

# MINUTES OF A MEETING OF THE CLARENCE CITY COUNCIL HELD AT THE COUNCIL CHAMBERS, BLIGH STREET, ROSNY PARK, ON MONDAY 11 MAY 2026

**HOUR CALLED:** 6.00pm

**PRESENT:** The meeting commenced at 6.55pm immediately following the Clarence City Council (Planning Authority) Meeting which was held at 6.00pm with the Mayor (Cr B A Blomeley) in the Chair and with Councillors:

H Chong  
J Darko  
E Goyne (Attended at 6.57pm)  
D Hulme  
B Hunter  
R James  
W Kennedy  
T Mulder (Attended at 6.56pm)  
A Ritchie  
B Warren; present.

**1. APOLOGIES** J Walker (Leave of Absence)

**ORDER OF BUSINESS** Items 1 – 11

**IN ATTENDANCE**

Chief Executive Officer  
(Mr I Nelson)

Head of Infrastructure and Natural Assets  
(Mr R Graham)

Chief Financial Officer  
(Ms J Murrell)

Head of Community and Culture  
(Ms T Cockburn)

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

Head of City Planning  
(Mr D Marr)

Acting Head of Regulatory Services  
(Ms A Boyd)

Head of Governance  
(Ms C Shea)

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

The Meeting closed at 9.04pm.

**COUNCIL MEETING**  
**MONDAY 11 MAY 2026**

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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. APOLOGIES

Refer to cover page.

## 3. DECLARATIONS OF INTERESTS OF COUNCILLORS OR CLOSE ASSOCIATE

In accordance with Regulation 10 of the Local Government (Meeting Procedures) Regulations 2025 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

**Cr James**                      **Item No. 7.1**

**Cr Hulme**                      **Item No. 8.4.2**

## 4. OMNIBUS ITEMS

### 4.1 CONFIRMATION OF MINUTES

#### RECOMMENDATION:

That the Minutes of the Council Meeting held on 20 April 2026 and the Special Council (Planning Authority) Meeting held on 27 April 2026, as circulated, be taken as read and confirmed.

**Decision:** **MOVED** Cr Chong **SECONDED** Cr Goyne

“That the Minutes of the Council Meeting held on 20 April 2026 and the Special Council (Planning Authority) Meeting held on 27 April 2026, 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:

- 21 April: Interview with Kaz and Tubes on Triple M,  
CEO Performance Review discussions with Rikki Mawad,  
Meeting with Andrew Wilkie MP – regarding Public Housing,
- 22 April: Warrane Mornington Neighbourhood Centre – Breakfast,  
Youth Week Activities – Simmons Park,  
TasWater Board Selection Committee Meeting,
- 23 April: Child & Youth Week Event – Poplar Park, Risdon Vale,
- 25 April: ANZAC Day Service – Clarence RSL Dawn Service,  
ANZAC Day Service Lindisfarne RSL Sub-Branch,  
ANZAC Day Service - Richmond (War Memorial),  
ANZAC Day Service – South Arm RSL Sub-Branch,  
ANZAC Day Football Match – TPI Tasmania at North Hobart  
Devils v Carlton VFL Game at Ninja Stadium,
- 29 April: Community Meeting – Richmond Facilities Group,
- 30 April: Australia Day Honours Investitures – Government House,
- 1 May: Golden Roos Luncheon,
- 3 May: South Arm Community Market,  
Richmond Village Market,  
Oak Lodge,
- 4 May: Meeting with Meg Brown MP,
- 5 May: Home Base Documentary Premiere,
- 7 May: Daniel Hoare – Meeting regarding Droughty Point Peninsula, and  
Exhibition Opening – School House Gallery.

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

25 April: ANZAC Day Dawn Service – South Arm RSL.

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

25 April: ANZAC Day – Cambridge Memorial Service.

- The Mayor acknowledged Mr Michael Moschogianis of Geilston Bay who was recently selected to be a member of the 2026 Australian Canoe Ocean Racing Team at the ICF Canoe Ocean Racing World Championships to be held in Spain in October.

The Mayor tabled a letter he had written to Mr Moschogianis on behalf of Council, congratulating him on his accomplishment and wishing him continued success.

**4.3 COUNCIL WORKSHOPS**

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

<b>PURPOSE</b>	<b>DATE</b>
Richmond Village Master Plan	27 April
Confidential Briefing	
Dog Management Policy Consultation Update	
Committee Update	
Clarence Plains Master Plan	4 May

**RECOMMENDATION:**

That Council notes the workshops conducted.

**Decision:** **MOVED** Cr Chong **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 tabled the following petition which complies with the Act requirements:

- Petition from thirty-six signatories seeking approval from Council to erect signage to alert motorists on Oceana Drive of the presence of wildlife and requesting installation of speed cameras near Carella Park past Jacinta Way, Anatolia Way and Skala Road.

