

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 28 AUGUST 2023

**HOURLY CALLED:** 7.00pm

**PRESENT:** The meeting commenced at 7.02pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

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

**1. APOLOGIES** Nil

## IN ATTENDANCE

Chief Executive Officer  
(Mr I Nelson)

Head of Infrastructure & Natural Assets  
(Mr R Graham)

Acting Head of City Planning  
(Ms R Olsen)

Chief Financial Officer  
(Ms J Murrell)

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

Head of Community and Culture  
(Ms T Cockburn)

Acting Head of Regulatory Services  
(Mr S Edwards)

Head of Governance  
(Ms C Shea)

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

The Meeting closed at 9.48pm.

**COUNCIL MEETING**  
**MONDAY 28 AUGUST 2023**

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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. ATTENDANCE AND 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. OMNIBUS ITEMS

### 4.1 CONFIRMATION OF MINUTES

#### RECOMMENDATION:

That the Minutes of the Council Meeting held on 7 August 2023, as circulated, be taken as read and confirmed.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Kennedy

“That the Minutes of the Council Meeting held on 7 August 2023, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

### 4.2 MAYOR’S COMMUNICATION

#### Hobart Airport Noise Abatement Procedure Trial

The Mayor tabled a letter from Airservices Australia dated 18 August 2023, which provided an update regarding the Hobart Airport Noise Abatement Procedure Trial.

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

8 August: ABC Interview – Local Government Review;  
Legacy Torch Bearers Luncheon;  
9 August: Salmon Tasmania Tour – Skretting Facility;  
12 August: Clarence City Gala Band Concert;  
13 August: Nelson Eastern Suburbs FC Final Home Game;  
14 August: Meeting with RSL Tasmania – Veteran Hub;  
16 August: “The Mercury” Bush Forum;  
17 August: Meeting with Dom Hughes – TasWater;  
Celebration of Inaugural Rex Flight;  
18 August: Vietnam Veterans Service – ANZAC Park;  
Vietnam Veterans Service – Hobart Cenotaph;  
Risdon Vale Primary School – Community Fair;  
19 August: CWA Lindisfarne Annual Fundraising Cocktail Party;  
21 August: WIN News Interview – Chambroad / Planning Process;  
23 August: Meeting with Lindisfarne Tennis Club;  
Destination Southern Tasmania – Dark Skies Tasmania;  
24 August: SERDA General Meeting;  
25 August: Tiger FC Business Breakfast;  
ABC Mornings Interview – Metro Bus Service;  
WIN TV Interview – Metro Bus Service; and  
Enchanted Realities – Art Exhibition Opening.

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**MAYOR'S COMMUNICATION /contd...****Deputy Mayor Councillor Allison Ritchie (on behalf of Mayor)**

17 August: 76<sup>th</sup> Pakistan Independence Day – Government House;

22 August: Churchill Fellowship Event – Government House; and

23 August: Launch of Waste & Energy Trade Centre of Excellence – Tas TAFE.

**Councillor Wendy Kennedy (on behalf of Mayor)**

23 August: Rokeby Neighbourhood Centre – Think Pink Luncheon.

**4.3 COUNCIL WORKSHOPS**

In addition to the Councillor'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**

City Heart Project Update

Proposed Pass Road Consultation

**DATE**

14 August

**RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:**

**MOVED** Cr Chong **SECONDED** Cr Kennedy

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

#### **4.4. TABLING OF PETITIONS**

Nil.

#### **4.5 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.

#### **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**

Representative: Cr James Walker

**Quarterly Reports**

The Copping Refuse Disposal Site Joint Authority distributed its Quarterly Summary of its Meetings for the period ending 11 August 2023.

The Copping Refuse Disposal Site Joint Authority distributed its Quarterly Report for the period ending 30 June 2023.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report was tabled in Closed Meeting.

**Representative Reporting**

- **SOUTHERN TASMANIAN REGIONAL WASTE AUTHORITY**

Representative: Cr Warren (Mayor's nominee)  
Cr Hunter (Proxy)

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

The Mayor advised that a Greater Hobart Mayor's Forum will be held on 30 August.

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

**South East Region Development Association**

- The Mayor tabled the draft minutes of a meeting held on 24 August 2023.

**Australian Coastal Councils Association Inc**

- Cr Hunter tabled the draft minutes of a committee meeting held on 14 August 2023.



**4.6 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 7, 14 and 21 August 2023 have been circulated to Councillors.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 7, 14 and 21 August 2023 be noted.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Kennedy

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

## **5. 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 a Councillor 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.

### **5.1 PUBLIC QUESTIONS ON NOTICE**

(Seven days before an ordinary Meeting, a member of the public may give written notice to the Chief Executive Officer 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.

