

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 9 OCTOBER 2023

HOURL CALLED: 7.00pm

PRESENT: The meeting commenced at 7.01pm 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)

Chief Financial Officer
(Ms J Murrell)

Head of Infrastructure & Natural Assets
(Mr R Graham)

Acting Head of City Planning
(Ms R Olsen)

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

Head of Governance
(Ms C Shea)

Head of Regulatory Services
(Mr R Brennan)

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

The Meeting closed at 9.10pm.

COUNCIL MEETING
MONDAY 9 OCTOBER 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 18 September 2023, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 18 September 2023, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

4.2 MAYOR’S COMMUNICATION

The Mayor tabled a letter he had co-signed with the Lord Mayor, Mayor Paula Wriedt and Mayor Bec Thomas to The Hon Nic Street, MP - Minister for Stadia and Events, regarding consultation with the Greater Hobart Councils about an AFL training and administration facility, as well as the Minister’s response to that letter.

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

- 19 September: ABC Radio Interview with Ryk Goddard (major projects etc);
Win TV and 7 Nightly News – AFL High Performance Centre;
Mercury Interview – AFL High Performance Centre;
- 20 September: ABC Drive – AFL High Performance Centre;
City Development Advisory Committee;
- 21 September: AICD Tasmanian Annual Awards;
- 22 September: Youth Advisory Council Summit 2023;
Meeting with CEO Tasmanian Irrigation;
Local Government Representatives Dinner – Government House;
- 23 September: Sparking Conversations;
- 25 September: SERDA AGM/KPMG Discussions;
- 27 September: Business and Employment Southeast Tasmania (BEST) AGM;
Warrane Community Garden – Springfest Launch;
- 29 September: Destinations Southern Tasmania Board Meeting;
- 1 October: Dogs Day Out;
Lindisfarne Sailing Club – Opening Day;
- 5 October: Legacy Torch Relay and Ceremony 2023;
- 7 October: Glebe Hill Village “First Birthday”;
Official Unveiling of the Nigerian Commemorative Stone;

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MAYOR'S COMMUNICATION /contd...

8 October: South Arm RSL Annual Lunch;
 Mercury Interview – Rosny Bus Mall Incident;
 9 October: 7HOFM Interview – Rosny Bus Mall Incident;
 Cambridge Land Development Update Meeting; and
 ABC Drive Interview – AFL High Performance Centre and Chambroad/
 Kangaroo Bay.

Deputy Mayor Councillor Allison Ritchie (on behalf of Mayor)

22 September: Bryn Estyn Water Treatment Plant Opening; and
 28 September: Mackillop College Site Visit.

Councillor Heather Chong (on behalf of Mayor)

28 September: Poochibald Art Prize – Rosny Barn; and
 7 October: Clarence Zebras Football Club – 2023 Presentation Dinner.

Councillor Emma Goyne (on behalf of Mayor)

29 September: National Police Remembrance – Tas Police Academy; and
 3 October: Antarctic Season Opening 2023/2024.

Councillor Wendy Kennedy (on behalf of Mayor)

4 October: 2023 THA Awards for Excellence – Royal Botanical Garden.

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	DATE
Little Howrah Beach Master Plan	
AFL High Performance Centre	
Parking Sensors	
LGAT Motions	25 September

RECOMMENDATION:

That Council notes the workshops conducted.

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

“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

September Quarterly Report pending.

Representative Reporting

- **SOUTHERN TASMANIAN REGIONAL WASTE AUTHORITY**

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

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

RICHMOND ADVISORY COMMITTEE

- Cr Chong tabled the minutes of a meeting held on 16 August 2023

RICHMOND BICENTENARY PLANNING COMMITTEE

- Cr Chong tabled the minutes of a meeting held on 13 August 2023.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 18 and 25 September and 2 October 2023 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 18 and 25 September and 2 October 2023 be noted.

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

“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.

Nil.