#### 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 Walker  
Cr Goyne (Proxy)

**Quarterly Reports**

September and December 2025 and March 2026 Quarterly Reports pending.

**Representative Reporting**

- **TASWASTE SOUTH**

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

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

The Mayor advised that a meeting is scheduled for 29 May.

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

The following minutes from Special Advisory Committees were provided for information.

- Cultural Creative Advisory Committee dated 19 March 2026.

**BELLERIVE COMMUNITY ARTS CENTRE**

- Cr Kennedy tabled the minutes of a meeting of the Bellerive Community Arts Centre held on 8 April 2026.

**AUSTRALIAN COASTAL COUNCILS ASSOCIATION**

- Cr Mulder tabled a Media release regarding the Coastal Councils Welcome First National Climate Risk Assessment.

**4.6 WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 20 and 27 April and 4 May 2026 have been circulated to Councillors.

**RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 20 and 27 April and 4 May 2026 be noted.

**Decision:** **MOVED** Cr Chong **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.

Mr Bradley Walker of Howrah gave notice of the following questions:

**1. CASH-IN-LIEU PAYMENTS FOR PARKING**

As highlighting in the recent Building Proposal for 21-25 Bayfield Street, Rosny. Can council please inform how much money is currently held in Cash-in-Lieu payments for parking and what current plans council have for using this money to create parking infrastructure in Clarence, as this seems to be a concern of many residents?

**2. ALL DAY PARKING ROSNY**

As the City Heart area of Rosny and surrounds continues to grow and all day parking is increasing similarly. Most parking in the area is around 2 hours, does council have plans to accommodate this current and future need outside residential streets and does it have figures of current all day parking spaces and locations around this area?

Mr Dean Ewington of Howrah gave notice of the following question:

**KANGAROO BAY HOTEL**

Can the CEO please advise on the total costs incurred by Council in consideration of the process to buy back the Kangaroo Bay Hotel site from Chambroad. Can this figure include from calendar year 2022 to now and include all legal fees, any other professional advice sought, and also consideration of internal council staff costs. If possible could this be broken down per year and by each category above.

**5.2 ANSWERS TO QUESTIONS ON NOTICE**

The Chief Executive Officer provided the following responses to Mr Bradley Walker's questions at Item 5.1.

**1. CASH-IN-LIEU PAYMENTS FOR PARKING**

As at 30 June 2025 we have \$2,748,329 in the Car Parking Reserve.

Split

\$2,073,399 for Rosny Park

\$137,957 for Richmond

\$528,275 for Bellerive

\$8,698 for Lindisfarne

Council annually reviews its capital budget to determine whether car parking reserve funds are appropriate for supporting parking projects in each suburb. For long-term planning, the Council's adopted City Heart Plan identifies upgrades to the Rosny Park and Bellerive Quay precincts, including parking solutions designed to maintain existing parking capacity. The City Heart implementation program will incorporate a dedicated parking strategy, and the car parking reserve may be considered as a funding source for delivering that strategy.

**2. ALL DAY PARKING ROSNY**

Council has installed around 1,000 parking sensors across the Rosny Park and Bellerive Quay precincts, providing detailed information on the location and usage of both all-day and shorter-term parking spaces. Council has previously managed parking through its Activity Centre Parking Strategy, which sought to balance long-stay parking with higher-turnover spaces that support local businesses and nearby residents. The forthcoming parking strategy will assess the current and future needs of businesses as well as surrounding residential streets to ensure parking supply is appropriately planned.

The Chief Executive Officer provided the following response to Mr Dean Ewington's question at Item 5.1.

**KANGAROO BAY HOTEL**

It is not appropriate to disclose costs while the matter is still before the Supreme Court of Tasmania and it is not possible to quantify council officer time spend on this matter. Council will provide updates to the community when the litigation is at an end.

**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 20 April Mr Z Morrisby of Mornington asked the following question.

**ALTERNATIVE TRANSPORT SOLUTIONS**

In light of recent comments made by the Mayor suggesting that the Tasman Bridge may no longer be fit for purpose following the recent traffic gridlock on Wednesday morning, I would like to ask about alternative transport solutions. We currently have our ferry services operating between Clarence and Hobart during peak times but there is very limited parking available for commuters wishing to use this service. What actions are Council taking to increase access to ferry transport particularly in terms of increasing parking availability?

**ANSWER**

While the City of Clarence is a key stakeholder, the Derwent Ferry project is managed by the Department of State Growth. The Department's position regarding access to ferries is that terminals service local residents who can walk, cycle or catch public transport to connect to ferry services and it is not envisaged that passengers will drive to the terminals (which would require park and ride facilities).

City of Clarence has no budget allocated for changes or upgrades to parking in the Bellerive area. However, there are a number of unrestricted all-day parking areas located near the Bellerive Ferry Terminal, including two council sites at:

- 4A Cambridge Road, Bellerive
- 30 Kangaroo Bay Drive, Bellerive

There are also a limited number of unrestricted all-day parking spaces available in the Bellerive Quay carpark and on-street options across the Bellerive Bluff.

