

MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 27 MAY 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:

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

1. APOLOGIES H Chong (Leave of Absence)

IN ATTENDANCE Chief Executive Officer
(Mr I Nelson)
Head of Infrastructure & Natural Assets
(Mr R Graham)
Chief Financial Officer
(Ms J Murrell)
Head of City Planning
(Mr D Marr)
Head of Governance
(Ms C Shea)
Head of Regulatory Services
(Mr R Brennan)
Head of Community and Culture
(Ms T Cockburn)
Head of Strategic Development Communications and Engagement
(Ms G Wicks)
Executive Officer to the Chief Executive Officer
(Ms J Ellis)

The Meeting closed at 10.21pm.

COUNCIL MEETING
MONDAY 27 MAY 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.

VALE

Before proceeding further with the meeting, the Mayor noted the recent passing of Mr Bob Braslin, who sadly passed away while at work.

Bob was a contractor to council and had spent in excess of 20 years working alongside our road construction crews.

I would like to acknowledge Bob’s contribution to our city and to pass on our condolences to Bob’s family.

Cr Warren has kindly agreed to represent Council at Bob’s funeral and I thank her for that.

I would like us to all now please stand and have a moment of silence in memory of Bob.

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 6 May 2024, as circulated, be taken as read and confirmed.

Decision: **MOVED** Cr Kennedy **SECONDED** Cr Goyne

“That the Minutes of the Council Meeting held on 6 May 2024, as circulated, be taken as read and confirmed”.

CARRIED

FOR

Cr Blomeley
Cr Darko
Cr Goyne
Cr Hulme
Cr Hunter
Cr James
Cr Kennedy
Cr Mulder
Cr Ritchie
Cr Warren

AGAINST

Cr Walker

4.2 MAYOR'S COMMUNICATION

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

- 8 May: Greater Hobart Mayors Forum;
- 9 May: I.M. Elliott Reserve Sign – Photo Opportunity;
Exhibition Opening;
- 15 May: Public Meeting regarding High Performance Centre;
- 16 May: Triple M Radio – Interview regarding High Performance Centre;
ABC “Mornings” Program – On Air Interview – Public Meeting (High Performance Centre);
- 21 May: Council Community Spirit Gala and Awards;
- 23 May: TCCI- 100 Years Celebration;
- 25 May: Presidents Club Function – North Melbourne v Port Adelaide; and
- 27 May: Media Interview with Brent Costello – High Performance Centre.

Deputy Mayor Councillor Allison Ritchie (on behalf of Mayor)

- 19 May: 2568 Bathing Buddha Holy Ceremony.

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MAYOR’S COMMUNICATION /contd...

The Mayor reported that at the 2024 National Awards for Planning Excellence held last Wednesday in Melbourne, which is a celebration of the projects, people and teams who shape our cities, towns and communities into vibrant, sustainable and equitable spaces and places, that Clarence City Council won the National award for Stakeholder Engagement for the Seven Mile Beach Local Area Plan, and received a commendation for planning with country for the Takara Limina project. On behalf of Council, the Mayor congratulated Mr Marr, Ms Wicks and Ms Cockburn and their respective teams on these well-deserved accolades.

The Mayor tabled a joint letter from the Lauderdale and Clarence Football Clubs expressing their strong support for the AFL and AFLW High Performance Centre in our city.

The Mayor tabled a letter dated 22 May from the Australian Government regarding the Roads to Recovery Program in our City.

4.3 COUNCIL WORKSHOPS

In addition to the Councillor’s Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Budget	
Rates Policy	
Confidential Property Matters	
Clarence Plains Master Plan	
Public Meeting Briefing	13 May

RECOMMENDATION:

That Council notes the workshops conducted.

Decision: **MOVED** Cr Kennedy **SECONDED** Cr Goyne

“That the Recommendation be adopted”.

FOR	AGAINST
Cr Blomeley	Cr Walker
Cr Darko	
Cr Goyne	
Cr Hulme	
Cr Hunter	
Cr James	
Cr Kennedy	
Cr Mulder	
Cr Ritchie	
Cr Warren	

CARRIED

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.

Cr James tabled the following petition which complies with the Act requirements:

- received from 48 signatories requesting council undertake urgent drainage works to prevent further flooding of the properties on the southern side of Evandale Street, South Arm.

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

Cr Walker advised that the Authority met last week and the quarterly report is to follow shortly.

- **TASWASTE SOUTH**

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

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

4.6 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 6, 13 and 20 May 2024 have been circulated to Councillors.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 6, 13 and 20 May 2024 be noted.

Decision: **MOVED** Cr Kennedy **SECONDED** Cr Goyne

“That the Recommendation be adopted”.

CARRIED

FOR

Cr Blomeley
 Cr Darko
 Cr Goyne
 Cr Hulme
 Cr Hunter
 Cr James
 Cr Kennedy
 Cr Mulder
 Cr Ritchie
 Cr Warren

AGAINST

Cr Walker

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.

Mrs Joanne Marsh of Bellerive gave notice of the following questions:

- 1. CONCEPT OF A SOCIAL LICENCE TO OPERATE**
How would Council leaders describe their understanding of the concept of a Social Licence to Operate and how it relates to the current matter of the location of the HPTC in Rosny's Parks in the City of Clarence?
- 2. STEPS IN CONSULTATION PROCESS FLOW CHART**
When will Council consider designing a flow chart to show graphically the steps Council take in the consultation process about a development proposal from the germ of an idea to the commencement of works to help explain this aspect of the Community Consultation Policy?

Mr Victor Marsh of Bellerive gave notice of the following question:

CONSULTATION PROCESS – HIGH PERFORMANCE TRAINING CENTRE

My wife and I have been questioning the Clarence City Council for over 15 years about consultation processes in various developments leading up to the Rosny parks HPTC proposal.

My question is: When is the Clarence City Council going to start consulting with the community in the initial stages of a development proposal before any plans are drawn up?

5.2 ANSWERS TO QUESTIONS ON NOTICE

Council's Chief Executive Officer provided the following answers to the questions from Mrs Joanne Marsh at Item 5.1.

1. CONCEPT OF A SOCIAL LICENCE TO OPERATE

I am not placed to answer on behalf of council leaders - by which we assume you mean Councillors. This question is best directed to Councillors individually.