5.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

Nil.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

5.4 QUESTIONS WITHOUT NOTICE

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

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda.

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

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-City-of-Clarence)

6. 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-2023/036283 – 1089 AND 1099 SOUTH ARM ROAD, SANDFORD (WITH ACCESS FROM SCHOOL ROAD AND STORMWATER DISCHARGE TO SOUTH ARM HIGHWAY) – 14 LOT SUBDIVISION AND BOUNDARY ADJUSTMENT INCLUDING PUBLIC ROAD AND PUBLIC OPEN SPACE LOTS
(REFER ITEM 7.4)

Dr Jane Sargison addressed the meeting regarding the above Development Application.

Mr Steve Clarke addressed the meeting regarding the above Development Application.

DEVELOPMENT APPLICATION PDPLANPMTD-2023/037817 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (ONE EXISTING AND EIGHT NEW)
(REFER ITEM 7.1)

Mr Sam Morse addressed the meeting regarding the above Development Application.

COMMUNITY CONSULTATION TO GAUGE INTEREST IN AN AFL HIGH PERFORMANCE CENTRE IN CLARENCE
(REFER ITEM 8.4.2)

Mr Roger Curtis addressed the meeting regarding the above matter.

Mr Chris Dare addressed the meeting regarding the above matter.

7 PLANNING AUTHORITY MATTERS
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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 DEVELOPMENT APPLICATION PDPLANPMTD-2023/037817 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (ONE EXISTING AND EIGHT NEW)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for nine multiple dwellings (one existing and eight new) at 981 Cambridge Road, Cambridge (CT223817/1 and CT166751/1).

RELATION TO PLANNING PROVISIONS

The site is zoned General Residential and is subject to the Parking and Sustainable Transport Code, the Road and Railways Assets Code and the 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 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 October 2023 as agreed with the applicant.

CONSULTATION

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

- Boundary fencing;
- Infrastructure capacity;
- Traffic congestion and vehicle and pedestrian safety;
- Anticipated daily vehicle movements to and from the site;
- Headlight glare;
- Impact on school pedestrian crossing;
- Emergency vehicle access;
- Waste collection arrangements;
- Location of pedestrian and parking lighting;
- Incompatible density;
- Safe sight distance for dwellings; and
- Loss of privacy and vehicle noise intrusion.

RECOMMENDATION:

- A. That the Development Application for nine (one existing and eight new) multiple dwellings at 981 Cambridge Road (CT223817/1 and CT166751/1) (Cl Ref PDPLANPMTD-2023/037817) be refused because 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 8.4.1 P1(b) because the proposal does not provide for a significant social or community benefit.
- 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 Mulder SECONDED Cr Kennedy
	<p>“A That the Development Application for nine multiple dwellings (one existing and eight new) at 981 Cambridge Road, Cambridge (PDPLANPMTD-2023/037817) be approved subject to the following conditions and advice:</p> <p>GENERAL CONDITIONS</p> <ol style="list-style-type: none"> 1. The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council. 2. Amended plans showing the inclusion of double-glazed windows to the sunroom and kitchen windows for Unit 9 (existing dwelling) must be submitted to and approved by Council’s Acting Head of City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. When approved, the plans will form part of the permit. The windows must be installed prior to the commencement of the use of either Units 1-8. 3. Unless a valid application is made under Section 31 of the Strata Titles Act 1998, all separate titles of the subject land must be consolidated into one title prior to the issue of a building completion certificate. The sealed strata plans, and all relevant documentation must then be lodged with the Land Titles Office without delay. 4. The waste collection vehicle servicing the dwellings must occur prior to 7am on the allocated waste collection day. 5. Twenty-two car parking spaces must be provided on-site prior to the commencement of the use. Each space, including disabled parking, must be clearly marked, and used solely for parking purposes.

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DEVELOPMENT APPLICATION PDPLANPMTD-2023/037817 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (ONE EXISTING AND EIGHT NEW) /Decision contd...

