

<b>MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL PLANNING AUTHORITY HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON TUESDAY 13 FEBRUARY 2024</b>
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**HOURL CALLED:** 7.00pm

**PRESENT:** The meeting commenced at 7.01pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

J	Darko
E	Goyne
B	Hunter
R	James
W	Kennedy
T	Mulder
A	Ritchie
J	Walker
B	Warren; present.

**1. APOLOGIES**

H	Chong
D	Hulme (Leave of Absence)

**ORDER OF BUSINESS** Items 1 – 5

**IN ATTENDANCE**

Acting Chief Executive Officer  
(Ms C Shea)

Head of Infrastructure & Natural Assets  
(Mr R Graham)

Head of City Planning  
(Mr D Marr)

Head of Strategic Development Communications and Engagement  
(Ms G Wicks)

Executive Officer to the Chief Executive Officer  
(Ms J Ellis)

The Meeting closed at 7.07pm.

**CLARENCE CITY COUNCIL (PLANNING AUTHORITY) MEETING****TUESDAY 13 FEBRUARY 2024****TABLE OF CONTENTS**

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**1. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor:

- made the following statement:

*“Before proceeding, I pay my respects to the Mumirimina people as the traditional and original custodians of the lands on which we meet, and I acknowledge the continuing connection of the Tasmanian Aboriginal people to the skies, land and waterways.*

*I pay respect to Elders past and present.”*

- invited those present to pause for a moment of quiet reflection and respect before commencing the council meeting.
- 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. The meeting is not protected by privilege. A link to the Agenda is available via Council’s website.

**2. APOLOGIES**

Refer to cover page.

**3. DECLARATIONS OF INTERESTS OF COUNCILLORS 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 Councillors 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**

**4. DEPUTATIONS**

Nil.

**5. REPORTS OF OFFICERS****5.1 DEVELOPMENT APPLICATION PDPLANPMTD-2023/036809 – 66 KENNEDY DRIVE AND 63 CAMBRIDGE PARK DRIVE, CAMBRIDGE - BULKY GOODS, TAKEAWAY FOOD PREMISES AND BOUNDARY ADJUSTMENT****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Bulky Goods, Takeaway Food Premises and Boundary Adjustment at 66 Kennedy Drive and 63 Cambridge Park Drive, Cambridge.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Cambridge Commercial Particular Purpose Zone and subject to the Parking and Sustainable Transport Code, Road and Railway Assets Code, Signs Code, Flood Prone Hazard Areas Code and Safeguarding of Airports Code under the *Tasmanian Planning Scheme - Clarence* (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 14 February 2024.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and one representation was received raising the issue of Bicycle Parking.

**RECOMMENDATION:**

A. That the Planning Application for Bulky Goods, Takeaway Food Premises and Boundary Adjustment at 66 Kennedy Drive and 63 Cambridge Park Drive, Cambridge (CI Ref PDPLANPMTD-2023/036809) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN.  
Amended plans showing:
  - detailed articulation along the northern facade of the building facing Bungana Way at 63 Cambridge Park Drive must be submitted to and approved by Council's Head of City Planning prior to the commencement of works. When approved, the plans will form part of the permit.
3. GEN V8 – BICYCLE STORAGE.  
Parking facilities for **28 bicycles** must be provided on-site. A plan showing the location and design must be submitted to and approved by Council's Head of City Planning, and the facilities must be constructed prior to the commencement of the use.
4. GEN C1 – ON-SITE CAR PARKING.  
**255 car parking spaces** must be provided on the property located at 63 Cambridge Park Drive prior to the commencement of the use. Each space, including accessible parking, must be clearly marked and used solely for parking purposes.
5. GEN AM3 – EXTERNAL COLOURS.
6. GEN M14 – STORAGE AREAS.
7. External lighting is not to operate within the hours of 11pm to 6am, excluding any security lighting.
8. GEN AM7 – OUTDOOR LIGHTING.
9. GEN S3 – SIGN EXTERNAL ILLUMINATION.
10. GEN S2 – SIGN LOCATION.
11. The signs must be illuminated only between the hours of 10am – 10pm.
12. An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.
13. GEN S7 – SIGN MAINTENANCE.
14. ENG A1 – NEW CROSSOVER.
15. ENG A5 – SEALED CAR PARKING.
16. ENG A7 – REDUNDANT CROSSOVER.
17. ENG M1 – DESIGNS DA.

