

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 9 AUGUST 2021

**HOURLY 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)

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)

Manager Communication and Strategic Development  
(Mr C Paske)

Executive Officer to the General Manager  
(Ms J Ellis)

The Meeting closed at 10.49pm.

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 livestreamed, audio-visually recorded and published to Council’s website.

**COUNCIL MEETING**  
**MONDAY 9 AUGUST 2021**

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## 1. ATTENDANCE AND APOLOGIES

Refer to cover page.

### 1A. DEFERRAL OF ITEM – DEVELOPMENT APPLICATION PDPLANPMTD-2021/017543 – 24 AND 26 YACHTSMANS WAY, TRANMERE – 13 MULTIPLE DWELLINGS AND 2 COMMERCIAL TENANCIES

The Mayor advised that the applicant for 24 – 26 Yachtsmans Way, Tranmere has paid the required fee and asked that it be withdrawn from consideration until at least 1 September. The Mayor called for a Procedural Motion to defer this item.

<b>Decision:</b>	<b>MOVED</b> Ald Blomeley <b>SECONDED</b> Ald Peers	
	“That Item 11.3.5, 24-26 Yachtsmans Way, Tranmere be deferred from consideration until at least 1 September.”	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Blomeley	Ald James (abstained)
	Ald Chipman	Ald Walker (abstained)
	Ald Chong	
	Ald Edmunds	
	Ald Ewington	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald von Bertouch	
	Ald Warren	

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

### RECOMMENDATION:

That the Minutes of the Council Meeting held on 12 July 2021, as circulated, be taken as read and confirmed.

<b>Decision:</b>	<b>MOVED</b> Ald Blomeley <b>SECONDED</b> Ald Edmunds
	“That the Minutes of the Council Meeting held on 12 July 2021, as circulated, be taken as read and confirmed”.
	<b>CARRIED UNANIMOUSLY</b>

### 3. MAYOR'S COMMUNICATION

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

#### Mayor

- 13 July: ABC Radio Breakfast Interview;  
ABC Tv Interview – Pooseum;  
Photo with Neighbourhood Watch Representatives;
- 15 July: Clarence Prize Exhibition;
- 16 July: Clarence Prize Media Photo Shoot;
- 19 July: Derwent Ferry Service Trip and Media Event;
- 20 July: ABC Radio Breakfast Interview;  
Greater Hobart Meeting with Lord Mayor;  
Greater Hobart Mayors Forum;  
Launch by Premier Gutwein regarding Your New Digital Storytelling Platform;
- 21 July: Triple M Hobart Interview with Brian Carlton;
- 24 July: Clarence RSL Sub-branch Annual BBQ;
- 28 July: South Arm Launch of Historic Ferry Markers;
- 31 July: North Melbourne vs Geelong AFL Match;
- 3 August: National Homelessness Week 2021;  
Triple M Hobart Interview with Tamara – Homelessness Event;  
Owners Representatives Quarterly Briefing - South
- 4 August: LGAT Strategic Plan Briefing;
- 5 August: LGAT Annual Conference and General Meeting;  
COVID-19 Regional Recovery Committee Co-Chair Briefing;  
LGAT Spirit Super Women in Local Government Networking Event followed by LGAT Dinner;
- 6 August: LGAT Annual Conference;
- 9 August: Derwent Ferry Service Trip and Media Event.

#### Deputy Mayor

- 23 July: School for Seniors.

#### Alderman Beth Warren

- 20 July: Prison Fellowship Australia's Art from Inside Exhibition.

#### Alderman Tony Mulder

- 21 July: Cuppa with a Cop.

#### Alderman Wendy Kennedy

- 3 August: I Am Somebody Exhibition Opening and Hobart Helps Card Launch.

**PERSONAL STATEMENT – ALD MULDER**

The Mayor advised that Ald Mulder had requested to make a personal statement, the Mayor invited Ald Mulder to proceed.

Ald Mulder made a personal statement regarding a question he asked at the last meeting relating to use of council funds for attendance of Aldermen and Officers at a Liberal Party event, the subsequent media coverage of the matter and email communication from Ald Blomeley.

**PERSONAL EXPLANATION – ALD BLOMELEY**

In response to Ald Mulder's statement, Ald Blomeley provided a personal explanation.

**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:

<b>PURPOSE</b>	<b>DATE</b>
Homelessness Briefing	
Business Network	
Skylands Q&A	
Chambroad Update (confidential)	19 July
Presentation – Southern Waste Solutions	
Chambroad Update (confidential)	
LGAT Motions	
Code of Conduct Framework Review	26 July
Chambroad Update (confidential)	
Stadium Tas Update	
Public Open Space Land Acquisition (confidential)	
Tree Policy	2 August

**RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“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 Ewington                      Item No. 11.3.6**

**Alderman von Bertouch              Item No. 11.3.6**

**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:

- Received from 338 signatories requesting council to not change the current arrangements for access to the dog exercise area between Day Use Area 2 and 3 on Seven Mile Beach, locally known as the dog beach.

## **7. PUBLIC QUESTION TIME**

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

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

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

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

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

Jennifer Rayner of Montagu Bay has given notice of the following question:

#### **TOURIST DEVELOPMENT ROSNY HILL**

After the appeal against the tourist development proposal for Rosny Hill was settled in January and the revised permit was issued, the proponent, Robert Morris Nunn, was reported as saying that Hunter Developers would seek to on-sell the permit.

Would council please advise on their role in this process and provide an update on what has happened in regard to a new developer engaging with the project?

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

The General Manager provided the following Answer to the Question listed at Item 7.1.

#### **TOURIST DEVELOPMENT ROSNY HILL**

Council has no role in regard to the commercial arrangements associated with the Rosny Hill Hotel development and has not been advised of any new developer engaging with the project.

**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 12 July 2021 Mrs Joanne Marsh of Bellerive asked the following question.

**BACTERIA – HOWRAH BEACH**

The City of Clarence News [winter 2021] states that the Council is extremely concerned about the high level of bacteria in a section of the water at Howrah Beach that poses a risk to public health.