6. Prior to the issue of any authorisation or approval (whichever comes first) under the *Building Act 2016*, the landowner must enter into an agreement with Council under Part 5 of the *Land Use Planning and Approvals Act 1993*, in such form as Council may require and which provides for the following:

- that a minimum of four of the approved dwellings on CT 166751/1 and CT 166751/2 must be owned or managed by an accredited community housing provider in perpetuity for the purpose of community or social housing.

The agreement will be prepared and registered by Council. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

ENGINEERING CONDITIONS

7. A 5.5m wide kerb and gutter crossing must be provided to the lot and must be constructed in accordance with Standard Drawing TSD-R09. A 5.5m wide sealed access is required to be constructed from the road carriageway to the property boundary to accord with Standard Drawing TSD-R09 (copy available from Council). This access must be inspected by Council prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.

8. Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete or concrete, providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Head of Infrastructure & Natural Assets prior to the commencement of any works.

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DEVELOPMENT APPLICATION PDPLANPMTD-2023/037817 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (ONE EXISTING AND EIGHT NEW) /Decision contd...

9. Engineering designs, prepared by a suitably qualified person, are required for:
- access arrangements.
 - carpark and driveways construction.
 - pedestrian and parking lighting.
 - Stormwater Drainage.
- and must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council's Head of Infrastructure & Natural Assets.
- A 'start of works' permit must be obtained prior to the commencement of any works.
- A Works in Road Reservation Permit must also be obtained if any proposed works are to be conducted within the road reservation, or Council land.
- Works for all stages shown on the design plans must be commenced within two years of the date of their approval, or the engineering designs will be required to be resubmitted.
10. A waste collection area must be provided on-site that is serviced by an independent waste services provider. The location of the waste collection area must be identified as part of an application for a building permit to the satisfaction of Council's Head of Infrastructure & Natural Assets. A copy of the agreement with the independent waste services provider must be provided to Council's Head of Infrastructure & Natural Assets prior to the commencement of the use.
11. Drainage, sediment, and erosion controls, sufficient to prevent sediment leaving the site and in accordance with an approved Erosion and Sediment Control (E&SC) Plan, must be installed prior to the commencement of work and maintained until such time as all disturbed areas have been stabilised and/or restored or sealed to the satisfaction of Council's Head of Infrastructure & Natural Assets.

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DEVELOPMENT APPLICATION PDPLANPMTD-2023/037817 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (ONE EXISTING AND EIGHT NEW) /Decision contd...

The E&SC Plan must be submitted as part of the engineering assessment prior to the issue of any approval under the Building Act 2016, or the commencement of work, whichever occurs first. The E&SC Plan must be prepared in accordance with the information in Erosion and Sediment Control – the fundamentals for development in Tasmania (DEP & TEER, 2023).

All work required by this condition must be undertaken in accordance with the approved E&SC Plan.

12. A construction management plan identifying the proposed car parking, traffic flow and circulation measures to be undertaken during construction, must be submitted to, and approved by Council's Head of Infrastructure & Natural Assets prior to the granting of a building permit. The construction management plan must be implemented during the construction phase to the satisfaction of Council's Head of Infrastructure & Natural Assets.

TASWATER CONDITIONS

13. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 August 2023 (TWDA 2023/01043-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.

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DEVELOPMENT APPLICATION PDPLANPMTD-2023/037817 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (ONE EXISTING AND EIGHT NEW) /Decision contd...

- 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. Council, as a Stormwater authority, has formed a view that the proposed development will intensify the stormwater discharge from the property and will require approval under the Urban Drainage Act 2013. The stormwater will be required to be designed to satisfy Council's Stormwater Management Procedure for new development [Stormwater-Management-Procedure-for-New-Development (1).pdf]. This requirement will be assessed alongside the engineering design approval process as the proposal will likely impact the Stormwater System. The engineering design drawings will be retailed to include a stormwater management report and detail on how the proposal satisfies the stormwater procedure.
- e. TasNetwork's have advised the development is not likely to adversely affect TasNetworks' operations; however, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to the development. It is recommended that an application be submitted via TasNetwork's website portal found at Connections Hub - TasNetworks to establish an electricity supply connection to support this development.