What I will say to clarify, in regard to your comment on the social licence to operate the High Performance Centre (regardless of where it may be situated within the City), Council's only role at this point relates to location as a landowner. Council will not have any role in the operational side of the High Performance Centre.

2. STEPS IN CONSULTATION PROCESS FLOW CHART

Council staff have processes and systems in place to ensure consistency and continuity when engaging with the community, and while these systems and processes help inform the broad base of our consultations, council's specialist staff will tailor consultations depending on the many factors, such as audience, and topic to ensure they achieve success.

It is also important to note that the statutory requirements for consultation only apply after a development application is lodged. Aside from council projects, council can only request that a developer undertake additional consultation prior to lodgement or after. Ultimately, the amount of non-statutory consultation undertaken is not within council's absolute control other than when council is the proponent.

Council's Chief Executive Officer provided the following answer to the question from Mr Victor Marsh at Item 5.1.

CONSULTATION PROCESS – HIGH PERFORMANCE TRAINING CENTRE

I refer to my previous answer to Mrs Marsh.

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 6 May Mr Victor Marsh asked the following question.

CHARLES HAND MEMORIAL PARK

Were the Hand family consulted in the initial stages of the discussions about the destruction of Charles Hand Memorial Park?

ANSWER

During the initial stages of consultation in respect to possible High Performance Centre sites, there was no discussion with the Hand family.

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ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...

By way of background, the Charles Hand Memorial Park land was purchased from the Crown by Council in 1963. Mr Hand was the first Commissioner of Clarence and was involved in the land transfer negotiations. Subsequently, a portion of the land was transferred back to the Crown for construction of Rosny College. Charles Hand Memorial Park was named after Charles Hand who died not long after the agreement to sell the land to Council and who had advocated for council to purchase it.

5.4 QUESTIONS WITHOUT NOTICE

Mr Michael Figg of Lauderdale asked the following question.

Last meeting, I asked a question on how long it takes to answer a question from the public when it is formally registered as a question from the public to the council and I was informed that they would try to respond within 10 days. That must have spiked a bit of energy because I got an answer from a question that I raised in January just in the last week. The question that I was talking about was raised three months ago and I still haven't got an answer to that. Can either one of those please tell me the answer when I'm going to get a successful answer to the question I raised.

(Chief Executive Officer) I think you need to be a bit more specific and tell us which question you are referring to so that I know precisely what I'm looking for.

(Mr Figg) I asked the question; I've had a number of responses that told me to go to sites on the internet to find out. The question related to what heights do council have to rely upon for the land in Lauderdale and I specifically showed an area, which you in the past have called the basin and I have asked for the latest surveyed heights that you have on record and rely on.

The Mayor took the question on notice.

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

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)

AFL HIGH PERFORMANCE CENTRE

Mr Rodney Flynn addressed the meeting regarding the above matter.

M/s Beth Rees addressed the meeting regarding the above matter.

Mr Brian Chapman addressed the meeting regarding the above matter.

**PLANNING APPLICATION PDPLANPMTD-2024/043046 – 8 OPUS DRIVE, ACTON PARK – CARAVAN AND CAMPING PARK, TWO ON-SITE SPACES (VISITOR ACCOMMODATION)
(REFER ITEM 7.2)**

M/s Annette Emmett addressed the meeting regarding the above planning application.

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 PLANNING APPLICATION PDPLANPMTD-2024/043092 – 16 DOUGLAS STREET, BELLERIVE - ADDITIONS AND ALTERATIONS (SINGLE DWELLING)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Additions and Alterations (Single Dwelling) at 16 Douglas Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Council is required to exercise a discretion within the statutory period which was extended to 30 May 2024.

CONSULTATION

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

- The siting and scale of the proposed dwelling resulting in:
 - impacts on visual amenity;
 - overshadowing of adjoining properties and private open space;
 - inconsistent pattern of development;
- Inadequacy of private open space;
- Loss of privacy;
- Proposed access arrangements; and
- Nuisance during construction.

RECOMMENDATION:

A. That the Planning Application for Additions and Alterations (Single Dwelling) at 16 Douglas Street, Bellerive (CI Ref PDPLANPMTD-2024/043092) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER.
3. ENG A7 – REDUNDANT CROSSOVER.
4. ENG S1 – INFRASTRUCTURE REPAIR.

ADVICE

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 regards to stormwater, please contact Council’s Development Engineers on 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 Darko	Cr Warren
	Cr Goyne	
	Cr Hulme	
	Cr Hunter	
	Cr Kennedy	
	Cr Mulder	
	Cr Ritchie	
	Cr Walker	

7.2 PLANNING APPLICATION PDPLANPMTD-2024/043046 – 8 OPUS DRIVE, ACTON PARK - CARAVAN AND CAMPING PARK, TWO ON-SITE SPACES (VISITOR ACCOMMODATION)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Caravan and Camping Park, comprised of two on-site spaces (visitor accommodation) at 8 Opus Drive, Acton Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Parking and Sustainable Transport, Road and Railway Assets, Natural Assets and Safeguarding of Airports Codes 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 period which expires on 29 May 2024.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 18 representations were received raising the following issues:

- Inaccuracy of site plan;
- Unapproved use;
- Insurance;
- Hipcamp regulations;
- Visual impact;
- Traffic;
- Noise;
- Inconsistency with character of area;
- Increase in housing density;
- Privacy;
- Guarantee of length of stay;
- Commercial viability and infrastructure charges;
- Health and safety; and
- Loss of land value.

RECOMMENDATION:

- A. That the Planning Application for Caravan and Camping Park, two on-site spaces (Visitor Accommodation) at 8 Opus Drive, Acton Park (CI Ref PDPLANPMTD-2024/043046) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. This permit is for two camping sites only.
 3. This permit is for short or medium-term visitor accommodation for persons away from their normal place of residence only and is not for permanent or long term accommodation.
 4. A landscape plan must be submitted to and approved by Council's Head of City Planning prior to the commencement of the use. The plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- confirm that mature species are to be used where separating the camp sites from the eastern and western boundaries respectively;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

ADVICE

The use must not cause an environmental nuisance or harm including, but not limited to noise, odour, dust, and fumes within the meaning of the *Environmental Management and Pollution Control Act 1994*. The use must at all times comply with the relevant requirements of the *Environmental Management and Pollution Control (Noise) Regulations 2016*, which are available on Council’s website for reference at: <https://www.ccc.tas.gov.au/living/home-property/noise/>.