For those commuters needing alternative options to travel into the Hobart city centre, the State Government are currently working on a "Park & Ride" facility for connection to bus services on the South Arm Highway. The facility is to be located on Tollard Drive, Rokeby. Further information on that project can be found at: [https://www.transport.tas.gov.au/roadworks/current\\_projects/south\\_road\\_projects/rokeby-park-and-ride](https://www.transport.tas.gov.au/roadworks/current_projects/south_road_projects/rokeby-park-and-ride).

At Council's Meeting of 20 April Mr V Marsh of Bellerive asked the following question.

**NAMING OF BELLERIVE BLUFF FORT**

Just a clarification on the title of the fort, is it the Bellerive Bluff Fort or the Kangaroo Bluff Fort?

**ANSWER**

The area of land was originally approved and gazetted as Bluff Battery, followed by Bluff Battery Park and since 1999 has been formally known as the "Kangaroo Bluff Historic Site". This is noted on the property's Certificate of Title.

/contd on Page 12...

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

At Council's Meeting of 20 April Mr D Carr of Tranmere asked the following question.

**DROUGHTY POINT STRUCTURE PLAN**

I want to ask about the structure plan for Droughty Point, I think it goes back about twenty years since the Commission directed the Council to produce one. Now we are getting conflicting reports and contradictory reports as to whether or not the landowners will be advised before it goes on public exhibition. Can I have an update on just where we are with that?

**ANSWER**

To correct the premise of this question, the comment of the Tasmanian Planning Commission in 2012, in determining draft amendment A-2012/43, was that further rezoning would be difficult to support without a comprehensive structure plan first being developed. Council commenced the development of a structure plan in 2019 but halted this work when the major landowner, AJ Carr Development Corporation Pty Ltd, requested that they first be allowed to develop the Skylands Masterplan. This Masterplan then relied upon the modification of the Urban Growth Boundary which was approved by the Minister in early 2023. At its meeting of 11 December 2023, Council then resolved to prepare a structure plan generally based upon the revised Skylands Masterplan, dated November 2023, noting that some concerns were still to be resolved. Council also specifically resolved to undertake initial community consultation and required Council's approval prior to consultation on the draft structure plan.

The major landowners have been directly involved in the development of the structure plan since its commencement through initial stakeholder meetings, preliminary public consultation and, at the specific request of the representative of AJ Carr Development Corporation Pty Ltd, further meetings following the collation of initial consultation outcomes. As previously advised to AJ Carr Development Corporation Pty Ltd, it is not intended to further consult with the landowners prior to the next round of community consultation, when all parties will have the opportunity to provide feedback and comments on the draft structure plan. Importantly, councillors will be reviewing the draft structure plan prior to endorsement to commence this consultation.

It has been reiterated in the past that, while generally based on the Skylands Masterplan, the Droughty Peninsula Structure Plan seeks to consider the views of all stakeholders, community and service providers in managing development of this important area over the next 30 years and will be used as a strategic document to underpin future planning scheme amendments.

#### **5.4 QUESTIONS WITHOUT NOTICE**

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

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

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

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

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

**6. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(In accordance with Regulation 46 of the Local Government (Meeting Procedures) Regulations 2025 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

**PLANNING SCHEME AMENDMENT – LOCAL PROVISIONS SCHEDULE AMENDMENT AND COMBINED SUBDIVISION APPLICATION PDPSPAMEND-2024/048902 – 471 CAMBRIDGE ROAD, MORNINGTON AND 528 AND 540 PASS ROAD, CAMBRIDGE**

(REFER ITEM 7.3)

Mr Matt Brown addressed the meeting regarding the above application.

**NOTICE OF MOTION – COUNCILLOR GOYNE – HAZARDOUS CHEMICAL USE, CHILD SAFETY AND THE OPEN SPACE STRATEGY**

(REFER ITEM 9.1)

Mrs Nina Rosenzweig addressed the meeting regarding the above matter.

**7 PLANNING AUTHORITY MATTERS**

In accordance with Regulation 29 (1) of the Local Government (Meeting Procedures) Regulations 2025, 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-2022/029404 – 186A DERWENT AVENUE, LINDISFARNE - 2 MULTIPLE DWELLINGS (ONE EXISTING + ONE NEW) AND ASSOCIATED DRIVEWAY WORKS****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for two Multiple Dwellings (one existing and one new) and associated driveway works at 186A Derwent Avenue, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential and subject to the Bushfire-prone Areas 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 use and/or 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 2025.

Council is required to exercise a discretion within the statutory period which was extended with the applicant's consent until 13 May 2026.