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DEVELOPMENT APPLICATION PDPLANPMTD-2023/037817 – 981 CAMBRIDGE ROAD, CAMBRIDGE (CT223817/1 AND CT166751/1) – 9 MULTIPLE DWELLINGS (ONE EXISTING AND EIGHT NEW) /Decision contd...

B. That the reason is as follows:

1. The development conforms with Performance Criteria 8.4.1 in that an additional eight dwellings is a substantial community benefit in a time of housing supply shortage."

CARRIED

FOR

Cr Blomeley
Cr Darko
Cr Goyne
Cr Hulme
Cr Kennedy
Cr Mulder
Cr Ritchie

AGAINST

Cr Chong
Cr Hunter
Cr James
Cr Walker
Cr Warren

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2023/037246 – 20 LOWELLY ROAD, LINDISFARNE - PARTIAL CHANGE OF USE TO FOOD SERVICES (WHOLESALE BAKERY)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Partial Change of Use to Wholesale Bakery (Food Services) at 20 Lowelly Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Car Parking and Sustainable Transport Code, the Road and Railway Assets Code and the 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 was extended via agreement with the applicant and now expires on 10 October 2023.

CONSULTATION

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

- Traffic;
- Parking on Beach Road.

RECOMMENDATION:

A. That the Development Application for Partial Change of Use to Food Services (Wholesale Bakery) at 20 Lowelly Road, Lindisfarne (CI Ref PDPLANPMTD-2023/037246) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM5 – TRADING HOURS After “Monday – Friday” add “8.00am – 6.00pm.” After “Public Holidays” add “8.00am – 6.00pm.”
3. No signage is approved as part of the application.
4. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 July 2023 (TWDA 2023/00911-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. A Plumbing permit will be required before any works are to commence.

All plumbing works must comply with the Tasmanian Plumbing Code and Australian Standard 3500.
- e. The site must be registered as a business in accordance with the *Food Act 2003*, prior to the commencement of the use. An application for a food business registration must be made at least two weeks prior to the intention to commence operating.

Please be aware that Council officers may require modifications to be made to the food preparation area in order to comply with the food safety standards.

- 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 Chong **SECONDED** Cr Kennedy

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

7.3 DEVELOPMENT APPLICATION PDPLANPMTD-2023/036864 – 249 CARELLA STREET, HOWRAH - ADDITIONS AND ALTERATIONS (SINGLE DWELLING)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Additions and Alterations (Single Dwelling) at 249 Carella Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Car Parking and Sustainable Transport Code, the Flood-Prone Areas Hazard Code and the 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 was extended with the agreement of the applicant, and now expires on 10 October 2023.

CONSULTATION

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

- Overshadowing;
- Privacy;
- Construction disruptions;
- Devaluation of neighbouring property; and
- Provision of onsite amenity.

RECOMMENDATION:

A. That the Development Application for Additions and Alterations (Single Dwelling) at 249 Carella Street, Howrah (CI Ref PDPLANPMTD-2023/036864) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The additions and alterations are approved as part of the single dwelling and must not be used for visitor accommodation or a secondary residence, unless otherwise approved by the Planning Authority.

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. A Building Surveyor is required to be engaged, to create and certify an Application for Building Approval.
- 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 Darko

“A. That the Development Application for additions and alterations at 249 Carella Street, Howrah (PDPLANPMTD-2023/036864) be refused for the following reasons:

1. The proposal is contrary to Performance Criteria 8.4.2 P3 (i) as there is a reduction in sunlight to a habitable room of a dwelling on an adjoining property to the south accessed from Carella Street, Howrah.
2. The proposal is contrary to Performance Criteria 8.4.2 P3 (ii) as the adjoining property to the south is most affected by overshadowing of the private open space.