Mr Bradley Walker of Howrah has given notice of the following questions:

**1. INFRINGEMENT NOTICES**

At council's meeting 17<sup>th</sup> July 2023. Ian Nelson is recorded at 15.55 on the recorded meeting video saying that council have 6 months to decide whether to progress or withdraw an infringement notice. What section of which act, or policy governs this 6-month timeframe stated?

**2. PUBLIC QUESTION TIME**

It has become very apparent in recent meetings that there is confusion between the public wanting to ask questions at meetings and the chairperson around what preamble can be given before a question. There is no time restraint on the question itself and an allotted 15 minutes for public question time which has not been recently exceeded, could the chairperson please give an estimate to what they see as acceptable time for introductory information on the actual question?

### **5.2 ANSWERS TO QUESTIONS ON NOTICE**

The Chief Executive Officer provided the following answer to the question from Mr Bradley Walker at Item 5.1.

**1. INFRINGEMENT NOTICES**

The Infringement Notice referred in the meeting was an infringement issued to Cleanaway Pty Ltd under the *Land Use Planning and Approvals Act 1993*. In this specific situation, as a notice of election had not been lodged, council had the option to either withdraw the infringement notice pursuant to section 23 of the *Monetary Penalties Enforcement Act 2005* or within 6 months, refer the Infringement Notice to the Director of Monetary Penalties in accordance with section 18(2)(b) of the Act.

/ contd on Page 10...

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

The Mayor provided the following answer to the question from Mr Bradley Walker at Item 5.1.

**2. PUBLIC QUESTION TIME**

I thank Mr Walker for his question and as there has been some commentary around this issue, I will now provide a detailed response:

- Council's adopted policy regarding public question time allows for a maximum of 15 minutes at an ordinary council meeting for questions from members of the public.
- Questions can be asked in two ways:
  - a maximum of two questions may be submitted in writing and be "put on notice" before the council meeting which will be listed on the agenda for the meeting.
  - one question may be raised from the public gallery "without notice" during the public question time segment of the agenda.
- The allocated time period of 15 minutes is for both questions on notice to be read out and questions to be asked without notice at the meeting, plus responses to those questions.
- Questions without notice will be dependent on available time at the meeting.
- Provided time is available, each person in the public gallery will be given an opportunity to ask one question without notice.
- Subject to available time and in the event that no other members of the public present seek to ask questions without notice at the meeting, the chairperson may allow further questions from the public gallery.
- Public question time provides an opportunity for people to ask questions about Council's activities, not make statements. Anyone wishing to address Council and make a statement may do so under the Deputation section of the Council Meeting Agenda.
- The meeting procedures state that "All questions and answers must be kept as brief as possible". This means that lengthy preambles to questions are to be avoided. A short statement to provide context may be acceptable, subject to any determination by the Chairperson.
- Importantly, if a person wishes to make a longer statement to council, that should be undertaken via a Deputation (which allows up to 3 minutes for statement to Council).
- Questions or answers are not to be debated.
- In summary, if a preamble is warranted, I will allow it, however, if, in my opinion, it is unwarranted, then it will be disallowed.
- To be clear, as Chairperson, that is my prerogative.
- If, in the interests of fairness, a preamble – that is not a statement – is justified – then I will allow it – otherwise – I will insist – as I have done since being elected – that the question be put.

**5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**5.4 QUESTIONS WITHOUT NOTICE**

Mrs Joanne Marsh of Bellerive asked the following question.

**UNCONTROLLED PEDESTRIAN REFUGE ISLANDS IN BELLERIVE VILLAGE**

All the uncontrolled pedestrian refuge islands in Bellerive Village which has a high level of pedestrian and vehicular traffic have been removed for a week. This is an ongoing occurrence when developments are in progress in my local area. Pedestrians are left to their own devices to negotiate dangerous footpaths and road crossings. All pedestrians and particularly those with a disability are made vulnerable by this situation. My question is, when council authorises changes to pedestrian conditions or approves a traffic management plan, what risk assessments are undertaken and how is risk managed and effectively monitored by the responsible officers for the duration of the work?

**ANSWER**

The question was taken on notice.

Council's Public Question Time Policy can be found on Council's website at [Public Question Time - City of Clarence : City of Clarence \(ccc.tas.gov.au\)](https://www.ccc.tas.gov.au/public-question-time)

<b>6. DEPUTATIONS BY MEMBERS OF THE PUBLIC</b>
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(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)

Nil.

