

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 15 APRIL 2024

HOUR 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
A Ritchie
J Walker
B Warren; present.

1. APOLOGIES T Mulder (Leave of Absence)

IN ATTENDANCE

Chief Executive Officer
(Mr I Nelson)

Acting Head of Infrastructure & Natural Assets
(Ms A Moore)

Chief Financial Officer
(Ms J Murrell)

Head of City Planning
(Mr D Marr)

Acting Head of Governance
(Ms S Slade)

Head of Regulatory Services
(Mr R Brennan)

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

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

The Meeting closed at 9.16pm.

COUNCIL MEETING
MONDAY 15 APRIL 2024

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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.

MOMENT OF REFLECTION – BONDI JUCTION ATTACK

Before proceeding further with the meeting, the Mayor took the opportunity to reflect on the tragic event that occurred in Bondi Junction on Saturday afternoon.

He advised that as a sign of respect to the six innocent victims and those still in hospital – some, in critical condition – the flags outside the Council Chambers were flown at half-mast today.

As someone who was there and witnessed this tragedy first-hand, the Mayor expressed his appreciation to all the unsung heroes – particularly the first responders.

Officers of the NSW Police Force and Ambulance Service, arrived quickly to secure the scene, hospitalise the injured, and reassure members of the public of their safety.

As a sign of respect for the victims of the Bondi Junction attack and their families, the Mayor invited those present to stand for a moment of silent reflection.

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 March 2024, as circulated, be taken as read and confirmed.

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

“That the Minutes of the Council Meeting held on 18 March 2024, as circulated, be taken as read and confirmed”.

CARRIED UNANIMOUSLY

4.2 MAYOR’S COMMUNICATION

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

- 19 March: Meeting with Dean Winter – Clarence Prospectus;
Crave Harvest Festival Media Event;
- 20 March: Clarence Food Security Forum;
- 22 March: Lauderdale Football Club Season Launch;
- 23 March: Harvest Festival – Warrane/Mornington Community Centre;
- 24 March: Lindisfarne RSL Sub-branch AGM;
- 26 March: Stand Up Luncheon – Government House;
- 27 March: Warrane/Mornington Neighbourhood House Community Breakfast;
Crave Harvest Festival Photo – Puddleduck Vineyard;
TasTAFE and Tasmania Chamber of Commerce and Industry Event;
- 1 April: Australia Masters Athletic Championships;
- 3 April: Greater Hobart Mayors Forum;
- 6 April: Crave Harvest Festival Opening;
Clarence Cricket Annual Awards Event;
- 7 April: Hobart Airport Marathon Festival;
- 11 April: Neighbour Day Awards and Photo;
Exhibition Opening at Rosny Barn;
- 12 April: Meeting with Sam Chedid – City Heart Project;
Citizenship Ceremony – Clarence on the Bay; and
- 15 April: Honours and Awards Committee Meeting.

Deputy Mayor Councillor Allison Ritchie (on behalf of Mayor)

- 19 March: Tasmania Read Weeks – Government House; and
- 8 April: Youth Week Tasmania Launch.

Councillor Heather Chong (on behalf of Mayor)

- 27 March: Ramadan Interfaith Iftar Event.

4.3 COUNCIL WORKSHOPS

In addition to the Councillors' 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
Presentation Southern Tasmania Regional Waste Authority Draft Bushfire Mitigation Strategy Draft Waste Policy Safe Workplace Requirements	25 March
Draft Fee Schedule Master Plan Update	8 April

RECOMMENDATION:

That Council notes the workshops conducted.

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

4.4. TABLING OF PETITIONS

(Note: Petitions received by Councillors are to be forwarded to the Chief Executive Officer within seven days after receiving the petition).

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

- The Chief Executive Officer advised that a petition has been received, however, in accordance with the requirements of the Local Government Act, specifically Section 58, he had assessed the petition and deemed that it did not comply with the Act requirements. The petitioner has been advised in accordance with the Act.

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

March 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

BELLERIVE COMMUNITY ARTS CENTRE

- Cr Kennedy tabled the minutes of the Bellerive Community Arts Centre held on 10 April 2024.

CULTURAL CREATIVE ADVISORY GROUP

- Cr Kennedy tabled the minutes of the Cultural Creative Advisory Group held on 21 March 2024.

AUSTRALIAN COASTAL COUNCILS ASSOCIATION INC

- Cr Hunter tabled the minutes of the Australian Coastal Councils Association Inc held on 18 March 2024.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 18 and 25 March and 1 and 8 April 2024 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 18 and 25 March and 1 and 8 April 2024 be noted.