/ Decision contd on Page 23...

**DEVELOPMENT APPLICATION PDPLANPMTD-2023/036864 – 249 CARELLA STREET, HOWRAH - ADDITIONS AND ALTERATIONS (SINGLE DWELLING)
/Decision contd...**

3. The proposal is contrary to Performance Criteria 8.4.2 P3 (iv) as the proposal will cause an unreasonable loss of amenity to adjoining properties, having regard to visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot.

B. That the reasons are as follows:

- The siting and scale of the proposed development will cause an unreasonable loss of amenity by overshadowing to the adjoining property.
- A reduction in sunlight to a habitable room to the south assessed from Carella Street is impacted by overshadowing on 21 June”.

CARRIED

FOR

Cr Chong
Cr Darko
Cr Goyne
Cr Hunter
Cr James
Cr Ritchie
Cr Warren

AGAINST

Cr Blomeley
Cr Hulme
Cr Mulder
Cr Walker
Cr Kennedy (abstained)

7.4 DEVELOPMENT APPLICATION PDPLANPMTD-2023/036283 – 1089 AND 1099 SOUTH ARM ROAD, SANDFORD (WITH ACCESS FROM SCHOOL ROAD AND STORMWATER DISCHARGE TO SOUTH ARM HIGHWAY) - 14 LOT SUBDIVISION AND BOUNDARY ADJUSTMENT INCLUDING PUBLIC ROAD AND PUBLIC OPEN SPACE LOTS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 14 lot subdivision and boundary adjustment including public road and public open space lots at 1089 and 1099 South Arm Road, Sandford (with access from School Road and stormwater discharge to South Arm Highway).

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and is subject to the Sandford Specific Area Plan, Bushfire-prone Areas Code, Coastal Inundation Hazard Code, Flood-prone Hazard Areas Code, Landslip Hazard Code, Natural Assets Code, Road and Railway Assets 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 11 October 2023 as agreed with the applicant.

CONSULTATION

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

- Access from School Road;
- Continued operation of the Sandford Fire Station;
- Impact on rural ambience and views;
- Impact on property values; and
- Road layout.

The proposal was referred to the Environment Protection Authority (EPA) who provided advice on the current quarry permit activity at 100 School Road, concerns about potential environmental impacts on future dwellings on the proposed lots, and the potential for significant land use conflict to fetter the quarry operations. Correspondence is included in full in Attachment 4 of the Associated Report.

RECOMMENDATION:

- A. That the Development Application for a 14 lot subdivision and boundary adjustment including public road and public open space lots at 1089 and 1099 South Arm Road, Sandford (with access from School Road and stormwater discharge to South Arm Highway) (CI Ref PDPLANPMTD-2023/036283) 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 C9.6.1 P1(a) and (b) Lot design within an attenuation area of the Attenuation Code, as the proposal results in potential for future sensitive use to be impacted by an existing activity listed in Table C9.1 (Extractive industry) and would constrain the operation of this existing activity.
- 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 Kennedy

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

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

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS
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Nil Items.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 DOG MANAGEMENT POLICY 2021 – CONSULTATION ON PROPOSED CHANGES TO DECLARED AREAS****EXECUTIVE SUMMARY****PURPOSE**

To seek Council's approval to undertake public notification of its intention to declare two areas under the Dog Management Policy 2021 in accordance with the *Dog Control Act 2000 (Tas.)*.

RELATION TO EXISTING POLICY/PLANS

Council's Dog Management Policy 2021, Council's Strategic Plan 2021 – 2031, Recreation Needs Analysis 2019 and Active Living Strategy 2022 are relevant.

LEGISLATIVE REQUIREMENTS

The *Dog Control Act 2000* is relevant.