The Derwent Estuary Program CEO said that ratings were based on five years of data [Mercury 29/6/21]. Council have now announced a number of investigators and projects prioritising getting to the source of the contamination at Howrah Beach.

What proactive steps had Council taken to monitor water quality at our beaches and bays, detect sources of any contamination and remove them prior to receiving the current water quality ratings which were publicly released on Monday, 28 June 2021? [Mercury 29/6/21]

**ANSWER**

Council has conducted water sampling of identified swimming beaches during summer months for approximately 20 years in accordance with the Public Health Act 1997 and as part of the Derwent Estuary Program's (DEP) Beachwatch program. In regard to Howrah Beach, Council samples at 4 locations along the beach, given it is very susceptible to stormwater influence from the greater Howrah catchment above.

The proactive sampling measures allow both Council and the Derwent Estuary Program to monitor the health of the water quality by examining bacterial levels. In regard to water quality, Middle Howrah Beach has historically had a status of "Fair" for the last few years, which prompted Council to initiate a stormwater investigation program in August 2017 of the Howrah stormwater catchment. The investigations since that time have involved working our way through the network and conducting sampling for bacteria, dye testing and performing ammonia testing to identify wastewater intrusion into the stormwater through sewer cross connections or illegal connections. Council has worked closely with TasWater during these investigations and conducted camera testing of infrastructure to identify compromised parts of both sewer and stormwater infrastructure. The investigations prompted TasWater to follow up on several issues identified in the Howrah catchment area and perform re-lining of sewer mains where required.

While a lot of work has been done, the investigations will now be accelerated following the middle section of Howrah Beach being downgraded to "poor", as part of the DEP's Water Quality Program 2020/2021 Annual Report. The latest DEP report reveals that overall, the quality of the water at swimming sites in the Derwent River was poorer this season compared to the previous swimming season and the 2018-2019 season experienced a record number of samples that exceeded the microbiological Guidelines under the Public Health Act 1997. Therefore, it is interesting to observe that the greater Derwent River has been experiencing poorer results in recent years which may be attributed to a variety of factors.

Investigations from here will begin with the analysis of the recent and historical impacts of rainfall, tides and wind events and examine potential contaminant sources including stormwater outfalls, sewage main leaks, groundwater contamination from the historic landfill at Wentworth Park and additional influence from bird and dog faeces entering the stormwater network.

There is also an educational approach to the community that Council will be working on given that the health of the Derwent is everyone's responsibility. People need to be mindful of what they wash down the stormwater drain and ensure they pick up after their dogs and generally doing what they can to take care of our environment including our beaches.

At Council's Meeting of 12 July 2021 Mrs Denise Hoggan asked the following question.

**ROSNY HILL NRA MANAGEMENT STRATEGY/ROSNY HILL NATURE RECREATION AREA RESERVE ACTIVITY PLAN**

Given that the Rosny Hill NRA Management Strategy is due to expire and that a Rosny Hill Nature Recreation Area Reserve Activity Plan is due for development:

1. When will the RHNRRAP be ready for public consultation?
2. Please list all people working on the RHNRRAP, both within Council and from any other source.

**ANSWER**

1. In accordance with Recommendation B of the planning permit (D2019/2428) the RHRAP is to be finalised prior to the commencement of the use of the land.

A RHRAP committee must be formed before public consultation can occur. Several permit conditions will be given effect through the lease, including requirements related to the RHRAP. Council officers and representatives of the developer aim to have the lease significantly progressed by the end of the current calendar year. Once the lease terms have been progressed, it will then be appropriate to form the RHRAP committee.

Once the committee is formed, consultation is expected to take effect in two stages.

The first stage begins with a letter inviting attendance at an onsite community 'Walk and Talk' session as well as a request to provide feedback online via council's Your Say Clarence website. Second stage consultation occurs once a draft RAP has been approved for community consultation by council.

2. It is not appropriate to list all people who may be working on the RHRAP. In accordance with the permit condition, the RHRAP Committee is to be formed by the General Manager and will most likely include representatives made up of council officers, at least one representative of the developer, community representatives and external consultants engaged to assist the committee with the supporting plans and to draft the RAP.

**7.4 QUESTIONS WITHOUT NOTICE**

The Chairperson may invite members of the public present to ask questions without notice.

Mrs Joanne Marsh of Bellerive asked the following questions.

**KANGAROO BAY OVAL**

1. What has been the cost of upgrading and maintaining Kangaroo Bay oval since public access was restricted when it became a cricket ground?

**ANSWER**

Question taken on notice as we will need to research historical records to obtain this information.

**BELLERIVE VILLAGE**

2. A number of new developments have been approved in the Bellerive Village precinct, including a trial ferry service and a public pier. What is the updated information about council's proposed pedestrian connectivity plan and possible changes to traffic and parking requirements in the area?

**ANSWER**

Council has a number of pedestrian improvement projects planned for the intersections of Cambridge Road and Clarence Street plus also Percy Street. In addition, council has viewed draft plans for the Victoria Esplanade Master Plan and asked the consultants to extend their planning work to along Cambridge Road from Victoria Esplanade to Clarence Street. It is envisaged this will be consulted with the community when ready.

Mr Victor Marsh of Bellerive asked the following questions.

**PUBLIC PIER/BREAKWATER – KANGAROO BAY**

1. What is the update on the public pier/breakwater at Kangaroo Bay and when does the council expect it to be open to the public?

**ANSWER**

The Bellerive Pier requires specialist underwater grouting contractors to undertake works to the piers. The contractors have recently assisted the government on strengthening work to the recently opened ferry service terminal and are scheduling a program to undertake the required works for council. Once this is resolved we will be in a position to advise of an opening timetable.

**BOARDWALK BELLERIVE VILLAGE**

2. Why has work stopped on the replacement of the boardwalk at Bellerive Village?

**ANSWER**

The replacement of the timber boardwalk decking is complete. Minor scope work is still required to install some fenders.

The replacement of the decking over the moveable bridge is not within the boardwalk replacement project. This is different timber with a wide span. This deck will be reviewed when larger scale maintenance is planned to be undertaken to the moveable bridge next financial year.