**CONSULTATION**

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

- Lot size and site coverage,
- Setbacks and Building Envelope,
- Privacy for adjoining dwellings,
- Fire separation and bushfire requirements,
- Insufficient information and inaccuracy of plans,
- On-street parking and traffic along Rianna Road,
- Lack of stormwater management plan,
- Lack of Traffic Impact Assessment (TIA),
- Future road widening, pedestrian infrastructure and access to Natone Hill Reserve,
- Existing road constraints and cumulative effects from the proposed development,
- Driveway extending over Rianna Road and Landowner Consent, and
- Pedestrian access within the driveway.

**RECOMMENDATION:**

- A. That the Planning Application for 2 Multiple Dwellings (One existing + One new) and Associated driveway works at 186A Derwent Avenue, Lindisfarne (Cl Ref PDPLANPMTD-2022/029404) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A5 – SEALED CAR PARKING.
3. ENG M1 – DESIGN DA.
4. ENG M5 – EROSION CONTROL.
5. ENG M9 – FILLING OF LAND.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. Any fencing within 4.5m of a frontage must not exceed 1.2m in height above the existing ground level. Any section of fencing above 1.2m must have openings that provide a minimum transparency of 30%.
8. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 July 2022 and updated on 3 March 2026 (TWDA 2022/01122-CCC).

B. That in addition to standard advice, the following advice be provided to the proponent:

- a. This approval does not guarantee compliance with the requirements of the *Strata Titles Act 1998*, in particular, section 9 of the Act dealing with Common Property requirements.
- b. Council, as a Stormwater authority has formed a view that the proposed development will intensify the stormwater discharge from the property and will require approval under the *Urban Drainage Act 2013* 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 design plans assessment.

Please note that climate change factors are to be as per current Australian Rainfall and Runoff recommendations. For this site, the minor drainage system should include allowance for the SSP2-4.5 scenario, and the major drainage system should include the allowance for the SSP3-7.0 scenario.

If you would like to discuss what is required to meet Council's requirements regarding stormwater, please contact Council's Development Engineers on 6217 9500.

- c. Based on the information provided, the development is not likely to adversely affect TasNetworks’ operations. As with any multiple dwellings, 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. To understand what these requirements may entail, it is recommended you advise the proponent to contact TasNetworks Early Engagement team at [early.engagement@tasnetworks.com.au](mailto:early.engagement@tasnetworks.com.au) at their earliest convenience.
  - d. The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for the building application.
  - e. A Building Surveyor is required to be engaged, to create and certify an Application for Building Approval.
  - f. A Form 6 Protection Works Notice may be required as proposed work appears to be on the boundary line, please consult your Building Surveyor to advise if necessary. Fire Separation is required to west elevation.
  - g. A Certificate of Certifiable Works (CCW) is required from TasWater for both Building & Plumbing Applications.
- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of the matter.

Cr James declared an interest in this Item and left the meeting prior to discussion (7.19pm).

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

Cr James returned to the meeting at this stage (7.25pm).

**7.2 PLANNING APPLICATION PDPLANPMTD-2025/055051 – 39 POPLAR ROAD, RISDON VALE - OUTBUILDING, ADDITIONS AND ALTERATIONS (SINGLE DWELLING) (RETROSPECTIVE)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for retrospective approval of an outbuilding, additions and alterations (Single Dwelling) at 39 Poplar Road, Risdon Vale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned General Residential Zone and subject to the Flood-prone Hazard Areas Code, Safeguarding of Airports Code under the Tasmanian Planning Scheme - Clarence (the Scheme). In accordance with the Scheme the proposal is a Discretionary use and/or 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 2025.

Council is required to exercise a discretion within the statutory period which expires on 13 May 2026.

**CONSULTATION**

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

**RECOMMENDATION:**

- A. That the planning application for retrospective approval of an outbuilding, additions and alterations (Single Dwelling) at 39 Poplar Road, Risdon Vale (Cl Ref PDPLANPMTD-2025/055051) be refused a permit for the following reason:
1. The proposal does not comply with Clause 8.4.2 P2 as the outbuilding adjacent to the southern boundary is not compatible with the setbacks of existing garages or carports in Poplar Road.
- B. That the following advice be given to the proponent:
- a. The pool, pool-fence, and deck have been assessed as complying with all applicable acceptable solutions of the Scheme, and no permit is required to retain these structures on this basis.
  - b. The awning addition between the garage and the northern boundary did not require planning approval when constructed. Accordingly, no planning permit would be required to retain or remove the awning addition.

- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of the matter.