CONSULTATION

Preliminary consultation with stakeholders has been conducted. Public notification of Council's intention to declare the areas will be undertaken if the recommendations are adopted. The public notification process will advise the community that submissions may be made to Council which it must consider.

FINANCIAL IMPLICATIONS

Any costs associated with consultation and implementation will be accommodated within existing approved budgets.

RECOMMENDATION:

That Council:

- A. Authorises the Chief Executive Officer to undertake the statutory notification and consultation process in accordance with section 24 of the *Dog Control Act 2000 (Tas.)* to give public notice of Council's intention to declare the following areas:
 - (i) the parts of South Street Reserve:
 - a. shown in purple on Attachment 1 of the Associated Report be declared a restricted area, a condition of use is that greyhounds are the only dogs permitted in the restricted area and may be exercised off-leash and un-muzzled;
 - b. shown in yellow on Attachment 1 of the Associated Report be declared a restricted area, a condition of use is that vulnerable dogs (being dogs which are small, geriatric or experiencing or recovering from an injury or illness) are the only dogs permitted in the restricted area and may be exercised off-leash;

- c. shown in teal on Attachment 1 of the Associated Report be declared an exercise area, a condition of use is that dogs may be exercised off-leash in this area at times when this area is not being used by the Eastern Shore Dog Club in accordance with its lease terms; and
 - d. which are enclosed by fences (being those shown in purple, yellow, teal and green on Attachment 1 of the Associated Report) be declared a training area at the times a permit issued to the Eastern Shore Dog Club authorises them to be used to conduct dog obedience, agility or other training activities by the club.
 - (ii) the area on the land side of the Bellerive Boardwalk perimeter shown in blue on Attachment 1 of the Associated Report is declared a restricted area, a condition of use is that dogs are permitted in this area if they are on a leash, otherwise they are restricted from entering the area off-leash, or if the conditions of an event permit declare dogs are not permitted at the event.
- B. Notes that the results of the public notification and consultation process and any submissions received will be the subject of a future council agenda for Council's consideration.

Decision:	MOVED Cr Goyne SECONDED Cr Walker
	“That the Recommendation be adopted”.
	CARRIED UNANIMOUSLY

8.4.2 COMMUNITY CONSULTATION TO GAUGE INTEREST IN AN AFL HIGH PERFORMANCE CENTRE IN CLARENCE**EXECUTIVE SUMMARY****PURPOSE**

To approve a consultation process to understand levels of community interest in having the AFL High Performance Centre located within Clarence, specifically at the Rosny Parklands site (formerly the Rosny Golf Course), but also consider other possible sites within Clarence.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 and Community Engagement Policy 2020 are relevant.

LEGISLATIVE REQUIREMENTS

There are no legal or legislative considerations associated with the proposed consultation.

CONSULTATION

Consultation conducted in April-May 2023 for the City Heart Plan has informed a draft design for the parklands and is relevant to any consideration of alternative uses for the Rosny Parklands, including as a site for the Tasmanian AFL/AFLW High Performance Centre (High Performance Centre).

Consultation across council departments has informed this report, with inputs from City Planning; Infrastructure and Natural Assets; Strategic Development, Communications and Engagement; and Community and Culture.

Consultation has occurred with officers from Department of State Growth, and Department of Education, Children and Young People.

Community consultation is now proposed to understand the community's appetite for the AFL High Performance Centre to be located in Clarence and more specifically, Rosny Parklands, or with facilities spread across Rosny Parklands and Charles Hand Park.

FINANCIAL IMPLICATIONS

There are no significant financial impacts beyond the cost of preliminary investigations, which are being largely met by the Department of State Growth.

The proposed consultation would be undertaken using existing resources.