**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-2021/018805 – 302 TRANMERE ROAD, TRANMERE – 2 MULTIPLE DWELLINGS**  
(REFER ITEM 11.3.2)

Mr Geoff Murray addressed the meeting regarding the above Development Application.

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/018736 – 8 AND 10 PETCHEY STREET, BELLERIVE – 17 MULTIPLE DWELLINGS AND CHANGE OF USE TO VISITOR ACCOMMODATION**  
(REFER ITEM 11.3.4)

Mr Mark Drury addressed the meeting regarding the above Development Application.

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/017543 – 24 AND 26 YACHTSMANS WAY, TRANMERE – 13 MULTIPLE DWELLINGS AND 2 COMMERCIAL TENANCIES**  
(REFER ITEM 11.3.5)

Mrs Sholeh Alishah addressed the meeting regarding the above Development Application.

Mr John Gledhill addressed the meeting regarding the above Development Application.

## 9. MOTIONS ON NOTICE

### 9.1 NOTICE OF MOTION - ALD MULDER ONGOING PROFESSIONAL DEVELOPMENT

In accordance with Notice given it was:

**Decision:** **MOVED** Ald Mulder **SECONDED** Ald Warren

“That each Alderman of the Clarence City Council be encouraged to undertake a recognised Anger Management program as part of our obligation to engage in ongoing professional development and that such participation be reported in Council’s Quarterly Report.”

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as an Alderman (8.11pm).

The Mayor **resumed** the Chair at 8.13pm.

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

**FOR**

Ald Edmunds  
Ald James  
Ald Kennedy  
Ald Mulder  
Ald Peers  
Ald Warren

**AGAINST**

Ald Chipman  
Ald Blomeley  
Ald Chong  
Ald Ewington  
Ald von Bertouch  
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**

June Quarterly Report pending.

**Representative Reporting**

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report for the period ending 30 June 2021.

- **GREATER HOBART COMMITTEE**

**10.2 \*\*\*REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES****BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT****Chairperson’s Report – Alderman D Ewington**

Report to Council for the 3-month period, 1 April to 30 June 2021.

**RECOMMENDATION:**

That the Chairperson’s Report be received by Council.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“That the Chairperson’s Report be received by Council”.

**CARRIED UNANIMOUSLY**

**TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT**

**Chairperson's Report – Alderman D Ewington**

Report to Council for the 3-month period for 1 April 2021 to 30 June 2021.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“That the Chairperson's Report be received by Council”.

**CARRIED UNANIMOUSLY**

**NATURAL RESOURCE MANAGEMENT – QUARTERLY REPORT**

**Chairperson's Report – Alderman Beth Warren**

Report to Council for the 3-month period 1 April to 30 June 2021.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“That the Chairperson's Report be received by Council”.

**CARRIED UNANIMOUSLY**

**SPORT AND RECREATION ADVISORY COMMITTEE – QUARTERLY REPORT****Chairperson's Report –Alderman D Ewington**

Report to Council for the 3-month period for 1 April 2021 to 30 June 2021.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“That the Chairperson's Report be received by Council”.

**CARRIED UNANIMOUSLY**

**OTHER COMMITTEES****LINDISFARNE COMMUNITY ACTIVITIES CENTRE MANAGEMENT COMMITTEE**

- Ald Blomeley tabled the Minutes of a Meeting held on 8 July 2021

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

The Weekly Briefing Reports of 12, 19 and 26 July and 2 August 2021 have been circulated to Aldermen.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 12, 19 and 26 July and 2 August 2021 be noted.

**Decision:** **MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“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-2021/020084 – 9 MARSH STREET, WITH ACCESS OVER MARSH STREET (CT219376/6), OPOSSUM BAY - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 existing + 2 new) at 9 Marsh Street, with access over Marsh Street (CT219376/6), Opossum Bay.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 16 August 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the following issues:

- water flow;
- privacy;
- the approved subdivision on the lot;
- density; and
- tree removal.

**RECOMMENDATION:**

A. That the Development Application for 3 Multiple Dwellings (1 existing + 2 new) at 9 Marsh Street, with access over Marsh Street (CT219376/6), Opossum Bay (C1 Ref PDPLANPMTD-2021/020084) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER.
3. ENG A2 – CROSSOVER CHANGE [Delete first sentence. Add “Spitfarm Road” after “from the road carriageway”].
4. ENG M1 – DESIGNS DA.

5. ENG S1 – INFRASTRUCTURE REPAIR.

6. ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES.

**ADVICE**

a. 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 application.

b. The proposed works are located within a mapped flood prone area and as such attention should be taken to ensure that the works comply with the requirements of the Building Regulations 2014 Section 15 (d) and Building Act 2000 Section 159.

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 Peers **SECONDED** Ald Ewington

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

**11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/018805 – 302  
TRANMERE ROAD, TRANMERE - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 302 Tranmere Road, Tranmere.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential 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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 10 August 2021, extended with approval from the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 5 representations were received raising the following issues:

- building envelope;
- density;
- site coverage;
- loss of views;
- overshadowing;
- lack of adequate on-site vehicle parking; and
- Heritage – amenity and character.

**RECOMMENDATION:**

A. That the Development Application for 2 Multiple Dwellings at 302 Tranmere Road, Tranmere (CI Ref PDPLANPMTD-2021/018805) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A2 – CROSSOVER CHANGE.
3. ENG A5 – SEALED CAR PARKING.
4. ENG M1 – DESIGN DA.
5. ENG SI – INFRASTRUCTURE REPAIR.

6. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 June 2021 (TWDA2021/00723-CCC).

**ADVICE**

- a. TasNetworks advises that the developer is to be mindful of AS700:2006 standard that states above Minimum Clearances from Structures (Table 3.7), regarding Low Voltage insulated conductor overhead lines, where actual clearances need to include the clearance for blow out in span (which is sag blown sideways in wind).
- 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 Ewington <b>SECONDED</b> Ald Blomeley	
		“That the Recommendation be adopted”.	
		<b>CARRIED</b>	
<b>FOR</b>		<b>AGAINST</b>	
Ald Chipman		Ald Chong	
Ald Blomeley		Ald Edmunds	
Ald Ewington		Ald James	
Ald Mulder		Ald Kennedy	
Ald Peers		Ald Warren	
Ald von Bertouch			
Ald Walker			

Ald Peers left the meeting at this stage (8.54pm).