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

“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.

Ms Ruth Mollison of Rosny gave notice of the following question:

NATURAL VALUES OF THE ROSNY HILL NATURE RECREATION RESERVE

What is the council doing to protect the natural values of the Rosny Hill Nature recreation reserve? The natural values include the area of lowland themeda grassland on the north-east slope, and presence of the threatened plant species *Dianella amoena* and the leafy sun-orchid *Thelymitra bracteata*.

Ms Janice Overett of Rokeby gave notice of the following question:

PETITION – YES STADIUM

Were the signatures that were collected by the Yes Stadium group for the petition in support of the HPC and introduced by the Mayor at the Clarence City Council meeting held on March 18, collected from all over Australia or just Clarence residents as inquiries show and Facebook posts clearly state that anyone in Australia could sign the petition. In the past Yes group petitions have been Australia and Worldwide, as is their group membership, was this the case in the tabled petition?

5.2 ANSWERS TO QUESTIONS ON NOTICE

Council's Chief Executive Officer provided the following answer to the question from Ms Ruth Mollison at Item 5.1.

NATURAL VALUES OF THE ROSNY HILL NATURE RECREATION RESERVE

Council manages this land in accordance with the Rosny Hill Nature Recreation Area Management Strategy and the Rosny Hill Bushfire Management Plan. The protection of these threatened species and vegetation community is undertaken through annual monitoring of these areas, integrated weed management, managing recreational access around these values and coordinated fuel reduction management with the Department of Natural Resources and Environment.

Council's Chief Executive Officer provided the following answer to the question from Ms Janice Overett at Item 5.1.

PETITION – YES STADIUM

The signatories for the petition in support of the AFL High Performance Centre were from Australia wide. A breakdown of the numbers from Clarence, other areas in Tasmania and mainland Australia is included in Section 2.5 of Agenda Item 8.1.1.

5.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The Chief Executive Officer provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 18 March Mrs Joanne Marsh asked the following question.

KANGAROO BAY PEDESTRIAN CROSSING

One of the goals for our city is to provide a well-planned liveable city. The Strategic Plan – 2.5 purports to provide for and prioritise a safe, reliable and accessible pedestrian network. In my deputation on 26.2.24 I stated that I believed that signalisation and signage at the Kangaroo Bay pedestrian crossing does not meet adequate safety standards. My question is has this urgent matter been prioritised and if not, why not?

ANSWER

The traffic signal timings (particularly for the pedestrian crossings) at the Kangaroo Bay Drive / Rosny Hill Road / Bligh Street intersection has been reviewed and confirmed to comply with the relevant Australian Standards and Austroads Guides.

In response to the objectives of the Clarence Network Operating Framework, Council officers continue to work with the Department of State Growth to review the operating plans for traffic signal locations within the Rosny Park commercial centre to review the priorities and timings, especially in relation to improving access for people walking and cycling within this busy area.

5.4 QUESTIONS WITHOUT NOTICE

Mr Figg of Lauderdale asked the following question.

STORMWATER SYSTEM LAUDERDALE

The question that I have been raising for 30 years in this Council Chamber is to do with the stormwater in Lauderdale. The stormwater system in Lauderdale is still non-compliant with the current Drains Act or equivalent and I have been asking when the Council will be compliant. The last response I had was Council was doing a drainage assessment or a stormwater assessment and that it would go to public consultation. That was two years ago. Could you please tell me what has happened to the public consultation and those reports I think done by GHD, and why we do not have a compliant drainage system?

ANSWER

Council's Acting Head of Infrastructure and Natural Assets took the question on notice.

20 AND 42 SCOTTS ROAD, RISDON VALE

The following questions were raised regarding the above site.

Mr Gary Witt of Risdon Vale

My question is regarding the operation at 20 and 42 Scotts Road Risdon Vale and the on-going pollution that is emanating from those sites. I need to raise concern with the Council of suspected non-compliance with the planning scheme and/or conditions on the planning permits. Will council take action on these sites under the Land Use Planning and Approvals Act 1993 to instigate compliance under Section 63B of LUPAA?

Mr Jim Woodward of Risdon Vale

I commend Clarence City Council on the program to reduce smoking in public places, playgrounds and 20m exclusion zones. My question is with that particular program in mind and the health of our children, adults and so forth will that same degree of scrutiny on airborne pollutants etc be extended to the operations at Scotts Road, otherwise known as the Reprocess Tas Spectran site, given that it is still unclear what permits the operation runs under and the fact that it is less than one kilometre from the primary drinking water for all of the Eastern Shore operating at the Risdon Brook Dam?