<b>7 PLANNING AUTHORITY MATTERS</b>
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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:

**7.1 APPLICATION PDPSPAMEND-2023/034393 – 923 AND 1015 GRASSTREE HILL ROAD, GRASSTREE HILL - COMBINED SCHEME AMENDMENT AND PERMIT APPLICATION - BOUNDARY ADJUSTMENT****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to review Council's decision of 26 June 2023 in response to representations received during the public exhibition period in accordance with the requirements of Section 40G and Section 40Z of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

The proposal relates to a request to amend the Clarence Local Provision Schedule (LPS) under Section 37 of LUPAA and combined planning permit application under Section 40T of LUPAA for the rezoning of 4404m<sup>2</sup> of 923 Grasstree Hill Road, Grasstree Hill to enable a boundary adjustment involving 923 and 1015 Grasstree Hill Road, Grasstree Hill.

The Planning Authority's assessment of the proposal and any representations received must be provided to the Commission under Section 40K and Section 42 of LUPAA.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Landscape Conservation Zone and Rural Zone, and is subject to the Parking and Sustainable Transport, Natural Assets, Flood-Prone Hazard Area, Bushfire-Prone Areas, Landslip Hazard and Safeguarding of Airports Codes under the Tasmanian Planning Scheme - Clarence (the Scheme).

The proposed boundary adjustment is currently Prohibited under the Scheme because it would create a lot where multiple zones apply.

**LEGISLATIVE REQUIREMENTS**

The proposal was submitted to the Planning Authority for a decision in accordance with Section 38 (2) and Section 40Y of LUPAA for a combined amendment to the LPS and planning permit application. The certified amendment and draft permit were advertised in accordance with the statutory requirements of Section 40G and Section 40Z. Council is now required to consider the merits of any representation received.

The report on this item details the basis and reasons for the recommendations. 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 2000* and the Local Government (Meeting Procedures) Regulations 2015.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and no representations were received.

**RECOMMENDATION:**

- A. That Council, sitting as the relevant Planning Authority, after concluding the public exhibition process, resolves that:
1. Pursuant to section 40K(1) of the *Land use Planning and Approvals Act 1993*, it advises the Tasmanian Planning Commission that no representations were received during the exhibition of draft amendment PDPSPAMEND-2023/034393 and permit application that related to the draft amendment.
  2. Pursuant to section 42(a) of the *Land use Planning and Approvals Act 1993*, it advises the Tasmanian Planning Commission that no representations were received during the exhibition of the draft amendment PDPSPAMEND-2023/034393 and permit application that related to the permit application.
  3. Pursuant to section 40K(2)(d) of the *Land use Planning and Approvals Act 1993*, it advises the Tasmanian Planning Commission that the draft amendment of the LPS meets the LPS criteria and pursuant to section 40K(2) (e) recommends approval of the certified draft amendment as attached to the Associated Report.
  4. Pursuant to section 42(c) of the *Land use Planning and Approvals Act 1993*, it recommends to the Tasmanian Planning Commission that the draft permit as attached to the Associated Report (Attachment 2) be approved.
  5. Pursuant to Section 40K (1) and Section 42 of the *Land use Planning and Approvals Act 1993* this report and relevant attachments, including the TasWater response to the TasWater section 56S referral, be provided to the Tasmanian Planning Commission.
- 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** Cr James **SECONDED** Cr Goyne

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**



**7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2023/036093 – 74 BANGALEE STREET, LAUDERDALE - ADDITIONS AND ALTERATIONS AND CARPORT (RETROSPECTIVE)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a carport (retrospective), as well as an extension to the existing dwelling at 74 Bangalee Street, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential, and subject to the Parking and Sustainable Transport Code, Coastal Inundation Hazard Code, Flood-prone Hazard Areas Code, 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 29 August 2023 as agreed with the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and no representations were received.

**RECOMMENDATION:**

- A. That the Planning Application for additions and alterations and carport (Retrospective) at 74 Bangalee Street, Lauderdale (Cl Ref PDPLANPMTD-2023/036093) be refused as the proposal is contrary to the provisions of the Tasmanian Planning Scheme - Clarence for the following reason:
  - 1. The proposal does not comply with clause 8.4.2 Setbacks Performance Criterion P2 in that the proposed frontage setback is not compatible with the setbacks of existing garages or carports in the street.
- 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 17 for Decision on this Item...

