

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 20 NOVEMBER 2023

**HOURLY CALLED:** 7.00pm

**PRESENT:** The meeting commenced at 7.03pm 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
J	Walker
B	Warren; present.

**1. APOLOGIES** A Ritchie (Deputy Mayor)

## IN ATTENDANCE

Chief Executive Officer  
(Mr I Nelson)

Head of Infrastructure & Natural Assets  
(Mr R Graham)

Chief Financial Officer  
(Ms J Murrell)

Acting Head of City Planning  
(Ms R Olsen)

Head of Community and Culture  
(Ms T Cockburn)

Head of Governance  
(Ms C Shea)

Head of Regulatory Services  
(Mr R Brennan)

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

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

The Meeting closed at 8.58pm.

**COUNCIL MEETING**  
**MONDAY 20 NOVEMBER 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 30 October 2023, as circulated, be taken as read and confirmed.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Warren

“That the Minutes of the Council Meeting held on 30 October 2023, as circulated, be taken as read and confirmed”.

**CARRIED UNANIMOUSLY**

### 4.2 MAYOR'S COMMUNICATION

The Mayor tabled Minutes of the Annual General Meeting of Business and Employment Southeast Tasmania Inc held on 27 September 2023 including the Annual Report.

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

- 31 October: ABC Radio Interview with Ryk Goddard – consultation protocols;  
MacKillop Catholic College End of Year Student Awards;  
Garage Sale Trail Media Event;
- 1 November: Tasmanian Parliamentary Prayer Breakfast;  
Strategic Priorities for the Greater Hobart Strategic Partnership;
- 2 November: Consular Corps of Tasmania Reception at Government House;
- 3 November: Richardsons Road Development with Hon Michael Ferguson MP;  
Clubs Tasmania Sports Luncheon;
- 4 November: 2023 ABC Giving Tree Appeal Launch;
- 5 November: South Arm Community Market;  
Sparkling Conversations Bushfire Forum re Mount Rumney;
- 6 November: Roger Curtis – AFL HPC discussion;
- 8 November: Site Visit – Cambridge Hobart International Visitors Park;  
Greater Hobart Mayors Forum;  
2023 Southern Tasmania Tourism Showcase;  
Clarence Plains Community Awards Celebration;
- 9 November: Howrah Rotary Club Meeting;
- 10 November: 2024 Tasmanian Australian of The Year Awards;
- 11 November: Remembrance Day Commemoration Service – Lindisfarne RSL;
- 16 November: Business Eastern Shore Business Excellence & Service Awards 2023;
- 17 November: International Men's Day Breakfast 2023;  
Official Opening of New Bethlehem House;  
Citizenship Ceremony – Clarence on the Bay;  
ABC Drive Interview – Future of Local Government;

/ contd on Page 5...

**MAYOR'S COMMUNICATION /contd...**

18 November: McDonald's McHappy Day – Howrah Store;  
 19 November: Hobart Legacy Centenary Concert; and  
 20 November: Annual Stakeholder Meeting with Tasmania Audit Office & CCC.

**Deputy Mayor Councillor Allison Ritchie (on behalf of Mayor)**

1 November: LGAT 2023 Annual Conference;  
 4 November: Paint Party Run (Colour Fun Run);  
 Celebration of Women in Sport with Hobart Hurricanes;  
 5 November: Concert – Through Time & Space; and  
 11 November: South Arm RSL Remembrance Day.

**Councillor Heather Chong (on behalf of Mayor)**

10 November: Guilford Young College Art Exhibition Opening.

**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:

<b>PURPOSE</b>	<b>DATE</b>
Confidential Legal Briefing	
Draft Richmond Master Plan	
Skylands	
External Consultations:	
• Australian Government Aviation Green Paper	
• Tasmanian Government Planning Assessment Panels	
• Tasmanian Government Fire and Emergency Service Legislation	6 November
Council Chambers Redevelopment	
Confidential Briefing – AFL High Performance Centre	13 November

**RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Warren

“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)

##### **Quarterly Reports**

The Southern Tasmanian Regional Waste Authority distributed its Quarterly Report for the period ending 30 September 2023.

#### **RECOMMENDATION:**

That the Report of the Southern Tasmanian Regional Waste Authority for the Quarter ending 30 September 2023 be received by Council.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Warren

“That the Report of the Southern Tasmanian Regional Waste Authority for the Quarter ending 30 September 2023 be received by Council”.