18. An erosion and sedimentation control plan, in accordance with the Derwent Estuary Program Soil & Water Management on Building & Construction Sites document, must be submitted and approved by Council's Head of Infrastructure and Natural Assets prior to the commencement of the use/prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). All debris/construction materials must be contained within the property. All works must be carried out in compliance with the approved erosion and sediment control plan or to the satisfaction of Council's Head of Infrastructure and Natural Assets prior to the commencement of works.
19. ENG M6 – CONSTRUCTION FENCING.
20. ENG S1 – INFRASTRUCTURE REPAIR.
21. ENG S3A – WATER SENSITIVE URBAN DESIGN PRINCIPLES – PART 5.
22. ENG S2C – URBAN DRAINAGE SYSTEMS MODIFICATIONS.
23. A plan for the management of construction must be submitted and approved by Council's Head of Infrastructure and Natural Assets 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 rock breakers if any;
  - control of dust and emissions during working hours;
  - Access and Parking during construction;
  - 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.
24. Council, as a Stormwater authority, formed a view that the proposed development will intensify the stormwater discharge from the property and hence requires approval under the *Urban Drainage Act 2013* and the stormwater is to be designed as per Council's Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New-Development (1).pdf). This requirement will be assessed as part of engineering plans assessment if the proposed DA is approved.
25. LAND 1A – LANDSCAPE PLAN.
26. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

27. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 November 2023 (TWDA 2023/00816-CCC).

**ADVICE**

- a. This Permit will lapse after two years from the date on which it is granted unless the development/use has been substantially commenced. Upon request, under Section 53(5A) of the *Land Use Planning and Approvals Act 1993*, Council may grant an extension of time for a further two years. A further two years may be granted upon request under Section 53(5B) of the *Land Use Planning and Approvals Act 1993*. Any such requests must be made in writing and within six months of the day on which the permit has lapsed.
- b. This is a town planning permit only. Please be aware that a building permit and/or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.
- c. Non-compliance with this permit is an offence under Section 63 of the *Land Use Planning and Approvals Act 1993* and may result in enforcement action under Division 4A of the *Land Use Planning and Approvals Act 1993*, which provides for substantial fines and daily penalties.
- d. Detailed plans and specifications for all food handling areas, showing all internal surfaces, fittings and fixtures, must form part of a request for report from an Environmental Health Officer in accordance with Regulation 26B(3) of the *Building Regulations 2016* where the proposed work is notifiable building work or Regulation 28 of the *Building Regulations 2016* where the proposed work is permit building work. The plans must comply with the *Food Act 2003*, the Tasmanian Appendix Part H102 Food Premises of Volume 1 of the National Construction Code and the Food Standards Code.
- e. The site must be registered as a business in accordance with the *Food Act 2003* prior to the commencement of the use.
- f. The applicant must obtain approval from CASA for the proposed lighting at 66 Kennedy Drive and 63 Cambridge Park Drive prior to the commencement of the use.
- 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 7 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2023/036809 – 66 KENNEDY DRIVE AND 63 CAMBRIDGE PARK DRIVE, CAMBRIDGE - BULKY GOODS, TAKEAWAY FOOD PREMISES AND BOUNDARY ADJUSTMENT /contd...**

<b>Decision:</b>	<b>MOVED</b> Cr Mulder <b>SECONDED</b> Cr Kennedy
	“That the Recommendation be adopted”
	<b>CARRIED UNANIMOUSLY</b>

The Meeting closed at 7.07pm.