**11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019465 – 9  
AMBLESIDE, LINDISFARNE - DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling at 9 Ambleside, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Potentially Contaminated Land, 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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 12 August 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- location of the proposed access;
- sight distance being obscured by future fence;
- construction traffic and parking; and
- span of work hours of construction workers.

**RECOMMENDATION:**

- A. That the Development Application for a Dwelling at 9 Ambleside, Lindisfarne (CI Ref PDPLANPMTD-2021/019465) be refused as the proposed access does not meet the requirements of Clause E6.7.14.
- 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 29 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/019465 – 9 AMBLESIDE,  
LINDISFARNE – DWELLING /contd...**

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

**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2021/018736 – 8 AND 10 PETCHEY STREET, BELLERIVE - 17 MULTIPLE DWELLINGS AND CHANGE OF USE TO VISITOR ACCOMMODATION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 17 Multiple Dwellings and change of use to visitor accommodation at 8 and 10 Petchey Street, Bellerive.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Road and Railway Assets, Parking and Access, Stormwater Management and Historic Heritage Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). Planning Directive No. 6 Exemption and Standards for Visitor Accommodation in Planning Schemes is also applied to the proposal. 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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 11 August 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 9 representations were received raising the following issues:

- traffic congestion;
- car parking;
- streetscape and heritage character;
- waste collection;
- sewage disposal;
- overlooking;
- overshadowing;
- property ownership
- commitment to the development;
- impact of new stormwater connection;
- density;
- front setback;
- building envelope; and
- Heritage protection.

**RECOMMENDATION:**

- A. That the Development Application for 17 Multiple Dwellings and Change of Use to Visitor Accommodation at 8 and 10 Petchey Street, Bellerive (Cl Ref PDPLANPMTD-2021/018736) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [the rear door height of the heritage building increased, or a high-light included to achieve more appropriate vertical proportions].
  3. A new 1.8m high paling fence must be constructed along the north-eastern boundary of the site prior to the completion of the development. The fencing must be constructed at the cost to the developer.
  4. GEN AM4 – CONSTRUCTION HOURS.
  5. GEN C1 – ON-SITE CAR PARKING [38 for multiple dwellings and 1 for visitor accommodation] [In relation to the endorsed plan the outer (western) visitor car parking space requires widening to 2.7m with this modification to be shown on the submitted car parking plan for approval.]
  6. GEN C3 – PARKING DURING CONSTRUCTION [Adequate].
  7. GEN S1 – SIGN CONSENT.
  8. All separate titles of the subject land must be consolidated into 1 title or be the subject of titles created under the Strata Titles Act 1998 prior to the commencement of use of the multiple dwellings.
  9. All works within the heritage listing at 8 Petchey Street must be in accordance with the recommendations of the Revised Heritage Impact Assessment and Statement of Compliance prepared by Praxis Environment and dated 15 April 2021. In particular, prior to the lodgement of an application for a Building Permit, details must be submitted to, and approved by, Council's Manager City Planning which specifies the methodology and actions for ensuring that the heritage building is protected during works and made adequately weatherproofed and secure ahead of the reinstatement of the rear wall.
  10. Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be within the hours of:
    - (a) 7.00am to 5.00pm Mondays to Fridays inclusive;



- (b) 9.00am to 12 noon Saturdays;
  - (c) nil on Sundays and Public Holidays.
11. ENG A1 – NEW CROSSOVER [6m] [TSD-R09- Urban].
  12. ENG A5 – SEALED CAR PARKING.
  13. ENG A7 – REDUNDANT CROSSOVER.
  14. ENG S1 – INFRASTRUCTURE REPAIR.
  15. ENG S11 – SEALING OF SERVICES.
  16. ENG M1 – DESIGNS DA [access arrangements; carpark and driveways construction; service upgrades or relocations; lighting of car parking and circulation areas to meet Building Code of Australia or Australian Standard requirements].
  17. ENG M5 – EROSION CONTROL.
  18. 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. Any surface drain or overland flow path to be maintained at all time within any obstruction.
  19. ENG M3 – GARBAGE FACILITIES.
  20. Suitable provision must be made in the Body Corporate rules associated with this development to the satisfaction of council for the proper management of the stormwater treatment facility by the Body Corporate. Evidence of either of these options being in place must be provided prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works.

21. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 May 2021 (TWDA 2021/00709-CCC).

**ADVICE**

The works proposed to the heritage listed building are subject to the Conditions of Approval specified by the Tasmanian Heritage Council Notice of Heritage Decision dated 8 February 2019 (File No. 07-64-52 THC).

- 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 Ewington <b>SECONDED</b> Ald Blomeley														
	“That the Recommendation be adopted”.														
	Ald Peers returned to the meeting at this stage (8.56pm).														
	The <b>MOTION</b> was <b>put</b> and <b>LOST</b>														
	<table> <tr> <td><b>FOR</b></td><td><b>AGAINST</b></td></tr> <tr> <td>Ald Chipman</td><td>Ald Edmunds</td></tr> <tr> <td>Ald Blomeley</td><td>Ald James</td></tr> <tr> <td>Ald Chong</td><td>Ald Kennedy</td></tr> <tr> <td>Ald Ewington</td><td>Ald Mulder</td></tr> <tr> <td>Ald Peers</td><td>Ald Walker</td></tr> <tr> <td>Ald von Bertouch</td><td>Ald Warren</td></tr> </table>	<b>FOR</b>	<b>AGAINST</b>	Ald Chipman	Ald Edmunds	Ald Blomeley	Ald James	Ald Chong	Ald Kennedy	Ald Ewington	Ald Mulder	Ald Peers	Ald Walker	Ald von Bertouch	Ald Warren
<b>FOR</b>	<b>AGAINST</b>														
Ald Chipman	Ald Edmunds														
Ald Blomeley	Ald James														
Ald Chong	Ald Kennedy														
Ald Ewington	Ald Mulder														
Ald Peers	Ald Walker														
Ald von Bertouch	Ald Warren														
	<b>MOVED</b> Ald Mulder <b>SECONDED</b> Ald Warren														
	“A That the Development Application for 17 Multiple Dwellings and Change of Use to Visitor Accommodation at 8 and 10 Petchey Street, Bellerive (CI Ref PDPLANPMTD-2021/018736) be refused for the following reasons.														
	<ol style="list-style-type: none"> <li>1. The proposal does not comply with Clause 10.4.1 P1 (a) as the proposal is not compatible with the density of dwellings in the surrounding area.</li> <li>2. The proposal does not comply with Clause 10.4.1 P1 (b) as the proposal does not provide for a significant social or community housing benefit.</li> </ol>														

/ Decision contd on Page 34...