**CARRIED UNANIMOUSLY**



**REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...**

- **TASWATER CORPORATION**

That Mayor advised that the General Meeting will be held on 22 November, and he will provide an update to Council following that meeting.

- **GREATER HOBART COMMITTEE**

The Mayor advised that the next meeting will be held on 1 December and he will provide an update on that meeting as well.

<b>REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES</b>
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**RICHMOND ADVISORY COMMITTEE**

- Cr Chong tabled the minutes of the Richmond Advisory Committee held on 18 October 2023.

**RICHMOND BICENTENARY PLANNING COMMITTEE**

- Cr Chong tabled the minutes of the Richmond Bicentenary Planning Committee held on 13 August and 8 October 2023.

**CYCLING SOUTH**

- Cr Chong tabled the minutes of Cycling South held on 27 June 2023.

## 4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 30 October and 6 and 13 November 2023 have been circulated to Councillors.

### WEEKLY BRIEFING REPORT 6 NOVEMBER 2023

Advice was provided in the Weekly Briefing Report dated 6 November 2023 regarding the outcome of the Planning Appeal lodged against Council's decision to refuse the Development Application PDPLANPMTD-2022/029919 at 4 Lincoln Street, Lindisfarne for three multiple dwellings.

Council at its closed meeting of 28 August 2023, agreed to enter into a consent agreement to resolve the appeal following mediation as part of the appeal process. Council's decision also required that the reasons for entering into the consent agreement were to be made publicly available as soon as possible after the Tasmanian Civil and Administrative Tribunal (TASCAT) had approved the consent agreement resolving the appeal. TASCAT has now handed down its decision directing council to issue a permit for the application on the basis of amended plans.

As per Council's decision of 28 August the reason for resolving the appeal via a consent agreement is:

*“That the proposal encapsulated by the amended plans now complies with clause 8.4.3 P2 relating to site coverage and private open space for all dwellings and 8.4.4 P1 relating to sunlight to private open space of multiple dwellings”.*

Each representor to the development application has been notified directly of the decision, including reasons.

### RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 30 October and 6 and 13 November 2023 be noted.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Warren

“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 gave notice of the following questions:

**1. WALKING TRACK WITHIN SD-2011/30**

At council meeting on 30 October 2023, I asked about the remaining walking tracks shown in Figure 3 in DPO 17 of SD-2011/30 that permit condition 9 states “Walking tracks must be constructed by the applicant.....prior to the sealing of public open space lots” Public open space lots have been handed over to council several years ago and these tracks are yet to be constructed. Is council going to enforce this condition onto the applicant or construct these tracks themselves as with Fairisle to Kuynah track with applicant contribution and when will these tracks be completed?

**2. WASTE MANAGEMENT**

Is council currently drafting a process to map dumped rubbish and/or new comprehensive waste management policy and guidelines, if so, are landcare groups involved with its development and do council have an estimated time for its implementation?

**5.2 ANSWERS TO QUESTIONS ON NOTICE**

Council’s Head of Infrastructure & Natural Assets provided the following answers to the questions from Mr Bradley Walker at Item 5.1.

**1. WALKING TRACK WITHIN SD-2011/30**

This is a large area where development has been ongoing for well over a decade and involves a number of stages. A review of the stages, those in development and completed is being undertaken in relation to the status of these tracks and trails. We are not in a position to advise on the specific timing of the Rokeby Hills trail network at this stage.

/ contd on Page 11...

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

In 2024 council officers plan to undertake a review of Council's tracks and trails strategy and tracks and trails action plan. This will assist in identifying priorities for track development, renewals and upgrades, including those in the Rokeby Hills area. Council and the community will be consulted with during this process.

**2. WASTE MANAGEMENT**

Council officers implemented a new internal procedure for the monitoring and mapping of incidents related to dumped rubbish, which became operational on 1 July 2023. This is to provide data to understand the issues experienced in the municipality and guide council's future management practices. No external groups were involved in its development.

A Waste & Resource Recovery Strategy is planned to be developed in 2024. Feedback will be sought from Council, the community, and stakeholders as part of its development.

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

At Council's Meeting of 30 October Mr Bradley Walker of Howrah asked the following question.

**PUBLIC OPEN SPACE LOT 105 IN SD-2003/69**

It is believed the question relates to Lot 101 off Raleigh Court, Howrah, as Lot 105 is privately owned land. This land is subject to a number of subdivisions, planning approvals and completed planning permits. Officers are investigating council's records in relation to the fencing. Following this we will correspond with Mr Walker and include an answer in the agenda of the next council meeting.