Ms Regina Williams of Risdon Vale

A development application by Spectran Group and Reprocess Tas at 20 and 42 Scotts Road, Risdon Vale was advertised on the Council's website recently as a "waste storage and reprocessing facility, recycling and waste disposal partial retrospective application and level one and two activity including associated buildings, stockpiling areas and associated works" which was readvertised. Can the Council please clarify on notice what aspects of that development were seeking retrospective approval and whether this means that they are currently operating without permits from Council or other agencies?

/ contd on Page 12...

QUESTIONS WITHOUT NOTICE /contd...

In accordance with Council's Meeting Procedures, as sufficient time was available, the Mayor invited Mr Witt to ask a second question.

Mr Gary Witt

I have resided in Risdon Vale since 1991 and I have been here on several occasions with regard to this matter and at the moment my understanding is that what I have requested under Section 63B Council being the governing body under section 48 has duty of care to proceed with this.

ANSWER

In response to these questions Council's Head of City Planning advised that Council has obligations under the Land Use Planning and Approvals Act and also particular restrictions on undertaking enforcement action on any matter that is likely to fall under the purview of the EPA. Given the complexity of the matter, the questions were taken on notice to enable a comprehensive response to be prepared.

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-2024/042035 – 7 TALUNE STREET, LINDISFARNE –
DEMOLITION AND THREE MULTIPLE DWELLINGS
(REFER ITEM 7.2)**

Mr Martin Foster addressed the meeting regarding the above Development Application.

Mr Eddie Carmichael addressed the meeting regarding the above Development Application.

Ms Frances King addressed the meeting regarding the above Development Application.

**NOTICE OF MOTION – COUNCILLOR JAMES
SAFETY – INTERSECTION BEACH ROAD LINDISFARNE
(REFER ITEM 9.1)**

Mr Alex Hartley addressed the meeting regarding the above matter.

7 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

**7.1 DEVELOPMENT APPLICATION PDPLANPMTD-2023/040966 – 7
BUCHANAN STREET, BELLERIVE - ADDITIONS AND ALTERATIONS
(SINGLE DWELLING)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an extension at the rear of a single dwelling at 7 Buchanan Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Tasmanian Planning Scheme – Clarence and is subject to the Parking and Sustainable Transport Code and Safeguarding of Airports Code under the Tasmanian Planning Scheme - Clarence (the Scheme). The property is also subject to the Bellerive Bluff Specific Area Plan – River Face Precinct. 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, extended with the agreement of the applicant, which now expires on 18 April 2024.

CONSULTATION

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

- Inadequate side setbacks;
- Visual impacts when viewed from neighbouring properties;
- Overshadowing of adjoining properties; and
- Privacy.

RECOMMENDATION:

A. That the Development Application for additions and alterations (Single Dwelling) at 7 Buchanan Street, Bellerive (CI Ref PDPLANPMTD-2023/040966) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

/ Refer to Page 16 for Decision on this Item...

2. GEN M5 – ADHESION [the completion of the development]. A, insert “, or suitable alternative arrangements to legally link the relevant parking and access arrangements on Lot 2 (Certificate of Title Ref 106104/2) to Lot 1 (Certificate of Title Ref 106104/1),” after “one title”.

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 Walker **SECONDED** Cr Goyne

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

7.2 DEVELOPMENT APPLICATION PDPLANPMTD-2024/042035 – 7 TALUNE STREET, LINDISFARNE - DEMOLITION AND THREE MULTIPLE DWELLINGS**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Demolition and Three Multiple Dwellings at 7 Talune Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General residential Zone 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 expired on 3 April 2024. However, an extension of time was granted until 17 April 2024.

CONSULTATION

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

- Privacy;
- Visual Bulk;
- Overshadowing; and
- Existing Garage and Brick Wall.

RECOMMENDATION:

- A. That the Development Application for Demolition and Three New Dwellings at 7 Talune Street, Lindisfarne (CI Ref PDPLANPMTD-2024/042035) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG M1 – DESIGNS DA (Replace “Council’s Head of Infrastructure and Natural Assets” with “Council’s Chief Executive Officer or Delegate”).
 3. ENG A5 – SEALED CAR PARKING (Replace “Council’s Head of Infrastructure and Natural Assets” with “Council’s Chief Executive Officer or Delegate”).