**DEVELOPMENT APPLICATION PDPLANPMTD-2021/018736 – 8 AND 10  
PETCHY STREET, BELLERIVE - 17 MULTIPLE DWELLINGS AND CHANGE OF  
USE TO VISITOR ACCOMMODATION /Decision contd...**

B. That the reasons are as follows:

1. Density

- a. The area of the combined titles on which the proposed 17 dwellings are to be constructed is 4931m<sup>2</sup> (not including the 327m<sup>2</sup> of the Heritage site on which no dwellings will be constructed). The resulting average lot size of 290m<sup>2</sup> is a full 10% smaller than the minimum required by the Acceptable Solution. (Clause 10.4.1 A1 – Residential Zone)
- b. The Performance Criteria P1(a) is not met in that the development does not conform to the ‘prevailing or predominant densities in the surrounding area’ as required by RMPAT 11 (2017). It is noted two properties in the area are 227 and 272m<sup>2</sup>. These properties set a precedent but are not the ‘predominant density’ as required by RMPT (11 of 2017). The ‘predominant density’ for the area has a mean site area per dwelling of 716m<sup>2</sup>.
- c. Performance Criteria P1(b) is not met as the proposal is for strata title units for private sale and therefore has no social or community housing benefit.”

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

**FOR**

Ald Edmunds  
Ald James  
Ald Kennedy  
Ald Mulder  
Ald Walker  
Ald Warren

**AGAINST**

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

The Mayor advised that as Council had failed to determine the application for a permit under the Land Use Planning and Approvals Act, 1993, the matter will be dealt with by Council’s Manager City Planning under delegation in accordance with the Act.

**11.3.5 DEVELOPMENT APPLICATION PDPLANPMTD-2021/017543 – 24 AND 26 YACHTSMANS WAY, TRANMERE - 13 MULTIPLE DWELLINGS AND 2 COMMERCIAL TENANCIES****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a residential and commercial development containing 13 Multiple Dwellings and 2 Commercial Tenancies at 24 and 26 Yachtsmans Way, Tranmere.

**RELATION TO PLANNING PROVISIONS**

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

**LEGISLATIVE REQUIREMENTS**

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

Council is required to exercise a discretion within the statutory 42-day period which expires on 11 August 2021.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 20 representations were received raising the following issues:

- overdevelopment of site;
- density;
- development does not meet the Desired Future Character Statements of the Local Business Zone;
- retail tenancies;
- incorrect overshadowing diagram;
- inadequate car parking;
- increased traffic and lack of on street car parking;
- loss of views/height;
- building located over zone boundaries;
- site coverage;
- adhesion;
- impact on streetscape;
- passive surveillance;
- fencing;

- loss of privacy;
- disability access;
- noise; and
- concern with the location of rubbish bins.

**RECOMMENDATION:**

A. That the Development Application for 13 Multiple Dwellings and 2 Commercial Tenancies at 24 and 26 Yachtsmans Way, Tranmere (CI Ref PDPLANPMTD-2021/017543) be refused for the following reasons.

1. The proposal does not satisfy Clause 20.1.1.1 as the development is predominantly residential and therefore does not sufficiently provide for business, professional and retail services which meet the convenience needs of the local area and is fundamentally inconsistent with the applicable zoning for the land.
2. The proposal does not satisfy Clause 20.1.1.4 as the Yachtsmans Way façade is dominated by vehicular accesses to residential dwellings which do not activate the street frontage.
3. The proposal does not satisfy Clause 20.1.1.5 as the bulk, scale and density of the development is not compatible with development in the surrounding residential area.
4. The proposal does not satisfy Clause 20.1.1.6 as the overdevelopment of the site for residential use prevents the use of the site as an activity centre.
5. The proposal does not comply with Clause 20.4.1 P1 (a) as the height of the proposal is not considered to be consistent with the Desired Future Character Statements provided for the area.
6. The proposal does not comply with Clause 20.4.1.P1 (b) as the scale of the development is not compatible with the scale of nearby buildings.
7. The proposal does not comply with Clause 20.4.3 P1 as the Yachtsmans Way façade does not enhance the streetscape or provide adequate passive surveillance of the street.
8. The proposal does not comply with Clause 20.4.4 P1 (b) as the building design does not provide for adequate windows in the front façade that overlook the street.
9. The proposal does not comply with Clause E6.7.1 P1 (iv) as the additional accesses result in the street being dominated by garages which has a detrimental impact on the streetscape.

10. The proposal does not comply with Clause E6.7.5 P1 as the provision of tandem car parking spaces does not provide for safe, easy and efficient use of the site.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

(This Item was deferred from consideration, refer to Page 5)

**11.3.6 DEVELOPMENT APPLICATION PDPLANPMTD-2021/019418 – 28  
BINGLEY STREET, HOWRAH - 2 MULTIPLE DWELLINGS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 28 Bingley Street, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential but is not subject to any mapped Code overlay 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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 13 August 2021, extended with approval from the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 9 representations were received raising the following issues:

- loss of light;
- shading of habitable rooms;
- shading of POS;
- loss of privacy;
- loss of view;
- visual impact from height and bulk;
- design out of character with area and streetscape;
- cladding out of character with area;
- traffic safety;
- construction traffic;
- lack of vehicle (including emergency) access to Unit 2;
- impact on existing or future solar;
- impact on existing services;
- asbestos;
- noise;
- future visitor accommodation use;
- no communal land for strata;
- request height marker;
- TV reception; and
- property values.