**ANSWER**

In addition to the response provided at the Meeting of 30 October, Mr Walker has been provided with further information which included the following:

Based on previous queries from Mr Walker, it is understood that this question relates to the footway between 31 and 33 Raleigh Court, Howrah which is Lot 101 on sealed plan 142580. For clarification Lot 105 in SD-2003/69 is part of 38 Buckingham Drive, Howrah and is not public open space.

The footway between 31 and 33 Raleigh Court, Howrah is public open space in council ownership. The planning permit required the developer to fence the public open space. The fence has been installed on the western boundary, the boundary shared with 23 and 31 Raleigh Court.

A fence has not been installed on the eastern boundary. The original permit requiring the fence is effectively spent and council is not able to require the developer to install fencing on that boundary. As the landowner, council is not required to contribute to boundary fencing in accordance with section 7 of the *Boundary Fences Act 1908*.

#### **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)

## **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-2023/038716 – 11 ELINGA STREET, HOWRAH – DWELLING AND DEMOLITION**  
(REFER ITEM 7.1)

Mr Stuart Robertson addressed the meeting regarding the above development application.

<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 DEVELOPMENT APPLICATION PDPLANPMTD-2023/038716 – 11 ELINGA STREET, HOWRAH - DWELLING AND DEMOLITION****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Dwelling and Demolition at 11 Elinga Street, Howrah.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Safeguarding of Airports Code and the Parking and Sustainable Transport Code under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme, the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

This report 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 a statutory 42 day period. An extension was agreed with the applicant and the period now expires on 22 November 2023.

**CONSULTATION**

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

- Overshadowing;
- Height;
- Bulk;
- Privacy; and
- Site coverage

**RECOMMENDATION:**

A. That the Development Application for Dwelling and Demolition at 11 Elinga Street, Howrah (Cl Ref PDPLANPMTD-2023/038716) be approved subject to the following condition and advice.

1. GEN AP1 – ENDORSED PLANS.

**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 receiving a written request, the application may be extended for two years.



- b. This is a town planning permit only. Please be aware that a building permit and/or 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, including substantial fines and daily penalties.
- 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 Hunter

"That the Recommendation be adopted".

Cr Walker left the meeting at this stage (7.20pm).

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

**FOR**

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

**AGAINST**

Cr James

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 Items.

**8.2 ASSET MANAGEMENT****8.2.1 RICHMOND VILLAGE MASTERPLAN - COMMUNITY CONSULTATION****EXECUTIVE SUMMARY****PURPOSE**

To present the draft Richmond Village Masterplan and seek Council’s approval to release the draft masterplan for community consultation to coincide with the commemoration of the Richmond Bicentenary from December 2023.

**RELATION TO EXISTING POLICY/PLANS**

Council’s Strategic Plan 2021 – 2031 is relevant.

**LEGISLATIVE REQUIREMENTS**

Not applicable.

**CONSULTATION**

Extensive community consultation was undertaken during July 2023 to understand the community’s issues and identify a future vision for Richmond Village. Further consultation on the draft masterplan is proposed in this report.

**FINANCIAL IMPLICATIONS**

Costs associated with undertaking the community consultation on the draft Richmond Village Masterplan will be accommodated within existing budgets.

**RECOMMENDATION:**

That Council:

- A. Approves the release of the draft Richmond Village Masterplan for community consultation.
- B. Authorises the Chief Executive Officer to coordinate community consultation to obtain feedback on the draft masterplan and to report the consultation outcomes to a future Council meeting.

Cr Walker returned to the meeting at this stage (7.35pm).

<b>Decision:</b>	<b>MOVED</b> Cr Chong <b>SECONDED</b> Cr Goyne
	“That Council:
	A. Approves the release of the draft Richmond Village Masterplan for community consultation.

/ Decision contd on Page 19...

**RICHMOND VILLAGE MASTERPLAN - COMMUNITY CONSULTATION /Decision  
contd...**

- B. Authorises the Chief Executive Officer to coordinate community consultation to obtain feedback on the draft masterplan and to report the consultation outcomes to a future Council meeting, noting that the consultation period is to be extended until 25 February 2024”.

**CARRIED UNANIMOUSLY**

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

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

To consider the Chief Executive Officer's Quarterly Report covering the period 1 July to 30 September 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 September 2023 be received.