**DEVELOPMENT APPLICATION PDPLANPMTD-2023/036093 – 74 BANGALEE STREET, LAUDERDALE - ADDITIONS AND ALTERATIONS AND CARPORT (RETROSPECTIVE) /contd...**

<b>Decision:</b>	<b>MOVED</b> Cr Kennedy <b>SECONDED</b> Cr Ritchie
	<p>“A That the Development Application for Additions and Alterations and Carport (retrospective) at 74 Bangalee Street, Lauderdale (PDPLANPMTD-2023/036093) be approved subject to the following conditions and advice:</p> <p>1. GEN AP1 – ENDORSED PLANS.</p> <p><b>ADVICE</b></p> <p>a. ADVICE 1 – PERMIT EXPIRY ADVICE.</p> <p>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.</p> <p>c. Non-compliance with this permit is an offence under Section 63 of the <i>Land Use Planning and Approvals Act 1993</i> and may result in enforcement action under Division 4A of the <i>Land Use Planning and Approvals Act 1993</i> which provides for substantial fines and daily penalties.</p> <p>B. That the reasons are as follows:</p> <p>1. The retrospective approval of the Carport has minimal (if any) impact on the current or future streetscape.</p> <p>2. The primary frontage on Epping Road applies to only two properties, with several other properties with secondary frontages to Epping Road having existing garages or carports close to the boundary. There is minimal opportunity for a setback precedent in Epping Road in this circumstance.</p>

/ Decision contd on Page 18...

**DEVELOPMENT APPLICATION PDPLANPMTD-2023/036093 – 74  
BANGALEE STREET, LAUDERDALE - ADDITIONS AND ALTERATIONS  
AND CARPORT (RETROSPECTIVE) /Decision contd...**

3. Prior to the subdivision of the property, the Epping Road frontage would have been the secondary frontage and the carport could have been considered under the performance criteria 3 for clause 8.4.2. While this is now the primary frontage, the siting and scale has little impact on the amenity of the area.”

**CARRIED UNANIMOUSLY**

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

<b>8.     REPORTS OF OFFICERS</b>
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<b>8.1    DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS</b>
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Nil.

**8.2 ASSET MANAGEMENT****8.2.1 CONSULTATION ON FUTURE UPGRADE AND WIDENING OF PASS ROAD BETWEEN GLEBE HILL ROAD AND CONNOR PLACE****EXECUTIVE SUMMARY****PURPOSE**

To endorse the commencement of consultation with property owners in Pass Road (between Glebe Hill Road and Connor Place) on the future Pass Road upgrade and widening project.

**RELATION TO EXISTING POLICY/PLANS**

The Clarence City Council's Strategic Plan 2021-2031 has the goal of being a well-planned and liveable city where: Clarence will be *"...a well-planned liveable city with services and infrastructure to meet current and future needs of our growing and vibrant community."*

The above goal is particularly relevant to this matter as the function of Pass Road has changed from a minor rural road to a sub-arterial urban road due to significant subdivision development and population growth in the Clarence Plains area.

**LEGISLATIVE REQUIREMENTS**

The Local Government Act 1993 (Tas) and the Land Acquisition Act 1993 (Tas) are relevant.

**CONSULTATION**

This report seeks Council approval to proceed with consultation on the proposed road upgrade and widening with property owners on Pass Road between Glebe Hill Road and Connor Place.

The Pass Road upgrade and widening project has been noted in Council reports, online, social and legacy media along with correspondence with local residents. There is a public expectation that Pass Road will be upgraded and widened.

**FINANCIAL IMPLICATIONS**

Council has allocated \$1.5 million within the Roads Program of the 2020/21 Annual Plan with additional funds of \$6.1 million in the 2023/24 capital expenditure program for the Pass Road upgrade and widening project.

On 30 November 2021, headworks charges were obtained by Council from the developer of 163 Pass Road, Rokeby for the purpose of upgrading the section of Pass Road between Glebe Hill Road and Winterborne Road. This amount is included in the 2023/24 budget allocation for this project.

**RECOMMENDATION:**

That Council:

- A. Authorises the commencement of consultation with property owners in Pass Road (between Glebe Hill Road and Connor Place) on the future upgrade and widening project for Pass Road, including consultation on the concept design plan and any additional land likely to be required to ensure that the road corridor is sufficient to accommodate the upgrade and widening.
- B. Requests the Chief Executive Officer to provide an update to Council within three months of commencement of the consultation with property owners on the progress of the consultation process.

**Decision:** **MOVED** Cr James **SECONDED** Cr Kennedy

“That the Recommendation be adopted”.

**CARRIED UNANIMOUSLY**

<b>8.3 FINANCIAL MANAGEMENT</b>
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Nil Items.

**8.4 GOVERNANCE****8.4.1 QUARTERLY REPORT TO 30 JUNE 2023****EXECUTIVE SUMMARY****PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 April to 30 June 2023.

**RELATION TO EXISTING POLICY/PLANS**

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's adopted Strategic Plan 2021-2031.