- 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:	<p>MOVED Cr Ritchie SECONDED Cr Kennedy</p> <p>“A. That the Planning Application for Caravan and Camping Park, two on-site spaces (Visitor Accommodation) at 8 Opus Drive, Acton Park (CI Ref PDPLANPMTD-2024/043046) be approved subject to the following conditions and advice.</p> <ol style="list-style-type: none"> 1. GEN AP1 – ENDORSED PLANS. 2. This permit is for two accommodation sites only. Each accommodation site must be limited to a maximum of one caravan (or recreational vehicle) and/or three tents for any one guest booking. 3. This permit is for short or medium-term visitor accommodation (a maximum of 5 nights per guest booking) for persons away from their normal place of residence only and is not for permanent or long term accommodation.
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/ Decision contd on Page 19...

PLANNING APPLICATION PDPLANPMTD-2024/043046 – 8 OPUS DRIVE, ACTON PARK - CARAVAN AND CAMPING PARK, TWO ON-SITE SPACES (VISITOR ACCOMMODATION) /Decision contd...

4. That signage is erected to ensure the permitted hours for various equipment use as outlined in the Environmental Management and Pollution Control (Noise) Regulations 2016 are clearly evident to all persons accessing the visitor accommodation sites.
5. A landscape plan must be submitted to and approved by Council's Head of City Planning prior to the commencement of the use. The plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- confirm that mature species are to be used where separating the camp sites from the eastern and western boundaries respectively;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and

/ Decision contd on Page 20...

PLANNING APPLICATION PDPLANPMTD-2024/043046 – 8 OPUS DRIVE, ACTON PARK - CARAVAN AND CAMPING PARK, TWO ON-SITE SPACES (VISITOR ACCOMMODATION) /Decision contd...

- estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

ADVICE

The use must not cause an environmental nuisance or harm including, but not limited to noise, odour, dust, and fumes within the meaning of the *Environmental Management and Pollution Control Act 1994*. The use must at all times comply with the relevant requirements of the *Environmental Management and Pollution Control (Noise) Regulations 2016*, which are available on Council’s website for reference at: <https://www.ccc.tas.gov.au/living/homeproperty/noise/>.

- 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.”

CARRIED**FOR**

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

AGAINST

Cr Hunter
Cr Walker
Cr Warren
Cr James (abstained)

7.3 PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13 COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Service Station and associated convenience store, two drive-through takeaway restaurants with 24-hour operation and consolidation of three lots into one lot at 9, 11 and 13 Commerce Drive, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business and subject to the Glebe Hill Neighbourhood Centre Specific Area Plan, Flood-Prone Areas Hazard Code, Road and Railway Assets Code, Safeguarding of Airports Code, Signs Code, Parking and Sustainable Transport Code and Road and Railway Assets 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 period which expires on 29 May 2024 as agreed with the applicant.

CONSULTATION

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

- Increase in traffic and pedestrian safety;
- Insufficient on-site car parking;
- Loss of amenity on nearby residential, community and commercial uses;
- Operating hours; and
- Community Health.

RECOMMENDATION:

A. That the Development Application for a Service Station and associated convenience store (Vehicle fuel sales and service), two drive-through takeaway restaurants (24-hour operation) (Food services) and consolidation of three lots into one lot at 9, 11 and 13 Commerce Drive, Howrah (CI Ref PDPLANPMTD-2023/041074) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN S1 – SIGN CONSENT.
3. Hours of operation of the service station and drive-through takeaway restaurants must be within the following hours:
Monday to Saturday: 24 hours
Sunday and public holidays: 7am to 9pm
4. Commercial vehicle movements and the unloading and loading of commercial vehicles for the service station and drive-through takeaway restaurants (including waste collection vehicles) must be within the hours of:
Monday to Sunday and public holidays: 7am to 2pm
5. An external lighting plan must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works demonstrating external lighting will be baffled to ensure direct light does not extend into the adjoining properties in the General Residential Zone.
6. The development must be constructed in accordance with the recommendations made within Section 6 of the NVC Noise Impact Assessment dated 25 January 2024 provided with the application. These measures are to be certified by a suitably qualified Acoustic Engineer or other appropriately qualified person and submitted prior to the issue of a certificate of likely compliance (CLC) for building works, to the satisfaction of Council’s Chief Executive Officer or Delegate. The Noise Report must be implemented prior to the commencement of the use of each tenancy.
7. A Noise Verification Report must be submitted to the satisfaction of Council’s Chief Executive Officer or Delegate within six weeks of the occupancy of the drive-through takeaway restaurant tenancy (Building 1), to verify the modelled scenarios in the NVC Noise Impact Assessment, dated 25 January 2024 relating to the roof top mechanical plant equipment.

If predicted noise levels in the NVC Noise Impact Assessment, dated 25 January 2024 are not met, namely 40dBA Leq between 10pm and 6am when measured 1m from residential facades (as required by the Environmental Protection Policy (Noise) 2009, Department of Environment, Parks, Heritage and the Arts, Tasmania for night time criteria relating to fixed mechanical plant), the Noise Verification Report must provide recommendations to mitigate the noise to achieve satisfactory levels.

These recommendations must be implemented, and further verification undertaken until the predicted noise levels are met to the satisfaction of Council’s Chief Executive Officer or Delegate.

8. A plan showing the location and detailed design of public art elements, prepared in accordance with Council’s Public Art Policy (2013), must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the commencement of the works, or the issue of a building permit, whichever comes first. When approved, the plans will form part of the permit.

The approved public art elements must be completed and installed to the satisfaction of Council’s Chief Executive Officer or Delegate prior to the issue of a Certificate of Completion.

9. A landscape plan must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The landscape plan must be to a standard scale, provide the designer’s contact details and be legible when reproduced at A3 size. The landscape plan must clearly document the following:

- a north point/arrow;
- existing property information such as building footprints, location of underground and overhead services, boundary lines, outdoor structures, garden beds and fences;
- existing trees identified, marked clearly as “retained” or “for removal”. An outline of tree protection measures – inclusive of calculated Tree Protection Zones in line with AS 4970-2009 – is required for all “retained” trees;
- existing contours, relevant finished floor levels and any proposed alterations to ground levels;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, carparks, retaining walls, edging and fencing;
- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species’ botanical names, mature height, mature width, pot size and total quantities;
- continuous avenue of lemon lime willow myrtle (*Agonis flexuosa*) plantings adjacent to the Rokeby Road boundary;
- avenue type plantings adjacent to the Commerce Road boundary with the inclusion of Ornamental pear species;
- provision of Ornamental pear species within the carpark to provide shade;
- details of proposed ongoing maintenance schedule (e.g. watering, weeding); and
- estimated cost for the installation of landscape works.