<b>Decision:</b>	<p><b>MOVED</b> Cr James <b>SECONDED</b> Cr Goyne</p> <p>“A That the planning application for retrospective approval of an outbuilding, additions and alterations (Single Dwelling) at 39 Poplar Road, Risdon Vale (Cl Ref PDPLANPMTD-2025/055051) be approved subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.</li> <li>2. The outbuilding must not be used for habitable, commercial, industrial, or other non-residential storage use without further approval from Council.</li> </ol> <p>B. That, in addition to standard advice, the permit be accompanied by the following advice:</p> <ol style="list-style-type: none"> <li>a. The pool, pool-fence, and deck have been assessed as complying with all applicable acceptable solutions of the Scheme, and no permit is required to retain these structures on this basis.</li> <li>b. The awning addition between the garage and the northern boundary did not require planning approval when constructed. Accordingly, no planning permit would be required to retain or remove the awning.</li> </ol> <p>C. That the reasons for Council’s decision are contained in the attached report except in respect of the following:</p> <ol style="list-style-type: none"> <li>1. The proposal complies with clause Clause 8.4.2 P2 in that: <ul style="list-style-type: none"> <li><b>Streetscape</b> <ul style="list-style-type: none"> <li>• That the application conforms to the streetscape performance criteria in that there are at least two other constructions within the front set back on Poplar Road.</li> </ul> </li> <li><b>Front Set Back</b> <ul style="list-style-type: none"> <li>• The dwelling at 39 Poplar Road is accessed from the circle around the park, which is the practical frontage of the property. As such, the shed is within the setback on the non-access side in the back yard of the property, resulting in the side setback being the applicable set-back for the construction.</li> </ul> </li> </ul> </li> </ol>
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/ Decision contd on Page 21...

**PLANNING APPLICATION PDPLANPMTD-2025/055051 – 39 POPLAR ROAD, RISDON VALE - OUTBUILDING, ADDITIONS AND ALTERATIONS (SINGLE DWELLING) (RETROSPECTIVE) /Decision contd...**

- The precedent for this practical interpretation of a property frontage is Council’s approval of a structure on the long boundary in Dolina Drive Rokeby. Both properties are on a corner with frontage to two streets and a practical access from the side street. As such, the frontage of both properties should be considered as the side the property is accessed from”.

**CARRIED****FOR**

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

**AGAINST**

Cr Hulme

**7.3 PLANNING SCHEME AMENDMENT - LOCAL PROVISIONS SCHEDULE AMENDMENT AND COMBINED SUBDIVISION APPLICATION PDPSPAMEND-2024/048902 - 471 CAMBRIDGE ROAD, MORNINGTON AND 528 AND 540 PASS ROAD, CAMBRIDGE****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for the Planning Authority to consider the application made for a combined draft Amendment to the Clarence Local Provision Schedule (LPS) under section 37 of the *Land Use Planning and Approvals Act 1993* (LUPAA) and a combined development application under section 40T(1) of LUPAA.

The application relates to land at 471 Cambridge Road, Mornington (CT: 184647/1) and 528 and 540 Pass Road, Cambridge (CT: 184647/3, and CT: 184647/2). The proposal seeks to facilitate a combined rezoning and planning framework to enable a residential development that is supported by public open space, local services and associated infrastructure.

The proposal seeks to amend the Clarence LPS to rezone the land to General Residential, Local Business and Open Space zones, removal of the Waterway and Coastal Protection Overlay, together with the application of a Specific Area Plan (SAP) to guide future development and subdivision outcomes across the site. The proposal also includes the initial stage of an associated subdivision proposal to be assessed on the assumption that the draft LPS amendment is approved.

**RELATION TO PLANNING PROVISIONS**

The land is currently zoned Rural Living B under the Tasmanian Planning Scheme - Clarence. It is also subject to the following codes: Parking and Sustainable Transport Code, Road and Railway Assets Code, Natural Assets Code, Attenuation Code, Bushfire-prone areas Code, Flood-prone areas Code, Landslip Hazard Code, and Safeguarding of Airports Code.

The subdivision and residential development would be prohibited under the current Scheme.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the *Judicial Review Act 2000* and the *Local Government (Meeting procedures) Regulation 2025*.

Section 37 of LUPAA provides for the Planning Authority to consider a request to amend the Clarence Local Provision Schedule (LPS). Section 40T of LUPAA provides for the lodging of an application for a permit which would not be allowed if the planning scheme were not amended as requested.

In determining this matter, the Planning Authority must consider whether it is satisfied that the draft amendment meets the LPS criteria under Section 34 of LUPAA. The Planning Authority is required to make a decision in relation to this matter within the statutory period, which expires on 18 May 2026.

The attached report identifies relevant background, site description and legislative implications. The assessment is then presented in two parts.

- Part A – Assessment of the proposed Draft Amendment to the Clarence Local Provision Schedule, and
- Part B – Assessment of the proposed subdivision.

#### **CONSULTATION**

Unless directed otherwise by the Tasmanian Planning Commission (the Commission), if Council agrees to a request to prepare a draft amendment to the LPS, it will then be subject to public exhibition and open for public comment for a period of 28 days, in accordance with statutory requirements.

#### **FINANCIAL IMPLICATIONS**

No significant implications.