**LEGISLATIVE REQUIREMENTS**

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

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

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

**RECOMMENDATION**

That the Quarterly Report to 30 June 2023 be received.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Kennedy

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**



## 9. MOTIONS ON NOTICE

### 9.1 NOTICE OF MOTION – COUNCILLOR RITCHIE REVIEW OF 42-DAY DEVELOPMENT APPLICATION TIMEFRAME

In accordance with Notice given, it was:

**Decision:** **MOVED** Cr Ritchie **SECONDED** Cr Kennedy

“That Council:

- (A) Acknowledges the consequences for not meeting the 42-day Statutory Timeframe (42-day rule) are too harsh, including that it can deny representors objecting to a development application the right to be fairly heard and deny elected Councillors the opportunity to represent community concerns in respect to the operation of the planning scheme.
- (B) Authorises the Chief Executive Officer to write to the Local Government Association of Tasmania (LGAT) to request that LGAT convene a reference group from member Councils to develop options and recommendations for the sector to:
  - (i) Assess the impact of the 42-day rule on planning outcomes across local Councils in Tasmania (including both qualitative and quantitative data).
  - (ii) Identify what practices and delegations councils currently utilise to manage the 42-day rule, including the impact of those practices and delegations on representor objections.
  - (iii) Review equivalent ‘deemed approval’ and timeframe extension mechanisms of other jurisdictions to compare with Tasmania’s arrangements.
  - (iv) Based on the findings of points (i), (ii) and (iii) above, identify whether the 42-day rule operates in a manner that is fair and equitable to all parties to a development application; that is both applicants and representors.

/ Decision contd on Page 25...

**NOTICE OF MOTION – COUNCILLOR RITCHIE  
REVIEW OF 42-DAY DEVELOPMENT APPLICATION TIMEFRAME  
/Decision contd...**

- (v) Recommend changes be implemented to ensure development applications are not required to be resolved under delegation because an applicant refuses to grant an extension of time for an application to be considered at a Council meeting.”

**CARRIED**

**FOR**

Cr Blomeley  
Cr Chong  
Cr Darko  
Cr Goyne  
Cr Hulme  
Cr Hunter  
Cr Kennedy  
Cr Mulder  
Cr Ritchie  
Cr Walker  
Cr Warren

**AGAINST**

Cr James

**9.2 NOTICE OF MOTION – COUNCILLOR GOYNE  
REVIEW OF OPTIONS FOR CAT REGISTRATION SYSTEM**

In accordance with Notice given, it was:

**Decision:** **MOVED** Cr Goyne **SECONDED** Cr Hunter

“That Council:

- (A) Authorises the CEO to develop a scoping document that details options for a Clarence Cat Management Policy, based on the Southern Tasmanian Cat Management Strategy, including options for a cat registration system, funding models, by-laws and declared areas associated with protection of natural areas and/or specific area plans;
- (B) Requests that the scoping document be presented to a Council workshop for consideration within the next six months; and
- (C) Authorise the CEO to seek an up-to-date position from the Tasmanian Government on any future reform planned for the catching/rehoming or humane destruction of unclaimed and feral cats in Tasmania, in accordance with the *Cat Management Act 2009* (Tas) and any other applicable legislation.”

**CARRIED UNANIMOUSLY**

**9.3 NOTICE OF MOTION – COUNCILLOR MULDER  
MAYOR’S COMMUNICATION**

In accordance with Notice given, Cr Mulder intended to move the following motion:

“That the *Mayors Communication* provide a record of each Mayoral meeting since the last report and that such a record includes the persons present at that meeting, the topics discussed and the outcomes, if any; limited only to the extent necessary to meet any privacy and/or confidentiality requirements that may apply.”

With the Leave of the Meeting Cr Mulder amended his motion and it was:

<b>Decision:</b>	<b>MOVED</b> Cr Mulder <b>SECONDED</b> Cr James
	“That Council conduct a workshop for the purpose of considering the development of a policy for public disclosure of formal meetings of the Mayor and Councillors with interested parties and Council officials.”
	The Mayor asked the Deputy Mayor to <b>assume</b> the Chair while he entered the debate as a Councillor (8.31pm).
	The Mayor <b>resumed</b> the Chair at 8.36pm.
	The <b>MOTION</b> was <b>put</b> and <b>CARRIED UNANIMOUSLY</b>

**10. COUNCILLORS' QUESTION TIME**

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

**10.1 QUESTIONS ON NOTICE**

(Seven days before an ordinary Meeting, a Councillor may give written notice to the Chief Executive Officer of a question in respect of which the Councillor seeks an answer at the meeting).

Nil

**10.2 ANSWERS TO QUESTIONS ON NOTICE**

Nil

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

Cr Ritchie

I note on the East Derwent Highway we have quite a number of power poles or Telstra poles that are right in the middle of the footpath. I have taken some photos and received some constituent enquiries because there are actually some sections where the footpath has a pole in the middle of it. It is very difficult for people with a disability or who have mobility issues and are required to have a wheelchair or scooter or even just physically walking, it is very narrow. My question is, is Council aware of this situation and is it anywhere on Council's footpath replacement and maintenance schedule?