Note: Refer to “Preparing Landscape Plans for Development Applications” pamphlet for further information.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released, the works must be deemed satisfactory by Council's Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

10. All landscape works must be maintained:
- in perpetuity by the existing and future owners/occupiers of the property;
 - in a healthy state; and
 - in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or which was removed.

11. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

12. A minimum of 35 car parking spaces must be provided on-site prior to the commencement of the approved service station and the two drive-through takeaway restaurants. Each space, including disabled parking, must be clearly marked and used solely for parking purposes.

13. The proposed wide kerb and gutter crossing must be provided to the lot and must be constructed in accordance with Standard Drawing TSD-R09. A sealed access is required to be constructed from the road carriageway to the property boundary to accord with Standard Drawing TSD-R09 (copy available from Council) and must then continue over the remaining length of the driveway. This access must be inspected by Council prior to sealing or pouring new concrete.

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

14. Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete or concrete, providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Chief Executive Officer or Delegate prior to the commencement of any works.

15. ENG A7 – REDUNDANT CROSSOVER.

16. ENG M1 – DESIGNS DA - Engineering designs, prepared by a suitably qualified person, are required for:
- access arrangements;
 - carpark and driveways construction;
 - service upgrades or relocations;

- all works recommended within Section 7 of the Flood Hazard Report prepared by Flussig Engineers and dated 8 February 2024 for the efficient conveyance of the flood water from the neighbouring property/road reserve to the receiving road; and
- verification that the exit ramp is an appropriate gradient to ensure headlight glare would be contained within the parameters of the residential fencing associated with the residential properties located on the southern side of Hance Road;
and must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council’s Chief Executive Officer or Delegate.

A “start of works” permit must be obtained prior to the commencement of any works.

A Works in Road Reservation Permit must also be obtained if any proposed works are to be conducted within the road reservation or Council land.

Works for all stages shown on the design plans must be commenced within two years of the date of their approval or the engineering designs will be required to be resubmitted.

17. ENG M5 – EROSION CONTROL.
18. ENG S1 – INFRASTRUCTURE REPAIR.
19. ENG S11 – SEALING OF SERVICES.
20. A plan for the management of construction must be submitted and approved by Council’s Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The plan must outline the proposed demolition and construction practices in relation to:
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - proposed hours of construction;
 - identification of potentially noisy construction phases, such as operation of rock breakers if any;
 - control of dust and emissions during working hours;
 - access and Parking during construction;
 - proposed screening of the site and vehicular access points during work; and
 - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

21. A detailed lighting plan demonstrating that lighting will be positioned, orientated and specified to avoid light spill and glare off the site, and particularly to the residential properties on the northern side of Commerce Drive, must be submitted and approved by Council's Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). All approved lighting recommendations must be implemented and maintained to the satisfaction of Council's Chief Executive Officer or Delegate.
22. ENG M8 – EASEMENTS.
23. Bicycle parking facilities for a minimum of four bicycles must be provided on-site. A plan showing the location and design in accordance with Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking must be submitted to and approved by Council's Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works. The approved bicycle parking facilities must be constructed and be available at all times prior to the commencement of the use.
24. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 January 2024 (TWDA 2023/01736-CCC).

ADVICE

- a. Council, as a Stormwater authority, has formed the view that the proposed development will intensify the stormwater discharge from the property and 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 the engineering plan assessment if the proposed DA is approved.

Please contact Council's Development Engineers on 6217 9500 to discuss what is required to meet Council's requirements in regard to stormwater.

- b. A Building Surveyor is required to be engaged, to create and certify an Application for Building Approval.
- c. TasNetworks has advised the development is likely to adversely affect TasNetworks' operations, as the driveway widening on each side of the development appears to impact the location of cabinets and consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development.

It is recommended an application be made via the TasNetworks portal found at Connections Hub - TasNetworks to establish an electricity supply connection to support this development. Alternatively, TasNetworks Early Engagement team can be contacted at early.engagement@tasnetworks.com.au.

- 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 Hulme

“A. That the Development Application for a Service Station and associated convenience store (Vehicle fuel sales and service), two drive-through takeaway restaurants (24-hour operation) (Food services) and consolidation of three lots into one lot at 9, 11 and 13 Commerce Drive, Howrah (CI Ref PDPLANPMTD-2023/041074) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN S1 – SIGN CONSENT.
3. Hours of operation of the service station and drive-through takeaway restaurants must be within the following hours:
Monday to Sunday and public holidays: 24 hours
4. Commercial vehicle movements and the unloading and loading of commercial vehicles for the service station and drive-through takeaway restaurants (including waste collection vehicles) must be within the hours of:
Monday to Sunday and public holidays: 7am to 2pm
5. An external lighting plan must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works demonstrating external lighting will be baffled to ensure direct light does not extend into the adjoining properties in the General Residential Zone.

/ Decision contd on Page 28...

**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
contd...**

6. The development must be constructed in accordance with the recommendations made within Section 6 of the NVC Noise Impact Assessment dated 25 January 2024 provided with the application. These measures are to be certified by a suitably qualified Acoustic Engineer or other appropriately qualified person and submitted prior to the issue of a certificate of likely compliance (CLC) for building works, to the satisfaction of Council's Chief Executive Officer or Delegate. The Noise Report must be implemented prior to the commencement of the use of each tenancy.

7. A Noise Verification Report must be submitted to the satisfaction of Council's Chief Executive Officer or Delegate within six weeks of the occupancy of the drive-through takeaway restaurant tenancy (Building 1), to verify the modelled scenarios in the NVC Noise Impact Assessment, dated 25 January 2024 relating to the roof top mechanical plant equipment.