4. ENG S1 – INFRASTRUCTURE REPAIR.
5. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 February 2024 (TWDA 2024/00159-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. TasNetworks – The existing overhead service line appears to be impacted by the construction of the new townhouses.

Please ensure the electrician submits an Electrical Works Request to abolish the power supply and then submits an application via the TasNetworks Connections Portal to upgrade the electricity supply connection to support this development.

- e. A Building Surveyor is required to certify the demolition of the existing buildings and to ensure the foundations to Townhouse 3 are not compromised by the existing pool to be removed.
- f. Council, as a Stormwater authority, formed a view that the proposed development will intensify the stormwater discharge from the property and hence requires approval under the *Urban Drainage Act 2013* and the stormwater is to be designed as per Council's Stormwater Management Procedure for new development (Stormwater-Management-Procedure-for-New-Development (1).pdf). This requirement will be assessed as part of engineering plans assessment if the proposed DA is approved.

If you would like to discuss what is required to meet Council’s requirements in regard to stormwater, please contact Council Development Engineers on (03) 6217 9500.

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 Hulme SECONDED Cr Hunter	
	“That the Recommendation be adopted”.	
		CARRIED
	FOR	AGAINST
	Cr Blomeley	Cr James
	Cr Chong	
	Cr Darko	
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr Kennedy	
	Cr Ritchie	
	Cr Walker	
	Cr Warren	

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

8.1.1 PETITION IN SUPPORT OF THE ROSNY HIGH PERFORMANCE CENTRE

EXECUTIVE SUMMARY

PURPOSE

To consider the petition tabled at the Council Meeting on 18 March 2024 supporting the location of the AFL Performance Centre in the Rosny area.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2021-2031 is relevant.

LEGISLATIVE REQUIREMENTS

Section 60 of the *Local Government Act 1993* (Tas) requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

No consultation has been undertaken in regard to the petition however, community consultation regarding a High Performance Centre in Clarence was undertaken over a four-week period in 2023.

FINANCIAL IMPLICATIONS

The petition does not request that any action be taken, therefore it does not have any financial implications.

RECOMMENDATION:

- A. That Council notes the petition.
- B. That Council notes the Chief Executive Officer's advice that the petition complies with Section 59 of the *Local Government Act 1993* (Tas.).
- C. That Council authorises the Chief Executive Officer to write to the originator of the petition advising of Council's decision.

Decision: **MOVED** Cr Hunter **SECONDED** Cr Kennedy

“A. That Council notes the petition.

B. That Council notes the Chief Executive Officer's advice that the petition complies with Section 57 of the *Local Government Act 1993* (Tas.).

/ Decision contd on Page 21...

**PETITION IN SUPPORT OF THE ROSNY HIGH PERFORMANCE CENTRE
/Decision contd...**

C. That Council authorises the Chief Executive Officer to write to the originator of the petition advising of Council’s decision.”

CARRIED

FOR

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

AGAINST

Cr James (abstained)

8.1.2 PETITION – PUBLIC MEETING – AFL HIGH PERFORMANCE CENTRE**EXECUTIVE SUMMARY****PURPOSE**

To consider the petition tabled at Council’s Meeting of 18 March 2024 requesting that Council hold a public meeting to discuss the proposed siting of the AFL High Performance Centre.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

Section 60 of the *Local Government Act, 1993* requires Council to formally consider petitions within 42 days of the petition being tabled at a Council Meeting. Where a petition seeks a public meeting, the Chief Executive Officer is to advise Council at a Council Meeting, whether the petition complies with the provisions of Section 59 of the Act. The Council, at that meeting, is to determine any action to be taken in respect to that petition.

The petition was checked against the Tasmanian Electoral Commission Electoral Roll as July 2023 and contains 1014 signatories who have been verified as electors in the Clarence Municipal area. The petition therefore complies with Section 59 of the Act.

CONSULTATION

If a petition seeks a public meeting the person lodging the petition is to be advised whether the petition complies with Section 59. The petition organiser was advised on 10 April 2024 that the petition complies with Section 59.

Before holding a public meeting in accordance with Section 59, Council in a notice publicly displayed, must state the date on which, and the time and place at which, the public meeting is to be held and state the details of the subject matter. Council must also advertise the public meeting in a local newspaper on at least two occasions and invite written submissions.

FINANCIAL IMPLICATIONS

There will be some costs incurred in hiring of a venue and engagement of an independent facilitator to conduct the public meeting. These costs will be accommodated within existing budget allocations.