**ANSWER**

(Head of Infrastructure and Natural Assets) We certainly know of the infrastructure, it is our responsibility under the Roads and Jetties Act for the footpath. We are looking in the longer term at replacing some of the bitumen footpath with concrete. Removing or moving services would be very expensive but we would look at that at the time. There are certainly no plans this financial year for the work.

(Further information) When officers are investigating the footpath replacement program for East Derwent Highway, both TasNetworks and TasWater will be liaised with in relation to future plans and initiatives for their infrastructure.

Cr Mulder

1. In regard to the million dollar headworks charge for the Pass Road development could I have some idea of how that is calculated? Is it per block or per resident status which would indicate the number of cars that would be using it and that in comparison I have been informed is the \$8000 per lot headworks charge that we levied on School Road?

**ANSWER**

(Head of Infrastructure and Natural Assets) Certainly School Road was done looking at the staged development that would occur and contributing certain responsibility to the developer for the usage of that road. In terms of the million dollars, it has already been paid to Council and that was part of the original permit conditions but I will come back to Council through a Weekly Briefing Report on how the working of that was undertaken at that time.

(Further information) The Headworks charge was calculated in accordance with Council's Headworks Policy and included a figure/cost estimate for the pavement upgrade, construction of a new roundabout at Pass Road/ Winterbourne Road and a shared path on one side of the Pass Road. The figure calculated at the time of the permit was \$950,000 and a condition included payment of the sum with applicable CPI Index for the years from the issue of the permit to the payment or carrying out the works. The developer constructed the new roundabout however could not proceed with the remainder of the southern road upgrade works due to the issue with the road widening. Hence the developer paid the headworks rather than undertaking the construction.

2. My question relates to the junction of Shoreline Drive, Clarence Street and Howrah Road. By way of context this Council, about 3 years ago, moved a motion put by Ald Edmunds to arrange for traffic signals at this location. About two years ago we were advised that it qualified for the black spot program and today again I was nearly a head on because I could not see cars coming through that intersection. Could we please be advised what progress has been made on a road that qualifies as a black spot hence it is as a danger. Are we sitting on our hands and when will that situation be resolved?

**ANSWER**

Taken on notice.

(Further information) At the council meeting on 23 November 2020, Ald Edmunds asked a question without notice asking “...*Since those lights have been put in has there been any review of their operation and if not would council consider putting a red arrow on Clarence Street?*”.

The Australian Government provided funds to improve the left-turn slip lane from Howrah Road into Clarence Street slip lane under the 2016-17 blackspot program. The work included:

- Modification of the slip lane from Howrah Road to Clarence Street;
- Footpath and kerb and gutter alterations;
- Relocation of traffic signals with the slip lane;
- Modification of the through traffic lane on Howrah Road into Shoreline Drive; and
- Extension of traffic storage length on the slip lane into Clarence Street from Howrah Road.

In August 2021 Council received a Traffic Assessment and Concept Design Report for the Clarence Street, Shoreline Drive, Howrah Road traffic signals that reviewed the intersection and identified opportunities to resolve pedestrian and vehicle safety for users of this signalised intersection. The report recommended some geometric modifications at the intersection along with some changes to the traffic signal operation. These changes were nominated for funding consideration in the 2022-23 Black Spot program. The request was for \$200,000 through the grant program but this project was not funded due to a poor benefit-cost ratio compared to other nominated projects.

Alternative funding opportunities are being explored, including the project being fully funded by Council.

Cr Hunter

1. Could we have an update on negotiations regarding Skylands? Have these occurred yet and if not are there some scheduled?

**ANSWER**

(Acting Head of City Planning) I can confirm that we have had the very beginnings of a meeting, we are just trying to clarify all of the issues that need to be considered, so we are at the beginning of the negotiation process.

2. My question relates to traffic assessments in the development application process. Looking back at the traffic assessment that was done for the 22 lot subdivision at 145 Bayview Road I learned that you cannot account for any other future developments that are being planned unless a development application has been submitted. That was news to me so knowing that a traffic assessment can be undertaken a year or two before the development application is lodged other plans might be underway in that time frame and my concerns are that there is a gap when a development application might be lodged when there are other subdivisions being planned but the traffic cannot be accounted for or assessed until that development application is lodged.

**ANSWER**

Taken on notice.

(Further Information) A TIA considers traffic on the existing road network, as well as the generation from the proposed development. However, it is difficult to justify the inclusion of traffic from a future development as the timing and impact of new developments may not be foreseeable. It is usual practice to consider all potential traffic generation and use when developing structure plans or master plans that consider a broader area.

Cr Hulme

Are we planning at some time in the future to have any update to our website where residents and ratepayers have their own online profiles that they can log into and through which we can have consultation processes where know for certain that the people responding are residents or ratepayers and where they live?