If predicted noise levels in the NVC Noise Impact Assessment, dated 25 January 2024 are not met, namely 40dBA Leq between 10pm and 6am when measured 1m from residential facades (as required by the Environmental Protection Policy (Noise) 2009, Department of Environment, Parks, Heritage and the Arts, Tasmania for night time criteria relating to fixed mechanical plant), the Noise Verification Report must provide recommendations to mitigate the noise to achieve satisfactory levels.

These recommendations must be implemented, and further verification undertaken until the predicted noise levels are met to the satisfaction of Council's Chief Executive Officer or Delegate.

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**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
contd...**

8. A plan showing the location and detailed design of public art elements, prepared in accordance with Council’s Public Art Policy (2013), must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the commencement of the works, or the issue of a building permit, whichever comes first. When approved, the plans will form part of the permit.

The approved public art elements must be completed and installed to the satisfaction of Council’s Chief Executive Officer or Delegate prior to the issue of a Certificate of Completion.

9. A landscape plan must be submitted to and approved by Council’s Chief Executive Officer or Delegate prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The landscape plan must be to a standard scale, provide the designer’s contact details and be legible when reproduced at A3 size. The landscape plan must clearly document the following:
- a north point/arrow;
 - existing property information such as building footprints, location of underground and overhead services, boundary lines, outdoor structures, garden beds and fences;
 - existing trees identified, marked clearly as “retained” or “for removal”. An outline of tree protection measures – inclusive of calculated Tree Protection Zones in line with AS 4970-2009 – is required for all “retained” trees;
 - existing contours, relevant finished floor levels and any proposed alterations to ground levels;
 - areas of proposed landscape hard work treatments such as driveways, paths, buildings, carparks, retaining walls, edging and fencing;
 - areas of proposed landscape soft work treatments including garden beds and lawns;

**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
contd...**

- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species’ botanical names, mature height, mature width, pot size and total quantities;
- continuous avenue of lemon lime willow myrtle (*Agonis flexuosa*) plantings adjacent to the Rokeby Road boundary;
- avenue type plantings adjacent to the Commerce Road boundary with the inclusion of Ornamental pear species;
- provision of Ornamental pear species within the carpark to provide shade;
- details of proposed ongoing maintenance schedule (e.g. watering, weeding); and
- estimated cost for the installation of landscape works.

Note: Refer to “Preparing Landscape Plans for Development Applications” pamphlet for further information.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released, the works must be deemed satisfactory by Council’s Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

10. All landscape works must be maintained:
- in perpetuity by the existing and future owners/occupiers of the property;
 - in a healthy state; and
 - in accordance with the approved landscape plan.

/ Decision contd on Page 31...

**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
 COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
 CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
 THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
 SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
 contd...**

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or which was removed.

11. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

12. A minimum of 35 car parking spaces must be provided on-site prior to the commencement of the approved service station and the two drive-through takeaway restaurants. Each space, including disabled parking, must be clearly marked and used solely for parking purposes.

13. The proposed wide kerb and gutter crossing must be provided to the lot and must be constructed in accordance with Standard Drawing TSD-R09. A sealed access is required to be constructed from the road carriageway to the property boundary to accord with Standard Drawing TSD-R09 (copy available from Council) and must then continue over the remaining length of the driveway. This access must be inspected by Council prior to sealing or pouring new concrete.

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

14. Driveways, parking areas and other areas accessible to vehicles must be constructed in bituminous concrete or concrete, providing for adequate stormwater drainage, prior to the commencement of the use. Details of the construction must be submitted to and approved by Council's Chief Executive Officer or Delegate prior to the commencement of any works.

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**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
contd...**

15. ENG A7 – REDUNDANT CROSSOVER.

16. ENG M1 – DESIGNS DA - Engineering designs, prepared by a suitably qualified person, are required for:

- access arrangements;
- carpark and driveways construction;
- service upgrades or relocations;
- all works recommended within Section 7 of the Flood Hazard Report prepared by Flussig Engineers and dated 8 February 2024 for the efficient conveyance of the flood water from the neighbouring property/road reserve to the receiving road; and
- verification that the exit ramp is an appropriate gradient to ensure headlight glare would be contained within the parameters of the residential fencing associated with the residential properties located on the southern side of Hance Road; and must show the extent of any vegetation removal proposed for these works. Such designs must be submitted to and approved by Council’s Chief Executive Officer or Delegate.

A “start of works” permit must be obtained prior to the commencement of any works.

A Works in Road Reservation Permit must also be obtained if any proposed works are to be conducted within the road reservation or Council land.

Works for all stages shown on the design plans must be commenced within two years of the date of their approval or the engineering designs will be required to be resubmitted.

17. ENG M5 – EROSION CONTROL.

/ Decision contd on Page 33...

**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
contd...**

18. ENG S1 – INFRASTRUCTURE REPAIR.
19. ENG S11 – SEALING OF SERVICES.
20. A plan for the management of construction must be submitted and approved by Council’s Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The plan must outline the proposed demolition and construction practices in relation to:
 - proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site, and works undertaken on-site);
 - proposed hours of construction;
 - identification of potentially noisy construction phases, such as operation of rock breakers if any;
 - control of dust and emissions during working hours;
 - access and Parking during construction;
 - proposed screening of the site and vehicular access points during work; and
 - procedures for washing down vehicles, to prevent soil and debris being carried onto the street.
21. A detailed lighting plan demonstrating that lighting will be positioned, orientated and specified to avoid light spill and glare off the site, and particularly to the residential properties on the northern side of Commerce Drive, must be submitted and approved by Council’s Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). All approved lighting recommendations must be implemented and maintained to the satisfaction of Council’s Chief Executive Officer or Delegate.

/ Decision contd on Page 34...

**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
contd...**

22. ENG M8 – EASEMENTS.

23. Bicycle parking facilities for a minimum of four bicycles must be provided on-site. A plan showing the location and design in accordance with Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking must be submitted to and approved by Council's Chief Executive Officer or Delegate prior to the issue of a certificate of likely compliance (CLC) for building works. The approved bicycle parking facilities must be constructed and be available at all times prior to the commencement of the use.

24. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 January 2024 (TWDA 2023/01736-CCC).

ADVICE

a. Council, as a Stormwater authority, has formed the view that the proposed development will intensify the stormwater discharge from the property and 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 the engineering plan assessment if the proposed DA is approved.

Please contact Council's Development Engineers on 6217 9500 to discuss what is required to meet Council's requirements in regard to stormwater.