#### **RECOMMENDATION**

- A. That, pursuant to Section 38(1) of the *Land Use Planning and Approvals Act 1993*, the Planning Authority is satisfied that the requested amendment of the Clarence Local Provisions Schedule PDPSPAMEND-2024/048902 to rezone 471 Cambridge Road, Mornington and 528 and 540 Pass Road, Cambridge, from Rural Living Zone B to General Residential Zone, Open Space Zone and Local Business Zone, removal of the Waterway and Coastal Protection Overlay and application of a Specific Area Plan (Mornington Park Specific Area Plan) meets the LPS criteria subject to the following modifications, as per Section 40F(2)(b) of LUPAA:
1. modify zone application to meet Practice Note 7-Draft LPS mapping: technical advice to extend the proposed zones into the adjoining road centrelines,
  2. modify SAP to cover entire site, and
  3. modify the SAP to remove reliance upon the master plan and otherwise modify as per Attachment 3.
- B. That, pursuant to Section 40F(2) of the Act, to certify the modified draft amendment as meeting the LPS Criteria.
- C. That, once certified, the Planning Authority will provide a copy of the draft amendment to the Tasmanian Planning Commission, give notice and place the draft amendment on public exhibition for a period of 28 days as required under Section 40H of the *Land Use Planning and Approvals Act 1993*.
- D. That, pursuant to Section 40Y(2) of the *Land Use Planning and Approvals Act 1993*, the planning application for a five lot subdivision (2 residential lots, 1 public open space lot, 1 road lot and 1 balance lot with two existing dwellings) at 471 Cambridge Road, Mornington and 528 and 540 Pass Road, Cambridge which was submitted in accordance with s40T(1) of the Act, be approved subject to the following conditions.

1. GEN AP1 – ENDORSED PLANS.
  - Proposed subdivision plans version C dated 10/01/25, prepared by Rogerson & Birch,
  - Concept Services – General Arrangement, Dwg No. 1 version DA4, dated 28/01/26 prepared by Johnston McGee & Gandy Pty Ltd, and
  - Bushfire Hazard Report, version 4, dated 14/02/25, prepared by Mat Clark (BFP-P).
2. ENG A1 – NEW CROSSOVER.
3. ENG M2 – DESIGNS SD.
4. Driveways, parking areas and other areas accessible to vehicles must be constructed in a suitably impervious surface and provide 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.
5. ENG M5 – EROSION CONTROL.
6. The owner or developer must not deposit, stockpile or store any soil, fill or other material on any lot after the completion of civil works, except where expressly approved in writing by the planning authority for landscaping or construction purposes.

Any unauthorised fill must be removed within 14 days of written notice. Failure to comply constitutes a breach of this permit. The planning authority may issue infringement notices and penalties or undertake remedial works at the owner’s expense.
7. ENG M8 – EASEMENTS.
8. ENG M8A – SERVICES EASEMENTS.
9. ENG M9 – Filling of Land.
10. ENG R2 – URBAN ROAD CONSTRUCTION.
11. ENG R6 – VEHICLE BARRIERS.
12. Appropriate temporary turning heads are to be provided with sealed surfaces at the end of each road stage to facilitate adequate vehicle manoeuvrability. Appropriate signage signifying the temporary turning head is required. Appropriate and sustainable drainage must be provided for these temporary facilities.
13. ENG S1 – INFRASTRUCTURE REPAIR.

14. Any lots described as “public open space”, “public access way”, “road”, “to be acquired by the Highway Authority” or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document. The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.
15. ENG S2B – URBAN DRAINAGE SYSTEMS CROSSINGS.
16. ENG S4 – STORMWATER CONNECTION.
17. All existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles.
18. All new power and telecommunication services, including applicable street lighting, must be underground and within the road reserve or subject of a suitable easement approved by Council’s Chief Executive Officer or delegate. Trenchless installations must incorporate the installation of a conduit to accommodate the services. These conduits are to extend beyond all trafficable areas and surface drainage, inclusive of footpaths and table drains, with a minimum cover of 1.2m. The above works must be to the satisfaction of Council’s Chief Executive Officer or delegate and completed prior to the sealing of the Final Plan of Survey.
19. Prior to the sealing of the final plan, the developer must supply the City of Clarence with as-installed services plan(s) clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan(s) must be submitted by a suitable qualified expert as confirmation that all engineering work required by this permit has been completed.
20. Where subdivision or development works are approved to be undertaken in stages, all works for each stage must comply with the most current Council By-Laws, adopted policies and Standards in force at the time the engineering drawings for that stage are lodged for approval.

If any previously completed works do not comply with the current Council By-Laws, adopted policies and Standards and require modification to integrate with subsequent stages, the permit holder must reconstruct or upgrade those works to achieve compliance and ensure seamless integration between stages.

All costs associated with such reconstruction or upgrade works are the responsibility of the permit holder.