**RECOMMENDATION:**

- A. That the Development Application for 2 Multiple Dwellings at 28 Bingley Street, Howrah (CI Ref PDPLANPMTD-2021/019418) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [Screening on the northern side of the deck of Unit 1 must be not more than 25% transparent, or increased in angle, or a combination of both, sufficient to prevent views to the habitable window/s of 26 Bingley Street; the wall on the southern side of the deck of Unit 2 must be reduced in height to 1.7m above the finished floor height].
  3. ENG A5 – SEALED CAR PARKING.
  4. The development must meet all required Conditions of Approval specified by TasWater notice dated 31/05/2021 (TWDA 2021/00896-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

Ald Ewington and Ald von Bertouch declared an Interest in this Item and left the meeting prior to discussion at 9.25pm.

/ Refer to Page 40 for Decision on this Item...



**DEVELOPMENT APPLICATION PDPLANPMTD-2021/019418 – 28 BINGLEY STREET, HOWRAH - 2 MULTIPLE DWELLINGS /contd...**

<b>Decision:</b>	<b>MOVED</b> Ald Blomeley <b>SECONDED</b> Ald Peers	
	“That the Recommendation be adopted”.	
	Ald Edmunds declared an Interest in this Item and left the meeting at this stage (9.30pm).	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Blomeley	Ald James
	Ald Chipman	
	Ald Chong	
	Ald Kennedy	
	Ald Mulder	
	Ald Peers	
	Ald Walker	
	Ald Warren	

Ald Edmunds, Ald Ewington and Ald von Bertouch returned to the meeting at this stage (9.46pm).

Ald Blomeley and Ald Kennedy left the meeting at this stage (9.46pm).

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

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

<b>11.5 ASSET MANAGEMENT</b>
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Nil Items.

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

**11.7 GOVERNANCE****11.7.1 KANGAROO BAY HOTEL AND HOSPITALITY SCHOOL SITE****EXECUTIVE SUMMARY****PURPOSE**

To provide clarity to Chambroad Overseas Investment Australia Pty Ltd (Chambroad) and the Clarence community regarding the Kangaroo Bay Hotel and Hospitality School project following the withdrawal of the University of Tasmania from the project.

**RELATION TO EXISTING POLICY/PLANS**

Clarence City Council Strategic Plan 2021 – 2031 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

There are no financial implications at this time.

**RECOMMENDATION:**

That Council:

- A. Notes its decision of 9 February 2021 to grant an unconditional extension of time to 13 October 2022 in accordance with the Sale and Development Agreement between Council and Chambroad; and
- B. In consequence of the withdrawal of the University of Tasmania from the education facility element of the project, acknowledges the right of Chambroad to present alternative proposals for the site, provided that any proposal is consistent with current planning scheme requirements, including the Particular Purpose Zone 4 – Kangaroo Bay – Local Area Plan C (LAPC): Wharf; provided that
- C. Chambroad must first provide written acknowledgement to council to the effect that the submission of or consideration by council of any alternative proposal:
  - (i) does not amount to a waiver or variation of any of the terms of the Sale and Development Agreement or of any rights that the council has pursuant to that Agreement; and

- (ii) does not amount to a representation made by the council to Chambroad to the effect that it will or may at a point in time in the future agree to an amendment, variation or waiver of the Sale and Development Agreement or that it will not otherwise insist upon its strict legal rights pursuant to that Agreement.

<b>Decision:</b>	<b>MOVED</b> Ald Ewington <b>SECONDED</b> Ald Walker	
	“That the Recommendation be adopted”.	
	Ald Kennedy returned to the meeting at 9.48pm.	
	Ald Blomeley returned to the meeting at 9.49pm.	
	The <b>MOTION</b> was <b>put</b> and <b>LOST</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Ald Chipman	Ald Edmunds
	Ald Blomeley	Ald James
	Ald Chong	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).

Ald Warren has given notice of the following question:

**GOLF COURSE AT ARM END**

Can the General Manager please update Council on the proposed golf course at Arm End, with particular reference to:

- progress on plans to build a pipeline from the Blackmans Bay Water Treatment facility on the western side of the River Derwent to South Arm on the eastern side, that will bring across Class B treated water;
- whether the use of Class B treated water is consistent with the requirement to allow public access to the area at all times;
- what plans are in place to upgrade Class B water to Class A, where would this water be processed and what costs would be involved?
- who would be responsible for any such costs?

**12.2 ANSWERS TO QUESTIONS ON NOTICE****GOLF COURSE AT ARM END**

- There has been no further update on the proposed pipeline. We understand that the proposal may now be for Class A water, which is a higher treatment standard, but has not been confirmed at this point in time.
- If Class B water is to be used, restricted public access will be required. Where Class B water is used on a golf course, it is usual for the course to be appropriately signed and for irrigation to only occur when the course is not in use.
- We understand all construction costs and operating costs will be the responsibility of the operator.

**Further Information**

The TasWater outfall at the Blackmans Bay WWTP is Class B recycled water. Arm End are building a plant at the Blackmans Bay site to convert that water to Class A, which will then be pumped to the South Arm site.

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

Ald Mulder

1. (Further to previous questions taken on notice – 12.3 - council meeting 21 June). The question I ask is related to whether or not the conversion of the proposed hotel into private apartments would require changes to the building to enable there to be private open space. The answer I was given on the night was correct that it was a little bit hypothetical because it required a change to the planning scheme and then there's a subsequent answer that says it does not permit residential use as any proposal to change would first require a planning scheme amendment. My question was prospective on that if that amendment were to occur would there need to be changes to the building and that question is yet to be answered. On the assumption that it was converted to private apartments would there need to be changes to that current building to provide for private open space?

**ANSWER**

It is a hypothetical question, but the answer is along the lines of it would certainly depend upon the nature of the amendment to the scheme. In other words, council could provide a control that required open space to be provided or not as part of the assessment process, so it is impossible to say at this point.

2. I refer to the \$45 Liberal Party fundraiser attended by the Mayor, the General Manager and Ald Blomeley at Margate on 21 October 2020. Did council ratepayers contribute to the Liberal Party coffers either directly or by way of any reimbursement to any of the aforementioned attendees at that function?