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

/ Decision contd on Page 35...

**PLANNING APPLICATION PDPLANPMTD-2023/041074 – 9, 11 AND 13
COMMERCE DRIVE, HOWRAH - SERVICE STATION AND ASSOCIATED
CONVENIENCE STORE (VEHICLE FUEL SALES AND SERVICE), TWO DRIVE-
THROUGH TAKEAWAY RESTAURANTS (24-HOUR OPERATION) (FOOD
SERVICES) AND CONSOLIDATION OF THREE LOTS INTO ONE LOT /Decision
contd...**

- c. TasNetworks has advised the development is likely to adversely affect TasNetworks’ operations, as the driveway widening on each side of the development appears to impact the location of cabinets and consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development.

It is recommended an application be made via the TasNetworks portal found at Connections Hub - TasNetworks to establish an electricity supply connection to support this development. Alternatively, TasNetworks Early Engagement team can be contacted at early.engagement@tasnetworks.com.au.

- 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, with the exception of the following:

1. The proposal complies with clause 15.3.1 (P1) in relation to hours of operation, in that the proposed conditions address the relevant issues and the slightly extended trading hours have no greater impact and are adequately addressed by the recommended conditions.
2. The proposal was advertised as 24 hours, 7 days a week. The reduced hours arose from an error in the planning report, which was not subject to public advertising.”

CARRIED UNANIMOUSLY

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

8. REPORTS OF OFFICERS

8.1 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil Items.

8.2 ASSET MANAGEMENT

Nil Items.

8.3 FINANCIAL MANAGEMENT

Nil Items.

8.4 GOVERNANCE**8.4.1 QUARTERLY REPORT TO 31 MARCH 2024****EXECUTIVE SUMMARY****PURPOSE**

To consider the Chief Executive Officer’s Quarterly Report covering the period 1 January to 31 March 2024.

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 31 March 2024 be received.

Cr Mulder and Cr Walker left the meeting at this stage (8.17pm).

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

“That the Recommendation be adopted”.

CARRIED UNANIMOUSLY

8.4.2 GENERAL GRANTS PROGRAM**EXECUTIVE SUMMARY****PURPOSE**

To consider the General Grants Assessment Panel's recommendations for the allocation of financial assistance in respect of the February/March 2024 round of the General Grants Program.

RELATION TO EXISTING POLICY/PLANS

- Consistent with Council's Strategic Plan 2021-2031;
- Grants and Sponsorship policy 2023, social strategies and plans including the Active Living Strategy 2022-2032;
- City Future Strategy 2022-2032;
- Community Infrastructure Strategy 2021-2031;
- Community Wellbeing Strategy 2021-2031;
- Cultural Creative Strategy 2022-2032;
- Digital Strategy 2022-2032; and
- Sustainability Strategy 2022-2032 or other relevant Reserve Activity Plans and Master Plans.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

There is an annual budget of \$65,000 for the bi-annual Community Grants which includes the Community and Cultural and Creative Grants streams.

There is an annual budget of \$20,000 for the nominated Access and Inclusion Activation Grants program.

There is an annual budget of \$40,000 for the annual Environment and Biodiversity Grants.

RECOMMENDATION:

That Council approves the distribution of financial grants totalling \$97,992.86 (that being \$74,864.00 recommended in support to applications to the Community and Cultural and Creative streams, and \$23,128.86 to applications to the Environment and Biodiversity stream) to community groups and organisations, as detailed in the Associated Report and its attachments.

/ Refer to Page 41 for Decision on this Item...

GENERAL GRANTS PROGRAM /contd...

Decision:	MOVED Cr Ritchie SECONDED Cr Hulme “That the Recommendation be adopted”. Cr Goyne left the meeting at this stage (8.19pm). Cr Mulder returned to the meeting at this stage (8.20pm). The MOTION was put and CARRIED UNANIMOUSLY
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Cr Walker returned to the meeting at this stage (8.21pm).

8.4.3 AFL HIGH PERFORMANCE CENTRE PUBLIC MEETING – SUMMARY REPORT

EXECUTIVE SUMMARY

PURPOSE

To provide a summary of submissions received in respect to the AFL/AFLW High Performance Centre public meeting held on 15 May 2024 and to record the decisions (motions passed) at that meeting.

RELATION TO EXISTING POLICY/PLANS

The Council’s Strategic Plan 2021 – 2031 is relevant, as is the draft City Heart Plan (yet to be approved by Council).

LEGISLATIVE REQUIREMENTS

The public meeting was held in accordance with the requirements of Division 1 of Part 6 of the *Local Government Act 1993* (Tas). This report is provided in compliance with s.60A(5) of that Act.

CONSULTATION

This report summarises the submissions and motions arising from the public meeting held on 15 May 2024.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes:

- the summary of submissions and motions passed arising from the AFL High Performance Centre public meeting held on 15 May 2024; and
- meeting notes as attached to the Associated Report for inclusion on Council’s website.

Decision:	<p>MOVED Cr Warren SECONDED Cr Hunter</p> <p>“That the Recommendation be adopted”.</p> <p>Cr Goyne returned to the meeting at this stage (8.25pm).</p> <p>Cr James left the meeting at this stage (8.59pm).</p> <p>The MOTION was put and CARRIED UNANIMOUSLY</p>
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**8.4.4 REQUEST FOR LANDOWNER CONSENT – REZONING AND SUBDIVISION
- 34, 36 AND 46 MANNATA STREET, LAUDERDALE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a request for landowner consent to accompany an application for rezoning and subdivision at 34, 36 and 46 Mannata Street, Lauderdale. Council is the registered proprietor of 36 Mannata Street (Certificate of Title Volume 23315 Folio 39) which is designated “set apart for public recreation space”.

RELATION TO EXISTING POLICY/PLANS

The major portions of all three properties are currently zoned Rural Living Zone B under the Tasmanian Planning Scheme – Clarence. The front section of the access strips is zoned General Residential. The site is included in the Lauderdale Structure Plan 2011.

LEGISLATIVE REQUIREMENTS

An application for rezoning under section 37 of the *Land Use Planning and Approvals Act 1993* (LUPAA) requires the consent of all landowners. Similarly, a concurrent permit application under section 40T of LUPAA also requires the consent of all landowners.

CONSULTATION

This request has been the subject of a number of discussions between the applicants’ representative and council officers.