21. GEN POS2 – POS STAGING.

22. Council has formed the opinion that the subdivision is to provide for public open space as shown on the subdivision proposal plan, where the POS lot area of 5000m<sup>2</sup> exceeds the 5% contribution minimum requirement of s116(1) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Council has negotiated an agreement with Mornington Park Estate Pty Ltd, for the purchase of the land in excess of the 5% contribution, as per the terms and conditions of the Deed executed on 22 April 2026 or in accordance with s116 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

23. PROP 2 – POS FENCING.

24. A Landscape and Earthworks Plan for all areas of Public Open Space (POS) shown on the Plan of Subdivision 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 or commencement of works within the POS, whichever occurs first.

1. The Landscape and Earthworks Plan must clearly document the following:

- finished surface contours at 0.1m intervals and spot levels sufficient to demonstrate final landform and drainage patterns,
- the detailed shaping of all swales, low points and overland flow paths to demonstrate that the land will function as usable public open space while accommodating stormwater conveyance,
- cross sections and long sections of proposed swales and overland flow paths at intervals sufficient to demonstrate batter slopes, depths and integration with surrounding landforms,
- finished surface treatments including turfing, topsoil depths and soil preparation for all disturbed areas,
- establishment specifications for turf and planted areas, including soil preparation, turf type, installation method and establishment requirements sufficient to achieve practical completion prior to handover,
- the location of any proposed paths, furniture or landscape features (if applicable), and
- a staging and implementation schedule for the landscape works.

In addition, the plan must include:

- a north point and site boundaries,
- existing site features including buildings, services and structures,
- the identification of existing trees as retained or removed, and Tree Protection Zones for retained trees in accordance with AS 4970-2009,
- areas of proposed hard and soft landscape treatments,
- planting schedules identifying species, quantities and installation details,
- an annotation stating that any damage to the nature strip during construction will be suitably remediated,
- the location of water connection points, and
- a proposed maintenance schedule for landscaped areas prior to handover.

2. The design must demonstrate, to the satisfaction of Council's Chief Executive Officer or delegate, that:

- stormwater conveyance infrastructure within the POS area is integrated into the landform in a manner that minimises visual and functional impacts and enables the primary use of the land as public recreation space, and
- stormwater conveyance infrastructure within the POS area is integrated into the landform in a manner that minimises visual and functional impacts and enables the primary use of the land as public recreation space.

3. Prior to sealing of the Final Plan of Survey, an as-constructed topographical survey plan certified by a suitably qualified surveyor must be submitted to and approved by Council's Chief Executive Officer or delegate demonstrating that the works have been completed in accordance with the approved Landscape and Earthworks Plan.

25. The development must meet all required Conditions of Approval specified by TasWater notice dated 03/03/2026 (TWDA 2023/01137-CCC).

E. That, in addition to standard advice, the permit be accompanied by the following non-standard advice:

- a. Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations. As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended that the developer contacts TasNetworks on 1300 137 008 or the Negotiated Connections team at [Negotiated.Connections@tasnetworks.com.au](mailto:Negotiated.Connections@tasnetworks.com.au) at their earliest convenience.

- b. The Department of Primary Industries, Parks, Water and Environment, Threatened Species Unit has advised that the property may contain species identified in the schedules of the *Threatened Species Protection Act 1995*. I have enclosed a copy of the Department’s e-mail. It is your responsibility to comply with the legislation and therefore you should contact the Department to determine whether there will be any issues which may arise under that Act in relation to the development
- c. Hobart Airport received application number PDPSAMEND-2024/048902 471 Cambridge Road Mornington and 528 and 540 Pass Road, Cambridge for a development that may be considered a Controlled Activity as stated Airports (Protection of Airspace) Regulations. Hobart Airport as the aerodrome operator has completed the initial assessment of this application as required in the Regulations. Based on the information supplied, it does not appear that this proposal is classed as a controlled activity, as defined in the Regulations. Hobart Airport does not object to this proposal which may create occasional pooling of water in the proposed open space, during flood events, which may increase wildlife activity (e.g. attracting birds).

Controlled activities are also defined as any activities causing intrusions into the protected airspace through glare from artificial light or reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter. Details will need to be provided to Hobart Airport for consideration if this proposal may subject the protected airspace around Hobart Airport to one or more of these items. Please note that further to the above, any structures used in the construction process, such as cranes, may in fact be controlled activities and require separate approval under the Regulations. Please note this commentary is from an aerodrome airspace perspective (only) and Hobart Airport may separately submit additional representations within the advertised timeframe.