**ANSWER**

(Mayor) The General Manager at my encouragement attended at the expense of the ratepayers at \$45 per head for the breakfast. I will add to the comments that I provided to your question on 18 January which are in the 9 February agenda that I accepted that as an invitation from the Minister to attend a regional forum with other mayors and general managers and did not realise at the time that we were accepting a Party invitation for a Party function.

(Ald Blomeley) Mr Mayor If I can add to that question and also going back to the 9 February minutes and just to reiterate the point that I made then, is along with many other community leaders in Southern Tasmania you, the General Manager and myself attended. I didn't attend as an Alderman of Clarence City Council, I attended as someone who was interested to hear what the Minister for Infrastructure had to say for Southern Tasmania so I think it's a bit questionable rehashing these sort of questions.

**Question contd**

The invitation makes it quite clear that it is a Liberal Party invitation and has the logo it is actually an authorised brochure and I am happy to table it, that might be the best way to go. It makes it clear that it is authorised by the Secretary of the Liberal Party at the address of the Liberal Party headquarters in Salamanca Place certainly not the office of the Minister, so my question is, is it appropriate that the ratepayers are funding such a public Liberal function?



**ANSWER**

(Mayor) I state again that I attended the function on the understanding that it was an invitation from the Minister and under the circumstances it was appropriate that from time to time the General Manager and myself and indeed all Aldermen around this table represent council at the ratepayers' expense.

Ald Kennedy

Following on from a question from Alderman James at the last meeting where Ald James asked that under delegation by officers are you able to advise council in the last financial year how many of these particular applications where there have been at least two or more representations have been approved by officers under delegation. The answer given was 2 in the last 12 months. I would just like to ask if one of those was 28 Aqua Place?

**ANSWER**

I believe it is, yes.

Ald Ewington

I had a conversation with a gentleman I know in the community who is mixed up with the volunteer fire brigade at Lauderdale and he talked to me about the possibility of moving the site where they currently are to near the former tip site. I just wondered if that was to come to us at a workshop or is that still being discussed, is it still a possibility?

**ANSWER**

We have had a couple of discussions with TFS regarding a potential move down to the entrance way at the old Lauderdale tip site. There are 2 sites there, they have a preference for one of those over the other and at this point in time the ball is back with the TFS to look at their situation, design and so forth. There are some planning issues and some inundation issues, so the site is relatively complex but not impossible. So that is a matter that I would describe as progressing at this point in time.

Ald Walker

Is there an update or discussion on a way forward in relation to the ability to amend and make more flexible car parking contributions?

**ANSWER**

I seem to recall that we did a Briefing Report on that a short while ago when we explained the status of things. I am happy to have another look at it.

(Further information) The particular memo was in the weekly briefing report of 28 May 2021. There has been no update or further discussion on the matter since that report. However, the report did conclude that, after the adoption of the Local Provision Schedule it is proposed that council adopt a new parking plan to address council's requirements, which will include not only appropriate variations from the TPS parking code standards but also standardised arrangements for cash-in-lieu timed payments.

The Commission has not yet adopted the LPS, however as council may be aware, there has been recent progress towards this, with the TPC requiring certain parts of the LPS to be advertised.

Ald Peers

Could I have an update on the driveway around the Lauderdale Football Oval. I was down there the other day and I couldn't believe how bad it was, it's not council's fault. They are having a big fundraiser for the footballer who was injured in an off-ground incident, next Saturday so I wondered if we could do something about it, I've never seen potholes so deep on a ground and now I'm not saying we have to do a good job, but could we fill those potholes in?

**ANSWER**

There is an Alderman Request from Ald Ewington about that and a grader has been booked in to regrade the area. There were some bollards and ribbons that the club had to move out of the way which has already been arranged so that the grader can have access. The work is programmed.

Ald Blomeley

1. My question relates to a vicious dog attack on a 79-year-old Geilston Bay resident that occurred outside the Risdon Vale food store on 23 of last month. An attack that was so severe Mr Mayor that 4 adult males were required to assist the elderly gentleman remove the offending animal. This attack that knocked the elderly resident to the ground resulted in puncture wounds to his arm, lacerations and skin loss consistent with a dog bite. As a result of the fall the gentleman sustained extensive bruising on his lower lumbar region, buttocks and tailbone. This unprovoked vicious attack resulted in several visits to the doctor and as I'm sure we all appreciate this has been a very traumatic experience for the 79-year-old gentleman and his family. Mr Mayor I understand our rangers acted quickly to respond and proposed that the offending dog be surrendered to the Dogs' Home for behavioural assessment. Over the weekend I was advised that a dog had been relinquished to our rangers, that this was not the offending dog but rather an innocent animal. Mr Mayor can you please advise that if this is the case the offending dog is still within the community?

**ANSWER**

The case is still under investigation and should be concluded this week, but no dog has been relinquished to council. At the time of the attack there were 2 dogs that were tethered but became untethered and only one of those dogs allegedly attacked the elderly gentleman. At the time of the initial contact with the gentleman he did not wish us to formalise the complaint and proceed with it apart from making sure the owner of the dog was aware of the incident and the dog was being kept under control. However, since then he has now formalised the complaint and we are now proceeding with enforcement action under the Dog Control Act.

2. In Saturday's Mercury the newly granted vessel for the River Derwent passenger ferry service was unveiled. Can you please advise when the trial service will begin, and we will have passengers traversing the River Derwent?

**ANSWER**

The latest advice I have received today is that the expectation is that the ferry service should be operational by around the end of July, but I don't have a firm date at this point.

Ald Edmunds

Mr Mayor following on from a question from Ald Mulder ever in your or the General Manager's experience have you had to pay an entry fee to meet with a Minister or any Member of Parliament?

**ANSWER**

(Mayor) It is not usual, but it is not unprecedented.

Question contd

So it has happened in the past?

**ANSWER**

Mayor took the question on notice

(Mayor - further response) It has been the practice for many years to pay to attend functions with senior Ministers of both persuasions. This has usually occurred for functions such as post-budget breakfasts but has also been seen as appropriate in the expectation of significant policy or infrastructure announcements which has the potential to impact on the City of Clarence.