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

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**8.4.2 DEVELOPMENT ASSESSMENT PANEL FRAMEWORK POSITION PAPER SUBMISSION****EXECUTIVE SUMMARY****PURPOSE**

To consider the Development Assessment Panel Framework Position Paper and provide a submission to the State Government.

**RELATION TO EXISTING POLICY/PLANS**

Nil.

**LEGISLATIVE REQUIREMENTS**

The proposed Development Assessment Panel Framework would require changes to the *Land Use Planning and Approvals Act 1993*. This process is being undertaken to inform the preparation of a draft Bill to Parliament expected in early 2024.

**CONSULTATION**

Councillors were provided with an update by officers at the workshop on Monday 6 November 2023. Council officers participated in one online briefing with Government representatives on the proposed Development Assessment Panel Framework on 13 November 2023.

**FINANCIAL IMPLICATIONS**

There are no financial costs for Council associated with Council's response to this consultation. However, it is anticipated that there may be financial implications should Development Assessment Panels be implemented under revised legislation.

**RECOMMENDATION:**

That Council:

- A. Notes the Development Assessment Panel Framework Position Paper released for public comment.
- B. Endorses the submission (Attachment 1 to the Associated Report), to the State Planning Office as feedback on the Development Assessment Panel Framework Position Paper and authorises the Chief Executive Officer to lodge the submission on behalf of Council.

/ Refer to Page 23 for Decision on this Item...

**DEVELOPMENT ASSESSMENT PANEL FRAMEWORK POSITION PAPER  
SUBMISSION /contd...**

<b>Decision:</b>	<b>MOVED</b> Cr Kennedy <b>SECONDED</b> Cr Hunter	
	“That the Recommendation be adopted”.	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Cr Blomeley	Cr James
	Cr Chong	Cr Walker (abstained)
	Cr Darko	
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr Kennedy	
	Cr Mulder	
	Cr Warren	



**8.4.3 TASMANIA FIRE AND EMERGENCY SERVICES BILL SUBMISSION****EXECUTIVE SUMMARY****PURPOSE**

To consider the draft Tasmania Fire and Emergency Services Bill and provide a submission to the State Government.

**RELATION TO EXISTING POLICY/PLANS**

Nil.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Council officers participated in one briefing with Government representatives on the proposed Bill on 19 October 2023. Councillors were provided with an update by officers at the workshop on Monday 6 November 2023.

**FINANCIAL IMPLICATIONS**

There are no financial costs for Council associated with Council's response to this consultation. However, there is anticipated to be an increase in income due to extra commission on the increased amount of Fire Levy collected on behalf of the State Government.

**RECOMMENDATION:**

That Council:

- A. Notes the Department of Police, Fire and Emergency Management's draft Tasmania Fire and Emergency Services Bill released for public comment.
- B. Endorses the submission (Attachment 1 to the Associated Report), to the Department of Police, Fire and Emergency Management as feedback on the draft Tasmania Fire and Emergency Services Bill.

/ Refer to Page 25 for Decision on this Item...

**TASMANIA FIRE AND EMERGENCY SERVICES BILL SUBMISSION /contd...**

<b>Decision:</b>	<b>MOVED</b> Cr Chong <b>SECONDED</b> Cr Goyne	
	“That the Recommendation be adopted”.	
	<b>CARRIED</b>	
	<b>FOR</b>	<b>AGAINST</b>
	Cr Blomeley	Cr James
	Cr Chong	Cr Mulder
	Cr Darko	
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr Kennedy	
	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 Warren

A statement was made in the media that this Council has a position on the Fire Levy which we haven't because we have not discussed it, so my question is there is obviously some information available, I would like to have a more granular analysis of that information because the line that I am hearing in the media is that the proposed scheme is fairer. I want to know if it is significantly increased who is bearing the burden of that, is it the smaller man in the street, is it large companies who can afford it? I would like to see that level of detail and I wonder if that could be made available to us, and could we be provided with an opportunity to discuss that in a workshop so that I can be better informed and answer questions when people ask me and so that we can have a council position not just a mayor position on that particular topic?

**ANSWER**

(Mayor) This is something that a number of colleagues have raised with me and I thank you for raising it this evening.

(Chief Executive Officer) The intention is to hold a workshop. As you would be aware from a time and space point of view, we need to do that quickly. In the background the Chief Financial Officer has been working with her team on the modelling. We also need to review the legislation because there are other changes proposed as well. That work is underway. We will bring that to a workshop as soon as possible. If I may go one step further, we will do the same with the proposed changes to the planning legislation related to independent panels and that will come to a workshop in the next few weeks as well.