RECOMMENDATION:

- A. That Council notes the petition.
- B. That Council notes the Chief Executive Officer’s advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).

- C. That Council resolves to hold a public meeting regarding the siting of the proposed AFL High Performance Centre within 30 days of this resolution in accordance with the following timeline:
- public notice displayed: 16 April 2024;
 - advertising in local newspaper: 17 and 20 April 2024;
 - written submissions close: 8 May 2024; and
 - public meeting to be held: 7.00 pm, 15 May 2024 at Rosny Bowls Club.
- D. That Council authorises the Chief Executive Officer to undertake the formal arrangements for conduct of the public meeting as set out above.

Decision:**MOVED** Cr Warren **SECONDED** Cr Goyne

“A. That Council notes the petition.

B. That Council notes the Chief Executive Officer’s advice that the petition complies with Section 59 of the Local Government Act, 1993 (Tas).

C. That Council resolves to hold a public meeting regarding the siting of the proposed AFL High Performance Centre within 30 days of this resolution in accordance with the following timeline:

- public notice displayed: 16 April 2024;
- advertising in local newspaper: 17 and 20 April 2024;
- written submissions close: 8 May 2024; and
- public meeting to be held: 7.00 pm, 15 May 2024 at Rosny Bowls Club or other appropriate venue.

D. That Council authorises the Chief Executive Officer to undertake the formal arrangements for conduct of the public meeting as set out above.”

CARRIED UNANIMOUSLY

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 PROPOSED LOCAL HIGHWAYS STANDARD REQUIREMENTS BY-LAW****EXECUTIVE SUMMARY****PURPOSE**

To commence the process for the creation of a new Local Highways Standard Requirements By-Law upon the expiry of the existing By-Law in December 2024.

RELATION TO EXISTING POLICY/PLANS

The proposed By-Law is consistent with council's existing plans and policies.

LEGISLATIVE REQUIREMENTS

The procedures for creating the By-Law are set out in the *Local Government Act 1993* (Tas) ("the Act").

CONSULTATION

The requirements for consultation are set out in the Act and detailed further in the Report.

FINANCIAL IMPLICATIONS

There are future financial implications for council as it will take on more highway and associated infrastructure that will have a greater valuation and consequential depreciation expense. However, the proposed By-Law has the benefit of ensuring highways and associated assets built by developers (and eventually vested in council) are built to council standards.

RECOMMENDATION:

That Council:

- A. Authorises the commencement of the process for the creation of a new Local Highways Standard Requirements By-Law in the form of the proposed By-Law in Attachment 1 to the Associated Report to replace the existing Local Highways Standard Requirements By-Law, which is due to expire on 16 December 2024.
- B. Resolves to adopt the content of the existing By-Law as policy during the period from 16 December 2024 to the commencement of the new By-Law in the event that the proposed By-Law is not in place before the expiration of the existing By-Law.

Decision: **MOVED** Cr Chong **SECONDED** Cr Hunter

"That the Recommendation be adopted".

CARRIED UNANIMOUSLY

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION – COUNCILLOR JAMES SAFETY – INTERSECTION BEACH ROAD, LINDISFARNE

In accordance with Notice given, it was:

Decision: **MOVED** Cr James **SECONDED** Cr Ritchie

“That Council seeks an urgent officer’s report to identify options to improve safety at the intersection adjacent to 31 Beach Road, Lindisfarne, including whether a retaining wall at the back of the path or other options are suitable, including council’s capacity to fund and deliver those works urgently”.

CARRIED

FOR

Cr Blomeley
Cr Darko
Cr Goyne
Cr Hulme
Cr James
Cr Kennedy
Cr Ritchie
Cr Walker
Cr Warren

AGAINST

Cr Chong
Cr Hunter

**9.2 NOTICE OF MOTION – COUNCILLOR WALKER
HARD WASTE COLLECTION**

In accordance with Notice given, it was:

Decision:	MOVED Cr Walker SECONDED Cr Ritchie	
	“That Council:	
	A. Acknowledges that the hard waste collection was a highly valued service to many Clarence residents; and	
	B. Requests the Chief Executive Officer investigate and report on contemporary alternative approaches to hard waste collection interstate to inform and assist councillors in how a hard waste collection service could best be reinstated.”	
	CARRIED	
	FOR	AGAINST
	Cr Darko	Cr Blomeley
	Cr Goyne	Cr Chong
	Cr Hulme	Cr Hunter
	Cr James	
	Cr Kennedy	
	Cr Ritchie	
	Cr Walker	
	Cr Warren	

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 Chong

1. Several weeks ago one of the trees on the green triangle by Richmond Bridge lost a very large limb. Luckily it didn't take out any houses or anything but the tree is cordoned off saying "dangerous tree". My question is, do we have an arborist's report on the tree and the other tree on that same triangle and are we expecting that either or both will have to be removed?