**ANSWER**

Taken on notice.

(Further information) Residents and ratepayers registering for consultation will be considered as part of Council's Engagement Strategy, which will come to council in the new year. Discussions with Councillors will inform this strategy, as will the recently undertaken community research project.

Cr James

1. I refer to the Councillor Statement of Expectations and Issues Resolution Procedures adopted by this Council that relate to conduct towards each other, council employees and community members. In the event that a complaint was made against our Mayor would he have to stand aside from the implementation of the Issues Resolution Procedures?

**ANSWER**

Taken on notice.

(Further information) The Issues Resolution Procedure provides an informal process that includes three types of process for resolving issues related to elected members. These are 'self-management', 'indirect approach' and 'direct complaint'. The 'indirect approach' procedure includes the following: 'Issues in relation to the Mayor should be raised with the Deputy Mayor'. The 'direct complaint' procedure requires lodgment of an Issues Resolution Form with the Mayor. While the Mayor is required to make an initial assessment of the complaint detailed in the form, if the issue is deemed serious it can be referred to a Responsible Conduct Officer to conduct the determination process outlined in the procedure. There is no provision in the procedure to reallocate the initial assessment of a direct complaint to another person if the complaint is about the Mayor.

2. My question is regarding the current situation with the lease arrangement on Rosny Hill, how far are we advanced in relation to that?

**ANSWER**

(Chief Executive Officer) We are working on some drafting at the moment. I received an update just today and once that has been finalised through legal review we will bring that to a Council workshop and I anticipate that would be in the next couple of months.

(Question contd) Is it intended that there will be a substantial change in the monetary value associated with the sub lease?

(Mayor) That will form part of the briefing to Council.

Cr Walker

During my time on Council there has been significant investment in the Clarence Aquatic Centre. In light of where Glenorchy City Council finds itself I wonder if you could advise if any significant upgrades are anticipated in the next 5 years?

**ANSWER**

(Head of Infrastructure and Natural Assets) Certainly we are planning to come to Council with a budget proposal for lifecycle analysis in the next year or two so we can fully inform Council of the likely future of this significant facility but we will take the question on notice to provide a detailed response.



(Further information) Council recently completed the mechanical plant upgrade which has achieved beneficial results with reduced power and water supply costs. The hot water supply line is under investigation. This pipe is within the concrete floor of the pool and some corrosion is evident on the surface. There are no known significant cost elements however in the coming years it is recommended to undertake a life cycle review of the pool to understand the likely future expenditure, with the pool usage.

Cr Goyne

1. On 15 September Council is planning to have a Cultural Awareness training session delivered through Reconciliation Tasmania. Could I ask what cost that is to ratepayers?

**ANSWER**

(Acting Head of Community and Culture) It is my understanding that the training is run by volunteers so there will be no cost to Council. I will confirm that though.

(Further information) This Cultural Awareness session is being delivered at a cost of \$88 per person and will be covered by the Reconciliation Action Plan budget. It is the fifth session which has been delivered this year by Reconciliation Tasmania to staff (a total of 100 staff have already participated in the training), as we develop our first Reflect Reconciliation Action Plan. Staff have also participated in free 'Understanding the Voice' sessions, delivered by Reconciliation Tasmania Volunteers.

2. As there are over 61,000 residents of Clarence and only just over 2000 of those are recorded as indigenous are we planning to have any cultural awareness to do with the other cultures in Clarence?

**ANSWER**

Taken on notice.

(Further information) It is planned to test and trial various Multicultural Awareness training options before rolling out to front-line staff as council develops its first Multicultural Plan. An officer from the Community Development team has participated in a Migrant Resource Centre training module, and there is the *Intercultural Communication Training* module delivered by Sherlock and Dutta Consulting which was rolled out to specific teams on 22 August through our People, Safety and Culture work group.

Cr Warren

Yesterday I became aware of a family in Gordons Hill Road that has been suffering racial vilification and vandalism for two years, they have been unable to receive assistance from police as they were unable to provide evidence of who was carrying out the vandalism. Is there anything that Council can do to help because this family has had to spend considerable time and money removing graffiti from their driveway, I know we have a graffiti removal team, I just wonder if there is any way we can provide support as this should not be happening in a civilised society and anything we can do to make that family feel that not everybody in the world is against them would be a good thing to do?

**ANSWER**

(Mayor) The family wrote to me about a week ago with some photographs of what you have just described. Their correspondence came to me on a Sunday and first thing on the Monday morning we engaged with Inspector Keane's office [at Bellerive Police Station]. My understanding is we did not have any record here because they had been engaging with the police. The response from Tas Police has been very good from a community liaison perspective and I have written to the family. That sort of behaviour is not tolerated in Clarence, it is an inclusive community as you rightly say, we have zero tolerance of that sort of behaviour. We are working closely with the police but unless there is someone caught in the act there is not much the police are able to do. We are aware of the situation, we are doing all that we can and Tas Police is genuinely committed to protecting this family and let everyone know they are welcome here in Clarence.