Cr Walker

My imperfect recollection is that it was around October that there was to be an update on the Local Government Board review. Are you Mr Mayor or the CEO able to enlighten us any further on the next stage?

**ANSWER**

(Chief Executive Officer) The time schedule was to have the Board provide the report to the Minister by 31 October. We anticipate that the Minister may take a period of time to review that report and then make it public. At this point in time, without knowing any precise dates, we would expect something to be released during the course of November.

Cr James

1. I have been advised that we are going to have a reduction in the number of workshops before Christmas. If so, how are we going to be able to communicate to the public where we are at with the Kangaroo Bay hotel development, the Rosny Hill hotel, the Boulevard apartments and the High Performance Centre? I think that these matters will have to be discussed at workshops, will we be able to have workshops to address any of these matters before Christmas so that the public can be informed on progress in relation to those issues?

**ANSWER**

(Chief Executive Officer) Councillor James is referring to my advice regarding workshops and other arrangements over the Christmas/New Year period. As we have done in previous years, we will suspend workshops from the last council meeting in December and resume at the end of January in order to give everyone a break. The caveat on that, which I think I mentioned in my email, is that if something urgent comes up we will contact councillors and provide information and advice and a workshop if required. As the mediation with Chambroad is scheduled for November that is within the workshop period and we will be able to provide advice to council and public comment if required during November or early December. In terms of the High Performance Centre, we are continuing to work through those issues and if there is a need for an out of session workshop at short notice we will arrange that. In relation to the other matters, I am not expecting anything to occur between now and the end of January.

2. Is council anticipating a new DA to be presented before Christmas regarding the Boulevard development at Kangaroo Bay?

**ANSWER**

(Chief Executive Officer) In terms of anticipating a DA before Christmas, we are not aware of that; however, we are anticipating a DA at some stage but that needs to link to a discussion about whether council is content to entertain that under the sale and development agreement we have in place; so at this point in time I have no timeframes.

(Question contd) Is there a substantial commencement clause that may have to have occurred before a new D/A is presented on the same subject matter?

**ANSWER**

Taken on notice.

(Further information) The PDA was varied in June 2020 to allow Hunter to submit a Development Application by 31 July 2020. The PDA does not contain a substantial commencement clause as it is a preferred developer agreement, not a sale agreement. The PDA contemplates Hunter lodging a Development Application and the parties then negotiating a separate Sale Agreement, which would address requirements for substantial commencement by a specific date.

Cr Hulme

1. On 29 August the South Arm Peninsula Residents' Association wrote to all councillors with a request regarding traffic arrangements for market days. Could you advise council of progress with that?

**ANSWER**

Taken on notice.

(Further information) The South Arm Peninsula Residents' Association Inc (SAPRA) has been previously advised that a vehicle access from the South Arm Oval onto Harmony Lane is not supported due to the existing poor condition of the footpath and the likely outcome that this will deteriorate further if subjected to vehicle traffic.

SAPRA has requested further consideration of their request for a vehicle access ahead of any upgrade works in Harmony Lane. Noting that Harmony Lane has been funded for design work in the 2023-24 roads capital budget, a future funding request will be required for the construction stage.

2. Is there any progress on the Mornington Roundabout

**ANSWER**

(Mayor) I understand that there was some lively discussion in Canberra at Senate Estimates last week regarding the Mornington Roundabout and I had calls from "both sides of the aisle".

(Head of Infrastructure and Natural Assets) No advice has come through to officers.

(Mayor) I understand it is sitting with the Department of State Growth and the Federal Infrastructure Department, but we will look into that and come back to you because it is something that clearly everyone has an interest in.

(Further information) Officers have contacted the Department of State Growth for an update and will advise when we receive a response.

Cr Hunter

1. My question relates to access to water for the South Arm Peninsula. I understand that a number of residents are struggling to get water at the moment. There is quite a long wait to get the water trucks to deliver because of short supply. My question is whether council has any responsibility to ensure residents south of Lauderdale have access to water and if not, does TasWater?

**ANSWER**

(Chief Executive Officer) In terms of Council responsibility the short answer is no, but historically we have looked at some extension of the scheme. Essentially the scheme ends at Lauderdale. We did look at some plans for extension to Sandford oval for reticulation of the oval but that has not progressed. In terms of the entirety of the South Arm Peninsula, there are no plans to extend the water all that way and I am not aware of any obligation on TasWater to extend their water districts into rural areas in those circumstances.