ANSWER

(Acting Head of Infrastructure and Natural Assets) We received an arborist's report at the end of last week and we are reviewing it at the moment. Thankfully the trees do not have to be removed, particularly the one that has had the damage however, it will need some scaffold reduction - reducing the crown. It is likely that we will have to increase our monitoring as we have some interesting images of what the decay is like. We are trying to retain those trees through the Richmond Master Plan which is in draft form at the moment and thankfully currently it looks like they can stay.

2. A recent media release from the Minister for Sport, Nic Street committed funding to the Tasmanian Football Umpires Association and the release congratulates the President of the Association on his efforts to bring this project to life; in particular his successful negotiation with Clarence City Council to provide a suitable ground at North Warrane Oval where the new home for umpires will be built. My question is, have the other users of the ground, Eastern Suburbs Rugby Union and MacKillop Cricket Club been consulted? My information is that they have not received any formal notification. Can we know what and when this is going to happen?

ANSWER

(Chief Executive Officer) As you will note the release talks about a promise of funding as part of the election campaign. I can advise council that there have been no commitments made by this council, whether staff or anyone else, in respect to a future home for the AFL umpires at North Warrane Oval. That will be subject to a future discussion if that funding is confirmed and obviously that future discussion would involve consultation with the other stakeholders. I will note that the AFL umpires have been training at North Warrane Oval and using the facilities that are there at the moment. Aside from any other commitment those have not been made by council.

Cr Warren

1. I have looked at the agenda report of 11 December 2023 regarding the High Performance Centre. The proposal that came before council which we voted on 7/5 was option A where the primary oval would be on Charles Hand Park and the secondary would be on Rosny parklands and option B which was the other way around. It said in the agenda report that “option B would require significant facility infrastructure to be built within the Rosny parklands for the exclusive use of the AFL High Performance Centre. The City Heart Plan envisages the Rosny parklands to have broad community access and utility. Assigning a large area of the parklands for exclusive use is inconsistent with the plan for the parklands which has been subject to significant community consultation. It is also likely that the exclusive use may present problems in terms of its cohesion with other planned uses for the parklands namely the proposed playpark, arts and events space and wild park”. I read that out because that is in contradiction with some of the correspondence going out to residents as recently as today. So, my question is, how did we get to the stage where our less preferred option of B with the primary oval for exclusive use being on the former Rosny golf course with the secondary oval being on Charles Hand Park instead of option A which was passed on the night? How did we get to that point, was there some negotiation because everything that I have seen in the media since has option B as the accepted proposal?

ANSWER

(Chief Executive Officer) When we framed the recommendation for the December meeting it was effectively to provide the Department of State Growth and the AFL a choice of two options which could flip one way or the other. It would be fair to say that the advice that we have in terms of preference from the Department of State Growth and the AFL is a preference towards the main site being on the Rosny parklands side however, that is not confirmed in any way, shape or form. It is simply their preference at this point in time and that will be subject to a lot of geology work and other pre-site testing that needs to be done in the next couple of months to determine whether that site is actually suitable for the primary site or in fact whether Charles Hand Park would make the better option. That is still very much an open question at this point in time.

2. When we discussed this last, we were told that the next step was to establish a Heads of Agreement. So my question is, what is the status of that and is that something that will come back to council for a decision?

ANSWER

(Chief Executive Officer) As recently as Friday last week we had another meeting with the Department of State Growth and today we have sent an updated draft Heads of Agreement to them to review. We are working throughout the caretaker period to try and get that to a point where, at officer level in council and in the Department, we are comfortable with that. Once the new government is elected I would anticipate bringing that Heads of Agreement to council to workshop while it also goes through a similar process at the Department of State Growth. The work is very well advanced, we are putting any finishing touches to that, resolving any outstanding issues at officer level but nothing is locked in at this point.

Cr Goyne

1. I believe from Friday there has been a fire burning and now smouldering at Scotts Road Risdon Vale. Are we aware if the appropriate permits were issued by Tasmania Fire Service for that fire?