RECOMMENDATION

That Council:

- A. Authorises the CEO to undertake community consultation with the aim of providing Council with a strong understanding of Clarence community views about having an AFL High Performance Centre: (a) in Clarence generally, (b) fully located at the Rosny Parklands specifically, (c) at dual sites located at Rosny Parkland and Charles Hand Park, and (d) at other sites within the City that may be identified as suitable for the purpose.
- B. Authorises the CEO to continue to work with the Department of State Growth to explore sites that have high potential suitability for an AFL High Performance Centre within the City.
- C. Requests that the CEO provide a report to Council as soon as practical setting out the outcome from the consultation (Recommendation A above) and any further developments or refinement of design options and/or locations (in accordance with Recommendation B above).

Decision: **MOVED** Cr Ritchie **SECONDED** Cr Chong

“That Council:

- A. Authorises the CEO to undertake community consultation with the aim of providing Council with a strong understanding of Clarence community views about having an AFL High Performance Centre: (a) in Clarence generally, (b) fully located at the Rosny Parklands specifically, (c) at dual sites located at Rosny Parkland and Charles Hand Park, and (d) at other sites within the City that may be identified as suitable for the purpose.
- B. Authorises the CEO to continue to work with the Department of State Growth to explore sites that have high potential suitability for an AFL High Performance Centre within the City.
- C. Requests that the CEO provide a report to Council as soon as practical setting out the outcome from the consultation (Recommendation A above) and any further developments or refinement of design options and/or locations (in accordance with Recommendation B above).

/ Decision contd on Page 33...

COMMUNITY CONSULTATION TO GAUGE INTEREST IN AN AFL HIGH PERFORMANCE CENTRE IN CLARENCE /Decision contd...

D. Notes that the results of the consultation process do not infer future support, or otherwise, for an AFL High Performance Centre, but will be used to assist Council in relation to any future decision.”

The Mayor asked the Deputy Mayor to **assume** the Chair while he entered the debate as a Councillor (8.49pm).

The Mayor **resumed** the Chair at 8.51pm.

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

FOR

Cr Blomeley
Cr Chong
Cr Goyne
Cr Hulme
Cr Kennedy
Cr Mulder
Cr Ritchie

AGAINST

Cr Darko
Cr Hunter
Cr James
Cr Walker
Cr Warren

9. MOTIONS ON NOTICE

Nil Items.

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 Goyne

1. Do we have any news on progress on the greyhound off-lead trial area in Bellerive?

ANSWER

(Acting Head Infrastructure and Natural Assets) I understand that there is a report coming to the next council meeting regarding dog management, which includes some details around greyhounds.

2. Are there rules regarding Councillors' attire in particular politically branded logos and the use of props to make public statements in the Chambers?

ANSWER

(Mayor) The short answer is no there is not. If something is overly offensive that would be at the discretion of the chairperson but there is a number of laptops that come in here from time to time with political slogans and messages on them, there are people who might wear clearly branded shirts or badges, from my perspective that is their choice to do that.

Cr Mulder

1. I refer to the planning permit for the use of 3 Droughty Point Road for a landscape supplies depot which council approved in October last year. Neighbours advise that some of the permit conditions are not being met and that they have informed council of this, but they do not appear to have been acted upon. Could you please provide an update Mr Mayor, on the current enforcement conditions and whether or not they have been complied with and if so, what action has been taken?

ANSWER

(Acting Head of City Planning) We are very aware of the operations at 3 Droughty Point Road. It is currently under development so we need to allow them time to comply with the conditions of that planning permit, so we are regularly inspecting the site to make sure that they are in compliance.

2. My question relates to the question I asked at the previous council meeting regarding the Kangaroo Bay apartments. In the further information the Acting Chief Executive Officer has stated that there will be a requirement to vary the Sale and Development Agreement between Council and Hunter Developments. My question is what is the nature of this variation, and particularly does it relate to the Valuer-General's valuation of the sites?

ANSWER

(Head of Governance) Reference to a variation to the Sale and Development Agreement refers to a different development application being presented to Council.

Cr Hulme

Does council gather any statistics or produce any reports about performance against our customer charter?

ANSWER

(Acting Head Strategic Development, Communications and Engagement) Not currently but that is something we are looking into when we deliver our Customer Service Strategy which we hope to be early next year.