FINANCIAL IMPLICATIONS

The consideration of this report has no direct financial implications but, if the application for which consent is requested, is approved through a subsequent process, it will contribute to an increased need to commit funds to improve and manage stormwater service provision in the area.

RECOMMENDATION:

That Council:

- A. As the registered proprietor of 36 Mannata Street, Lauderdale (Certificate of Title Volume 23315 Folio 39), does not provide landowner consent for the inclusion of the lot in a request, under section 37 of the *Land Use Planning and Approvals Act 1993*, to rezone 34, 36 and 46 Mannata Street, Lauderdale from Rural Living Zone B to General Residential.
- B. As the registered owner of 36 Mannata Street, Lauderdale (Certificate of Title Volume 23315 Folio 39), does not provide landowner consent for the inclusion of the lot in an application for a permit, under section 40T of the *Land Use Planning and Approvals Act 1993*, of subdivision of 34, 36 and 46 Mannata Street, Lauderdale.

- C. That any fees paid as part of this application for rezoning and permit, which is reliant upon the above, be refunded in their entirety.

Cr James returned to the meeting at this stage (9.04pm).

Decision:	<p>MOVED Cr James SECONDED Cr Mulder</p> <p>“That Council:</p> <p>A. As the registered proprietor of 36 Mannata Street, Lauderdale (Certificate of Title Volume 23315 Folio 39), provides landowner consent for the inclusion of the lot in a request, under section 37 of the Land Use Planning and Approvals Act 1993, to rezone 34, 36 and 46 Mannata Street, Lauderdale from Rural Living Zone B to General Residential.</p> <p>B. As the registered owner of 36 Mannata Street, Lauderdale (Certificate of Title Volume 23315 Folio 39), provides landowner consent for the inclusion of the lot in an application for a permit, under section 40T of the Land Use Planning and Approvals Act 1993, of subdivision of 34, 36 and 46 Mannata Street, Lauderdale.</p> <p>C. That the reasons for Council’s decision in respect of this matter are as follows:</p> <ol style="list-style-type: none"> 1. The consent relates solely to authorising the applicant to include a small portion of council owned land to provide a sufficiently wide access for a proposed future subdivision. <p><i>Comment:</i> <i>Agreed. The current portion of land was provided for public recreation and is proposed for inclusion in a public road.</i></p> <ol style="list-style-type: none"> 2. The lots in question are currently zoned Rural Residential but this part of Lauderdale is surrounded on three sides by the General Residential Zone and other zonings contained within the existing <i>Urban Growth Boundary (UGB)</i> established by the <i>Southern Tasmanian Regional Land Use Strategy</i>. The area is a Rural Residential zone in a virtual sea of residential land. It is noted that the land in question falls within Ministerial guidelines for inclusion in the UGB and that changes to the UGB are at the discretion of the Minister.
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**REQUEST FOR LANDOWNER CONSENT – REZONING AND SUBDIVISION - 34,
36 AND 46 MANNATA STREET, LAUDERDALE /Decision contd...***Comment:*

The attached report provides a detailed commentary on these matters, including the relevant history of Council decisions in relation to this area.

The current portion of land is zoned Rural Living (which is the equivalent of a rural residential zone of the past). It is noted that the land is also subject to a number of code overlays including the Coastal Inundation Hazard Code.

It is disagreed that the proposal meets the criteria under the Southern Tasmanian Regional Land Use Strategy in relation to development adjacent to the Urban Growth Boundary. It is noted that this application is not seeking Ministerial consent to modify the Urban Growth Boundary.

3. Matters raised in the Officers Report are matters for consideration at the time of any future application under the Land Use Planning and Approvals Act 1993, noting that relevant engineering solutions to stormwater concerns have been proposed and that developers can be required to contribute to the cost of these works.

Comment:

Legal advice has been provided with regard to Council's powers and obligations in making a decision on the land's inclusion in the application for rezoning and subdivision. The report has considered only those matters considered to be relevant to the request for landowner consent.

/ Decision contd on Page 46...

**REQUEST FOR LANDOWNER CONSENT – REZONING AND SUBDIVISION - 34,
36 AND 46 MANNATA STREET, LAUDERDALE /Decision contd...**

Council has not designed, costed or committed to funding adequate stormwater management works in the area to enable such a headworks contribution to be calculated, or to ensure that any works contributed to are implanted in a timely manner.”

CARRIED

FOR

Cr Blomeley
Cr Goyne
Cr Hulme
Cr James
Cr Kennedy
Cr Mulder
Cr Ritchie

AGAINST

Cr Darko
Cr Hunter
Cr Walker
Cr Warren

9. MOTIONS ON NOTICE

9.1 NOTICE OF MOTION – COUNCILLOR WALKER AFL TASMANIA HIGH PERFORMANCE CENTRE – BLUNDSTONE ARENA

In accordance with Notice given, it was:

Decision: **MOVED** Cr Walker **SECONDED** Cr Goyne

With the Leave of the Mover and Seconder, the Recommendation was dealt with ad seriatum.

“A. That Council affirms its aspiration to be the home of a suitably located High Performance Centre for the Tasmania Devils AFL Team.”

CARRIED

FOR

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

AGAINST

Cr James

“B. That Council, as a matter of urgency requests representatives from Cricket Tasmania, the Tasmania Devils AFL club and relevant state government stake holders to investigate opportunities for reuse of Blundstone Arena, including as a potential site for a future AFL High Performance Centre.”

The **MOTION** was **put** and **LOST**

FOR

Cr Darko
Cr Goyne
Cr Hunter
Cr Walker
Cr Warren

AGAINST

Cr Blomeley
Cr Hulme
Cr James
Cr Kennedy
Cr Mulder
Cr Ritchie

10. COUNCILLORS' QUESTION TIME

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

10.1 QUESTIONS ON NOTICE

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

Nil.

10.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

10.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Cr Ritchie

My question is regarding Issuing of infringement notices. Of late I have received a large influx of complaints about infringement notices particularly dog registrations. Can officers confirm whether we issue reminder notices before we refer people to the Tasmanian Collection Service because apparently the lack of reminder notices has caused a lot of angst and concern from people being referred to Tasmanian Collection Service in a very short timeframe when they didn't even know that something was overdue?