ANSWER

(Chief Executive Officer) I can advise that it isn't a fire. It is steam coming from a compost heap as it is turned over. It is a mixture of wood chips and other compostable material so it is just internal heat generated by the decomposition process for making compost and as it is turned steam is released if the temperature conditions are right.

2. I believe that the aforementioned site has been operating without the appropriate permits since 2009 and that council itself has noted the potential risk to residents exposed to run off from the site. Do we have any action plan to be taken by council for the site and do we expect any upcoming legal processes from council or a retrospective permit to come to council in regard to the property?

ANSWER

(Head of City Planning) A current application has been lodged as a level 2 activity which requires the assessment of the proposal through the Environment Protection Agency. That matter is in hand with the EPA but I understand that they are seeking to modify that and relodge it. As yet I have not seen a modified proposal. With those matters which are subject to the EPA assessment, council is specifically prohibited from lodging an enforcement action process against because they are in the purview of the EPA. That said, when that application is finalised and assessed by the EPA, assuming that there are representations, which I am sure there will be, that will come to council at that time. In the meantime, we are undertaking an audit of any other activities on that site so that we are able to provide a more comprehensive consideration as part of the assessment of that proposal through the EPA.

Cr Walker

1. In 2022 I moved a motion in regard to graffiti eradication. That motion was to deal principally with other assets in particular the TasNetworks infrastructure, which tends to be the slowest to have graffiti removed. Could I have an update in the context of the multiple vile levels of racist graffiti in parts of Warrane and Mornington that residents are having to endure?

ANSWER

(Chief Executive Officer) We have been working in accordance with that motion from council some time ago. We made a number of enquiries with other service providers but to pick up your reference to TasNetworks, they have refused to allow any staff other than their own to respond to any of their infrastructure. So, speaking more broadly, I have been working with other councils to identify whether there is a possibility for a more regional approach to graffiti recognising the nature of that and those discussions have included Tas Police. The sticking point remains TasNetworks' infrastructure and the flat refusal to find a better way to deal with that more effectively, but we are continuing to work on a solution.

2. You may recall that I brought some water from the toilet facilities at the Geilston Bay recreation area to offer a drink in the absence of a water fountain. Noting as I went past there at the weekend a fabulous new installation that has been put there and operational, is it possible for your engineering staff to take a compliment?

ANSWER

(Acting Head of Infrastructure and Natural Assets) The team were fast acting to turn that around, so thank you.

Cr James

1. Some years ago there was a deed between the Howrah Hills Landcare Group, MFCas Pty Ltd and Clarence City Council which was in relation to Skyline Drive and a basic limitation on the amount of housing that could occur back in that time. I have been made aware that there may be coming to council a submission to be sent to the Tasmanian Planning Commission, some briefing or discussion paper about the change to that deed. So my question is, have there been any discussions at officer level as to a submission that may have been prepared and may not go through council – elected reps – to the TPC in relation to the changing of that zone on Skyline Drive?

ANSWER

(Head of City Planning) Council would be aware that an email was circulated to all councillors today generally asking the same question. I will provide a full answer however at this stage just to note that the matter is stemming from the substantial modification process that is hanging around from adoption of the Tasmanian Planning Scheme several years ago and it is one of those unresolved matters. I will take that on notice and provide a comprehensive response.

(Further information) In October 2021, the Tasmanian Planning Commission approved the adoption of the Tasmanian Planning Scheme – Clarence, which generally resulted in a translation of the provisions of the Clarence Interim Planning Scheme. When advertised, a large number of representations were received which were considered by council and subsequent public hearings were held before the Commission.

The Howrah Hills Landcare Group made a representation as part of this process with regard to several properties in the Howrah Hills area. The Commission determined that the LPS should be amended to rezone a number of properties in the Howrah Hills area from Low Density Residential Zone to the Landscape Conservation zone and to apply the priority vegetation area overlay to these properties. The Commission also determined that this amendment was significant and should be considered as a substantial modification directing that it, along with a number of similar matters, be advertised with a new opportunity for representations.

Following this process three representations were received in relation to this specific draft amendment, which council considered at its meeting of 11 April 2022.

The Commission has not yet determined the draft amendment. The Commission is now considering whether a Special Area Plan (SAP) is an appropriate mechanism to achieve their desired outcomes and has invited parties to provide comment. The development and appropriateness of the SAP is a matter for the Commission to determine in their assessment process – it is not a matter that Council has proposed. Council's position on the whole matter is well established.