2. Does Council have a responsibility to ensure that there are enough water carriers to meet the demand so that people with water tanks can get water?

**ANSWER**

Taken on Notice.

(Further information) Council officers are not aware of any head of power to ensure there are sufficient water carriers to operate in a particular area. Water carriers operate in a private capacity. Provision of bulk water fill points for water carriers is a matter for TasWater. The closest fill point for the South Arm peninsula is at the old Lauderdale Tip site entrance. It is located at the end of the water service district in Lauderdale.

Cr Ritchie

My question is regarding properties that are required by permit to maintain water tanks for firefighting purposes. Does council keep a register of those properties, and would council consider if we don't already, making those details available to the local firefighting services who may not know where to go to access those water resources in the event of a fire in a regional area? At the moment they do not know where those properties are that are required to have water tanks and then there is another matter of making sure those tanks are full; but first thing's first, do we keep a register and if not, would we consider having one?

**ANSWER**

(Mayor) On 19 October a number of us attended the South Arm Peninsula Residents' Association Annual General Meeting and the fire representative there provided a brief overview of what they have been doing in the area to ascertain where the tanks were located and to ensure they had water in them.

(Further information) Council is not required to maintain a register of water tanks installed for fire-fighting purposes, or to monitor the level of water in them.

Water tanks that are required to be installed for firefighting purposes, are assessed as part of a bushfire report by the accredited bushfire assessor. The capacity and location of static water supply for firefighting are determined by AS/NZ 2304 and AS/NZ 3959.

Static water supplies must provide a minimum of 10,000 litres per building area and be located within 90m of the building area. They must also comply with the signage provisions of AS/NZ 2304:2019 and TasFire guidelines, being a 300 x 300mm bright red reflective sign with a white W. Signage must be fixed in a prominent position and be clearly visible from the property access on approach from a public road. It is the owners' responsibility to ensure compliance with the standards and guidelines. Council has been advised by TasFire, that their crews do look for the signage when needed.

**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 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 APPOINTMENT OF COMMITTEE MEMBER AND CHAIRPERSON
- 11.3 PANEL QUOTATION Q1509-23 MICROSOFT ENTERPRISE AGREEMENT
- 11.4 PROPERTY MATTER
- 11.5 REPORTS FROM OUTSIDE BODIES

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:

- personnel matter;
- contracts and tenders for the supply of goods and services;
- proposals to acquire land or an interest in land or for the disposal of land;
- applications by 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 Goyne

“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**

The Meeting closed at 8.58pm.

**CLOSED MEETING /contd...**

The following Closed Meeting Motions have been authorised by Council for publication in the public Minutes.

**11.2 APPOINTMENT OF NEW AUDIT PANEL MEMBER AND APPOINTMENT OF CHAIRPERSON**

<b>Decision:</b>	<b>MOVED</b> Cr Warren <b>SECONDED</b> Cr Chong
	“That Council:
	<ul style="list-style-type: none"><li>• appoints Mr Brett Walker as the replacement independent member to Council’s Audit Panel for a period of four years, concluding in November 2027.</li><li>• appoints Mr Richard Easter as Audit Panel Chair, for a period of two years, concluding in November 2025.”</li></ul>
	<b>CARRIED UNANIMOUSLY</b>

<b>11.3 PANEL QUOTATION Q1509-23 MICROSOFT ENTERPRISE AGREEMENT</b>
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<b>Decision:</b>	<b>MOVED</b> Cr Warren <b>SECONDED</b> Cr Hulme
	<p>“A. That the Panel Quotation received from Crayon Australia Pty Ltd for the amount of \$643,706.10 excluding GST, be accepted for the Microsoft Enterprise Agreement as an operational expense over a period of three years.</p> <p>B. That, in accordance with Regulation 34(3) of the Local Government (Meeting Procedures) Regulations 2015, Council authorises for release of the Council’s decision (only) in respect to this item to the general public via the open minutes of this meeting and for communication to relevant parties.”</p>
	<b>CARRIED</b>
<b>FOR</b>	<b>AGAINST</b>
Cr Blomeley	Cr Darko (abstained)
Cr Chong	
Cr Goyne	
Cr Hulme	
Cr Hunter	
Cr James	
Cr Kennedy	
Cr Mulder	
Cr Walker	
Cr Warren	

The Meeting closed at 8.58pm.