In the absence of any council policy on the matter, the decision on whether or not to attend such functions has always been at the Mayor's discretion.

Ald von Bertouch

1. What will be the trigger for revised seating arrangements for all Aldermen, staff and visitors who attend Council Meetings and Workshops, given the current investigation into local COVID transmission in Tasmania; the strong possibility that COVID will present in the Tasmanian community in the future; the concern as to the extremely transmissible Delta variant; the voluntary nature and relatively low level of fully vaccinated adults within the Tasmanian and Australian populations; and the fact that Aldermen and Senior Staff are currently seated for 2-3 hours, at often less than 1.5m apart, in Council Meetings and Workshops?

**ANSWER**

At this point in time, I do not have an answer for that, we are extremely constrained as you are aware in terms of the space that we have available. If there is a change in circumstances or council decides that the current arrangements are not appropriate, then I will take appropriate action but at this point in time I do not have an answer that is better than that.

Question contd

Has the advice provided to me last week by a previous staff member that there is an extra leaf to the Council horseshoe table been investigated, and if it is available, can it be put in place for the next Council Meeting?

**ANSWER**

That was news to me last week. I have had that investigated. We cannot find that extra leaf. We understand that it may have existed for a period of time following the 1993 council amalgamations, but it certainly has not been seen in the 25 years that I have been around.

2. Could council be provided with the current status of the Premier's Economic and Social Recovery Advisory Council Recommendations March 2021 which relate to the Tasmanian Parliament sponsoring a process to drive structural reform of Tasmania's local government sector by:
  - setting the terms of reference for the process;
  - setting a timeframe of about 18 months for completion; and
  - committing to implementing the recommendations without material modification?

**ANSWER**

Around mid-August there is a Premier's Local Government Advisory Council meeting and if there is an update, I would expect it at that point.

Ald James

1. I refer to the Weekly Briefing Report of 28 June regarding the Clarence LPS modifications. In that memorandum that you sent to us you refer to minor zoning changes in the Lindisfarne ridge/Flagstaff Gully and the change is generally limited to rezoning at 16 Kent Street. In the actual decision of the TPC it says, and I need clarification, that no further change to rezoning or changes to the ridge/Flagstaff Gully have to occur subject to a structure plan. Is my reading of the TPC decision that it is still dependent on a structure plan for that area?

**ANSWER**

The question was taken on notice

(Further response) In requiring the council to advertise certain aspects of the LPS, it has not actually made a final decision on the council recommendations for the LPS.

However, without explicitly specifying it, the decision does pre-empt a final decision to reject the broader Lindisfarne Ridge modifications proposed by Council.

Paragraph 20 of the Commission's decision states that *"The Commission considers that, while the undeveloped areas within the Low Density Residential Zone are potentially suitable for the General Residential Zone due to the absence of constraints, it would be premature to revise the zoning to the General Residential Zone without a structure plan in place. The Commission considers a structure plan would allow for a fair, orderly and sustainable use of the land, consistent with the objectives set out in Schedule 1 of the Act."*

Paragraph 22 provides the reasons for the decision citing consistency with Guideline No 1. Given that the Commission considers the rezoning of 16 Kent Street and the established Low Density Residential a "substantial modification" requiring exhibition it follows that were the rezoning of the remainder of the Lindisfarne Ridge supported, it would also require exhibition.

In conclusion, I would therefore confirm the interpretation of the matter outlined in the question: the Commission sees the potential for conversion of the Lindisfarne Rural Living Zone, but any future rezoning would require a structure plan.

2. It does not appear to have addressed the Acton Corridor LPS change, is that still to be made?

**ANSWER**

No decision has been enunciated by the TPC.

Ald Warren

My question relates to page 4 of the agenda where it lists the workshop topics for the council for the last 2 weeks. I note that the final workshop topic is listed as a confidential briefing. Now we all understand that the contents of those workshops are absolutely confidential, but I know that we have had confidential briefings in the past where the topic at least has been included so in the interests of openness and transparency can you please explain the criteria under which you decide whether the topic is included or whether we just have a blanket confidential briefing with no indication of the topic?

**ANSWER**

There is not any specific rule, we exercise our judgement as to how that should appear. We would be happy to take guidance from council.

Question contd

It is difficult for me to ask a supplementary question without specifics. I would just be interested in why this particular topic was only labelled as confidential.

(Further information) The Local Government (Meeting Procedures) Regulations 2015, regulation 15(8), and the Local Government Act, section 338A, are relevant. Relevantly, consideration must be given to whether discussions, decisions or documents that are confidential are authorised for release to the public. Consideration of this requirement has now been included within council's workshop process.

## **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 PROPERTY MATTER – CAMBRIDGE

13.3 TENDER T1355/20 BLOSSOM CRESCENT PARK – CONSTRUCTION OF PLAYGROUND AND COMMUNITY FACILITIES

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;
- proposals to acquire land or an interest in land or for the disposal of land;
- applications by Aldermen for a Leave of Absence.

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

**Decision:**

**PROCEDURAL MOTION**

**MOVED** Ald Blomeley **SECONDED** Ald Edmunds

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.

**CARRIED UNANIMOUSLY**

**CLOSED MEETING /CONTD...**

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

**13.3 TENDER T1355/20 BLOSSOM CRESCENT PARK - CONSTRUCTION OF PLAYGROUND AND COMMUNITY FACILITIES**

<b>Decision:</b>	<b>MOVED</b> Ald Edmunds <b>SECONDED</b> Ald Kennedy
	<p>“A. That the Tender response from Playtas Pty Ltd for the sum of \$550,826, excluding GST, be accepted for the construction of the playground and community facilities in Blossom Crescent Park, Cambridge.</p> <p>B. That Council reallocates funds from the 2021-2022 Passive Recreation Capital Budget as follows:</p> <ul style="list-style-type: none"><li>• Allocates funds to the Blossom Crescent Park Playground project from the Pindos Park Master Plan implementation project. \$91,000</li></ul> <p>C. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p>

The meeting closed at 10.49pm.