Representatives of the Howrah Hills Landcare Group Inc. have also raised the relevance of a Deed of Agreement from 1999 in relation to the BW Series of Amendments to the Eastern Shore Planning Scheme 1963. This document is simply not relevant as it related to a specific amendment to a previous planning scheme which was completed. Any concerns by any party with regard to the process or merits of the draft amendment should be directed to the Commission.

2. In relation to the thousand signatures that were the result of a petition in this place this evening and concerns about the High Performance Centre in particular Charles Hand Park, it is my understanding that council is compelled to hold a public meeting and I cannot recall the section of the Local Government Act but it is very similar to what happened with UTAS in relation to their relocation and that petition was signed by over a thousand persons and that by the very nature went to a meeting and we know the result of that. So there is a timeline, Mr Mayor for that meeting to be convened and given that there was a very close decision on that motion my question is, if a decision of that meeting is for council to revoke its decision of December will council take that on board or will it be basically shelved and put into the too hard basket?

ANSWER

(Chief Executive Officer) Any motions passed by the public meeting will need to be presented to council and then council can determine how it wishes to treat those. There is no defined outcome per the imputation of your question. The process is once the public meeting has been held, at the next council meeting we will provide a report detailing any motions and any other material and then it will be a matter for council to determine how it wishes to respond to that.

Cr Hulme

1. Could I have an update on the progress of the City Development Plan?

ANSWER

Taken on notice.

(Further information) The working groups for the City Future and Community Infrastructure Strategies reconvened in February this year. Following identification and review of key priority areas for each strategy it was evident that there is significant alignment across these two strategies. While this can also be said for all strategies, it was considered that the inter-dependencies across these strategies in regard to objectives and delivery outcomes for the community would be best served by combining them into one strategy with a revised 'working' title of City Development Strategy.

The working group is making good progress on the draft and we anticipate an initial workshop to discuss and seek feedback from Councillors on key priority areas in April / May. At this time we will also engage with the City Development Advisory Committee.

2. Does the Local Government Act provide any guidance when a public meeting is required to be called in response to the petition, on how that public meeting is to be conducted?

ANSWER

(Chief Executive Officer) The Act does not provide particular advice on how the meeting is to be conducted but there is a process leading up to the public meeting regarding advertising, submissions, all of those sort of things and how those are dealt with. If you want to see all those details, it is Section 60A of the Local Government Act.

(Mayor) Could I add that on council's website there is a document regarding guidelines for submission of petitions which contains information about timing of such public meetings.

Cr Hunter

1. Could we have an update on the development of the Roches Beach Coastal Hazard Management Plan?

ANSWER

(Acting Head of Infrastructure and Natural Assets) Council has received a draft plan, we will provide council with a formal update via the Weekly Briefing Report.

2. Have any planning documents regarding 52 Richardsons Road been submitted to council recently?

ANSWER

(Head of City Planning) Council has received an application that is currently being assessed and further information has been requested. The process is that once it has been received we will write a report to council as to whether that should proceed to an advertising process or not.

Cr Ritchie

1. In February this year the Australian Road Research Board conducted a detailed road safety inspection program across the city. Could I be advised how this data is compiled and whether or not this results in any feedback that comes to council?

ANSWER

Taken on notice.

(Further information) The Australian Road Research Board (ARRB) surveyed the condition of Council's sealed road network. The survey, conducted at or near the posted speed limit, used sophisticated equipment to measure and quantify the typical signs of pavement distress (such as cracking, rutting and roughness). The data was collected at 10 metre intervals and aggregated to road segment level to provide a quantifiable estimate of the physical condition of each road segment in the network. Additionally, ARRB collected a photographic record of the road reserve, also at 10 metre intervals. The condition data will be combined with age and road hierarchy level to optimise Council's future road resealing, reconstruction and maintenance programs.

Council's Infrastructure & Natural Assets staff have received the first delivery of data and are currently reviewing it. Councillors will receive a briefing report which will include a summary of the condition data at a network level and comparison to previous surveys. This will demonstrate to Council the performance of council's road network over time and the effectiveness of its renewal programs over recent years. The summary will also be included in the Road and Transport Asset Management Plan.

2. Is council aware of any by-law or any other regulation in relation to the use of barbed wire as a fencing option in suburban areas?

ANSWER

Taken on notice.

(Further information) Council is not aware of any by-law or legislation which refers to the use of barbed wire as a fencing option in suburban areas. The Boundary Fences Act 1908 which regulates boundary fencing for most land in Tasmania does not prescribe types of fencing.

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 reports 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 Chong **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 9.16pm.