(Chief Executive Officer) That aligns with what my understanding is. The police reached out last week and are seeking to meet with the family directly but I have not had an update as yet.

(Question contd) That is good to hear but is there anything that Council can do to assist with the removal of graffiti and the damage?

**ANSWER**

Taken on notice.

(Further information) It is understood that the offensive graffiti has been removed but Council officers are investigating whether there is scope to develop guidelines to facilitate the prompt removal of graffiti from privately owned property, within the Clarence Municipality, where the graffiti falls within the definition of *hate speech*\*, and is visible to the general public (e.g. Public facing fence, wall or other infrastructure), with owner consent.

TasPol have spoken with the residents concerned and taken a report in relation to other matters that have occurred and have generated an intelligence report outlining what has been happening. They will give the area some increased attention. It has also been noted that there have been other random incidents of racist graffiti in and around the Bellerive/Rosny/Warrane area. These do not appear to be targeted to any particular persons but are of a similar nature to that the has occurred at the property in Gordons Hill Road. Reports have been submitted in relation to these matters also.

Council officers are also working on longer term development of some programs such as presenting a 'Clarence Talks' session on multiculturalism – possibly at the Warrane Mornington Neighbourhood Centre, in response to these particular incidences being within that area, as well contacting the Migrant Resource Centre and Multicultural Council of Tasmania to determine if there are education programs that can be delivered in schools.

Through Council's events program we deliver the highly successful Story Festival annually. The Story Festival aims to facilitate meaningful cultural exchange and skill sharing in a format that allows for true interpersonal connection. Story Festival-goers form an integral part of the festival experience by actively participating with and engaging in intercultural skill sharing, cultural exchange, and story-telling via small workshops, communal meals, and intimate events.

*\*UN definition: In common language, "hate speech" refers to offensive discourse targeting a group or an individual based on inherent characteristics (such as race, religion or gender) and that may threaten social peace*

Cr Chong

Do we have an update on Stadiums Tas?

**ANSWER**

(Mayor) We had one meeting with the Chair Mr Michael Malouf AM before he had a board appointed, he now has a board but we are yet to meet with them. When that does happen I will certainly keep colleagues and the community informed.

Cr Kennedy

I have a question for public record more than anything else, can we have an explanation as to why Harmony Market has ceased operation at the moment?

**ANSWER**

(Acting Head of City Planning) The Harmony Market was provided with a [temporary] permit in 2019, since that time that permit has expired. We have been contacted by Harmony Market operators in order to extend that permit but unfortunately it is so far expired it is not able to be extended. We are yet to receive an application for a new permit.

(Question contd) Are there any other markets operating in our city that might be in a similar situation?

**ANSWER**

(Acting Head of City Planning) I believe there may be markets in that situation that are yet to come to our attention. I think there may be an issue with the Kangaroo Bay market, I do not have the detail on that at this point.

(Chief Executive Officer) The Kangaroo Bay Produce Market has a development permit to operate from Kangaroo Bay. They have been discussing for some time now to relocate to the Bellerive boardwalk. Those negotiations are ongoing but have not been able to be successfully resolved as there is a range of issues that are being raised by the market operator and I have been updating the Mayor on that.

**10.4 QUESTIONS WITHOUT NOTICE**

A Councillor may ask a Question without Notice of the Chairman or another Councillor or the Chief Executive Officer. 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, a Councillor or the Chief Executive Officer may decline to answer a question without notice.

Cr Goyne left the meeting at 9.01pm.

## 11. 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.

11.1 APPLICATIONS FOR LEAVE OF ABSENCE

11.2 JOINT AUTHORITY MATTER

11.3 LEGAL ACTION – AUTHORITY FOR CHIEF EXECUTIVE OFFICER

11.4 CONFIDENTIAL LEGAL MATTER

11.5 CONSENT AGREEMENT - PDPLANPMTD-2022/029919 – 4 LINCOLN STREET, LINDISFARNE – THREE MULTIPLE DWELLINGS

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:

- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Councillors for a Leave of Absence; and
- matters relating to actual or possible litigation taken, or to be taken, by or involving the council.

**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>	<p><b>PROCEDURAL MOTION</b>  <b>MOVED</b> Cr Warren <b>SECONDED</b> Cr Chong</p> <p>“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.</p> <p><b>CARRIED UNANIMOUSLY</b></p>
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Cr Mulder left the meeting at this stage (9.14pm)

The Meeting closed at 9.48pm.