ANSWER

(Head of Regulatory Services) The original dog registrations, there were just over 10,000 sent out. The reminder notices were sent out on 3 October 2023 and there were approximately 2,300 sent out. At that stage we had around 7,700 that had paid their registration. After they were sent out it was reduced to just over 800 - and it was about 800 that were sent to Tasmanian Collection Service.

Cr Hunter

My question is regarding line marking particularly in relation to Spitfarm Road. As I understand Council gives DSG a list of priorities because they undertake Council's line marking. My question is at what point will Council make an exception if something is really bad and engage a contractor to do something specific in regard to line marking?

ANSWER

Taken on notice.

(Further information) The Department of State Growth (DSG) is responsible for maintaining line marking, other than yellow "no stopping" lines and parking bays, on all Tasmanian roads. Given that council maintains approximately 450kms of roads across our city, taking on responsibility for line marking has risk, resource and financial implications.

In 2023 DSG commenced a review of Tasmania's road management legislation, including the allocation of responsibilities between authorities for road maintenance. The Local Government Association made extensive submissions to DSG on behalf of all Tasmanian Councils. Officers will continue to engage with DSG throughout the legislation review process and will update Councillors when further information is known.

Cr Hulme

1. Following on from the Deputy Mayor's question regarding dog registration I received an email from a resident and one of the things they said was that they paid a dog registration that was then found to be overdue and they have the proof in their records that it was paid. My question is, are there other instances of which council officers are aware of payments being made but not being received or not being recorded against the fees to which they relate?

ANSWER

(Head of Regulatory Services) I would also clarify in regard to my response to the Deputy Mayor, infringements were sent out in November and the matters were not referred to Tasmanian Collection Service until April.

In response to Cr Hulme's question we are working through all the responses that we have received. There seems to be a number of people who have paid the dog registration but not paid until December and the matters referred to Tasmanian Collection Service relate to the infringement notices not the payment of the dog registration.

2. Also in relation to the same correspondence I understand and this is something that not just this resident has raised, I have had others raise with me before, the issue of contacting Council; for a response to a query and not having any contact back. Some residents have told me this has happened on multiple occasions not just in relation to this issue but other issues as well. Is there work being done to ensure that when queries come to Council they are being tracked to ensure that they are being followed up and resolved?

ANSWER

(Head of Strategic Development, Communications and Engagement) We do have a customer service charter that we are currently reviewing which should come to Council in the next month or two, before the end of the financial year. This does hold all Council officers accountable and matters are tracked through the document management system and are also reported to the Chief Executive Officer.

Cr James

1. It is my understanding that the boulevard development has a sunset clause or there is a time that work has to commence and there is a timeframe. Is there a sunset clause or is there a timeline for the boulevard development to commence if not what is happening in regard to that?

ANSWER

Taken on Notice.

(Further information) The current planning permit, which was approved on 9 November 2021, has received an extension of time and now expires on 9 November 2025. The current Preferred Developer Agreement (PDA) does not contain a substantial commencement clause or sunset clause as it is not a sale and development 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.

2. Could we be provided with the numbers that voted for and against in relation to Cr Mulder's motion dealt with tonight please?

ANSWER

(Mayor) Seven voted for and five voted against.

Cr Goyne

1. Does Council have any capacity to liaise with the community going forward about the possibility of another doctors' surgery in Lauderdale and are there any plans? I know there were possible plans in the TCM development for a doctors' surgery?

ANSWER

Taken on notice.

(Further information) An application for a commercial complex, including a medical centre, located at 488 South Arm Highway, was lodged in 2022. The application is currently on hold pending further information and has not yet been determined.

2. My question relates to roadworks on the side of the Tasman Highway going towards Hobart. It has been an 80km zone for a couple of months, do we know what the works are because there doesn't seem to be any active works there and how much longer until it is completed?

ANSWER

Taken on notice.

(Further information) As outlined in a weekly briefing report of 4 October 2023, the Department of State Growth is installing Overhead Traveller Information System (OTIS) boards at five locations across Clarence. The roadworks in question on the Tasman Highway westbound relate to this project. The speed limit is required to be lowered to 80km/h, regardless of whether active work is taking place, due to the temporary placement of bollards in the stopping lane on the lefthand side of the Highway. The Department's contractors advise they expect to have a guard rail installed and then be able to remove the temporary bollards and associated reduced speed limit by early June 2024.

Cr Darko

Could we have a summary of what Council has done in terms of the capacity for us to mitigate and avoid roadkill within the municipality and if we have any plans to improve on that going forward?

ANSWER

Taken on notice.

(Further information) The Tasmanian Department of Natural Resources & Environment (NRE) is taking the lead on investigating the issue of native roadkill on Tasmanian Roads. NRE has developed a roadkill reporting app to enable ongoing collection of roadkill data by members of the public and road managers. This data is helping to inform how significant the problem is and where to direct mitigation efforts. Instructions on how to download and use the app can be found on the NRE Tas website. Roadkill is a challenging issue to manage that relies on collective efforts. Council will continue to collaborate with NRE to take a proactive position on mitigating roadkill.

Cr Warren

My question is regarding the public meeting scheduled for 15 May and I have been liaising with the Chief Executive Officer and raising some concerns so that those are on the record. I understand that a facilitator has been appointed and I am confident that that person will operate in a professional way, but my question is, has any thought been given to avoiding the perception of a conflict of interest given that I understand that person is a former Chief of Staff to Premier Rockliff and has close ties to the AFL?

ANSWER

(Chief Executive Officer) I can update Council on events that have transpired today. The person that we had engaged as a facilitator has withdrawn due to her concerns over a perceived conflict of interest. We have engaged with other parties today and we hope to be in a position to announce facilitators tomorrow.

Cr Kennedy

Have we received anything as yet on the proposed Woolworths at Lauderdale?

ANSWER

Taken on Notice.

(Further information) An application for a supermarket and shopping complex at 438 South Arm Highway, Lauderdale (with access through 450 South Arm Highway onto Ringwood Road) was approved in 2013. This permit was extended until 2017 but has now lapsed. An application at 450 South Arm Highway and 2A Ringwood Road was recently approved for a combination of residential development, visitor accommodation, offices and commercial tenancies.

We are unaware of any subsequent application for a supermarket at Lauderdale.

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 Goyne **SECONDED** Cr Hulme

“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 10.21pm