort of things?

**ANSWER**

As I recall Ald Blomeley asked a similar question last year. I can provide you with that response if that assists.

**Question contd**

Can we do something to remind people that it is inappropriate. There seems to be more than there has been at any other time.

**ANSWER**

(Mayor) We will have a look at the response first. We may have already addressed that last year. It needs policing if it's becoming that obvious.

(Further advice) Council works crews are instructed to remove inappropriate stickers where possible in the ordinary course of their duties.

**Ald Mulder**

Harking back to Kangaroo Bay during debate I foreshadowed a motion in relation to the buy back option. I am just wondering procedurally whether you will accept that?

**ANSWER**

(Mayor) I am wondering whether the General Manager might be able to raise that in his discussions with Chambroad under part E of the decision which authorises the General Manager to separately write to Chambroad to negotiate non contractual conditions.

**Question contd**

I am under advice from the General Manager Mr Mayor that council has to make the request in council as well or is that covered by "all things necessary"?

**ANSWER**

I believe that you are referring to the release of the contract. Parties to the contract obviously are council and Chambroad. My view would be that I would need an instruction from council in order to take that step because it is a fairly significant step.

(Mayor) Can we put that on notice for the next council meeting?

(Ald Mulder) Yes, Mr Mayor but I may have to extinguish one of my own motions on notice as we are only allowed to move one at a time

(Mayor) I will discuss the matter with Ald Mulder at a later time.

**Ald Chong**

Is there a process when a development application is lodged to ensure that the applicant owns or leases the premises that they are submitting the D/A for? I have recently been made aware of an advertised D/A where the applicant whilst currently negotiating the purchase does not own or lease the property at the moment and it has caused a lot of distress to the owners having a D/A for a premises that they currently own

**ANSWER**

The legislation does not require the applicant to own the land it only requires the applicant to notify the owner that they are making the application.

**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 T1358-20 – BELLERIVE BEACH PARK – SHARED CYCLE PATH CONSTRUCTION

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.**

<b>Decision:</b>	<b>PROCEDURAL MOTION</b> <b>MOVED</b> Ald Chong <b>SECONDED</b> Ald Kennedy  “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”.  <b>CARRIED UNANIMOUSLY</b>
------------------	---

Ald Edmunds left the Meeting at this stage (10.02pm).



**CLOSED MEETING /CONTD...**

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

**13.2 TENDER T1358-20 – BELLERIVE BEACH PARK – SHARED CYCLE PATH CONSTRUCTION**

<b>Decision:</b>	<b>MOVED</b> Ald James <b>SECONDED</b> Ald Ewington
	“A. That the Tender received from BlackCap Construction Pty Ltd (BlackCap) for the amount of \$598,099.23 excluding GST, be accepted for construction of the shared cycle path works at Bellerive Beach Park.
	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.”
	<b>CARRIED UNANIMOUSLY</b>

The Meeting closed at 10.04pm.