Cr James

1. My question follows from Cr Mulder's question in regard to a different development application being presented to council in regard to the Hunter Development. If that is presented to council will that make the earlier development application null and void?

ANSWER

Taken on Notice.

(Further information)

The planning permit for Demolition, 86 Multiple Dwellings, Shops, Food Services and Museum was issued on 9 November 2021. That permit will lapse after two years from the date on which it was granted, unless the development/use has been substantially commenced. New applications do not void approved planning permits.

2. What is the procedure for non-executive members and community members to resolve issues related to the [Aldermen] Statement of Expectations.

ANSWER

(Mayor) I thought we answered that last meeting.

Question contd

Well, it is a bit different if you look at the documentation.

ANSWER

(Mayor) We will come back to you in writing. The process is actually set out in the document quite clearly.

Taken on Notice.

(Further information)

1. Council adopted an Aldermen Statement of Expectations and Aldermen Issues Resolution Procedure on 25 July 2022. The Issues Resolution Procedure applies to the conduct and behaviour of elected members towards each other, council employees and community members. The resolution process outlined applies to Elected Members and Executive Members. This Procedure does not apply to non-executive members or community members.
2. Non-executive members have access to an internal Issue Resolution Procedure (approved April 2016). This procedure provides for non-executive members to resolve issues via self-management, indirect approach, or a direct approach. In circumstances of concerns regarding councillor conduct or behaviour, a non-executive member would be required to refer the matter through their Executive Leader, or through council's People, Safety and Culture Group. While not expressly stated in the procedure, a non-executive member should not approach a councillor directly to seek resolution of an issue.
3. Members of the public may make a complaint about a councillor's conduct through the formal code of conduct process which is administered by the Department of Premier and Cabinet Office of Local Government.

Cr Walker

1. I have an elected member request on this matter but if I could obtain any illumination prior that would be very useful. There is quite a lot of conjecture around a rather large 2m sign that has been erected for accommodation along Otago Bay Road. I would like to understand whether that is a typical thing and some of the actions that might be taken, as it is out of character with the area. My understanding is that with accommodation signage, applications are made to have a small discreet sign added to a street pole but this appears to be two poles being put in for a sign. The sooner that we can come to some understanding with that, the better.

ANSWER

(Acting Head Infrastructure and Natural Assets) We are aware of the sign we are in the process of working through it as it is bigger than anticipated. The sign that was supplied was incorrect, but it was installed, nonetheless. We are in the process of working through whether the business qualifies for the sign and the appropriate size for the sign. If the sign is eligible, it should be smaller such as a street name blade underneath the street sign for that location.

2. As we are notionally owners of TasWater are we able to make representations around the fact that the bills are now being oblique around how pay with credit card you can access it but with most bills as it is with council you can pay with credit card. Can you please raise that with TasWater and use all the influence you can as an 11% shareholder to allow people to easily pay with a credit card?

ANSWER

Taken on notice.

(Further information) TasWater has discussed the matter with Cr Walker and advised that their Customer Assistance team has approached their billing provider to discuss how it can be made clearer for customers who want to pay via credit card. TasWater has undertaken to follow up with Cr Walker when a solution is in place.

Cr Chong

I noticed today that Kingborough Council is looking at compostable dog poo bags. Are ours compostable and if not, can we look at putting that into the budget cycle for next year?

ANSWER

Taken on notice.

(Further information) We do not currently offer compostable dog waste bags to our community. The bags in use are degradable. At present, we do not have access to a facility that can responsibly process organic material containing compostables. However, should a suitable in-vessel composting facility become accessible in southern Tasmania, transitioning to compostable bags and liners will be a key priority for council to enhance our resource recovery endeavours.

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.

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 matter was 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

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 report relates to:

- applications by Councillors 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 Cr Hulme SECONDED Cr Chong “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
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The Meeting closed at 9.10pm.