- F. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

<b>Decision:</b>	<b>MOVED</b> Cr Kennedy <b>SECONDED</b> Cr Ritchie
	“That the Recommendation be adopted”.
	<b>CARRIED UNANIMOUSLY</b>

**7.4 REQUEST TO END AGREEMENT MADE UNDER SECTION 71 OF THE LAND USE PLANNING AND APPROVALS ACT 1993 - WISTERIA DEVELOPMENT PLAN****EXECUTIVE SUMMARY****PURPOSE**

Following the refusal of a subdivision application (Cl Ref PDPLANPMTD-2023/036446) the owners of 3D Wisteria Avenue, Cremorne have requested the planning authority to end the agreement C240569 made under section 71 of the *Land Use Planning And Approvals Act 1993* (the “Part 5 agreement”) which applies the Wisteria Development Plan (WDP) to 39 properties in Cremorne.

**RELATION TO PLANNING PROVISIONS**

The Commission’s decision to end the Part 5 agreement is highly relevant to the outcome of a current planning appeal lodged on behalf of the owner of 3D Wisteria Avenue, Cremorne seeking to challenge Council’s refusal at its meeting on 16 June 2025 to issue a permit (Planning application reference: PDPLANPMTD-2023/036446) for a two lot subdivision and associated site works.

**LEGISLATIVE REQUIREMENTS**

A request to end the Part 5 agreement has no statutory process or timeline under section 74(3) of the *Land Use Planning and Approvals Act 1993* (LUPAA). Council has sought external legal advice around the constraints on Council to determine the request and the most appropriate process to move the matter forward.

This advice confirms that section 74(3) of LUPAA provides that a Part 5 Agreement may be ended with:

- the consent of all persons who are bound by it, or
- approval by the Commission.

As the request does not include the consent of all relevant parties, the process of considering this request is, first by the planning authority, and then if approved, the planning authority will put the request forward to the Tasmanian Planning Commission (Commission) who are the decision-makers to end the agreement. If the Commission agree to end the Part 5 agreement, subdivision controls will revert to that under the Tasmanina Planning Scheme - Clarence.

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 2025.

**CONSULTATION**

While formal consultation is not required for a request to end the Part 5 agreement, some general consultation was undertaken across March-April 2026 through the “Your Say” engagement platform on Council’s website, provision of information through social media, and written notification to all affected residents within the WDP area. The results of the survey and associated discussion are provided below within this report.

**RECOMMENDATION:**

- A. That the Planning Authority refuses the request to end the Part 5 agreement C240569 made under section 71 of the *Land Use Planning And Approvals Act 1993*, which applies the Wisteria Development Plan to 39 properties in Cremorne, for the following reasons:
1. That the request does not further the objectives set out in Schedule 1 of the *Land Use Planning and Approvals Act 1993* in that:
    - a. it does not promote the sustainable development of natural and physical resources and the maintenance of ecological processes,
    - b. it does not provide for the fair, orderly and sustainable use and development of land, and
    - c. it does not encourage public involvement in resource management and planning.
  2. That the request is inconsistent with the Southern Tasmania Regional Land Use Strategy 2010-2035, which seeks to minimise inappropriate residential development in areas at risk from hazards such as sea-level rise, flooding and bushfire.
  3. The request will result in the reversion of subdivision and development controls to the Tasmanian Planning Scheme – Clarence without consideration of the appropriateness of these controls to this area through the proper process under the Land Use Planning and Approvals Act 1993.
  4. No evidence has been provided to demonstrate that the local stormwater network in this area has sufficient capacity to absorb the potential additional development, and such consideration is unable to be undertaken through individual subdivision applications under the provisions of the Tasmanian Planning Scheme – Clarence.
- B. That the Chief Executive Officer is requested, as part of the forthcoming review of the Tasmanian Planning Scheme – Clarence, to consider appropriate controls over this area, and other areas similarly impacted by large scale Part 5 Agreements, with a view to replace the Part 5 Agreements with appropriate Special Area Provisions within the planning scheme.
- C. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of the matter.

/ Refer to Page 31 for Decision on this Item...

**REQUEST TO END AGREEMENT MADE UNDER SECTION 71 OF THE LAND USE PLANNING AND APPROVALS ACT 1993 - WISTERIA DEVELOPMENT PLAN /contd...**

<b>Decision:</b>	<b>MOVED</b> Cr Hunter <b>SECONDED</b> Cr Chong																				
	“That the Recommendation be adopted”.																				
	<b>CARRIED</b>																				
	<table><tr><td><b>FOR</b></td><td><b>AGAINST</b></td></tr><tr><td>Cr Blomeley</td><td>Cr James</td></tr><tr><td>Cr Chong</td><td>Cr Goyne (abstained)</td></tr><tr><td>Cr Darko</td><td></td></tr><tr><td>Cr Hulme</td><td></td></tr><tr><td>Cr Hunter</td><td></td></tr><tr><td>Cr Kennedy</td><td></td></tr><tr><td>Cr Mulder</td><td></td></tr><tr><td>Cr Ritchie</td><td></td></tr><tr><td>Cr Warren</td><td></td></tr></table>	<b>FOR</b>	<b>AGAINST</b>	Cr Blomeley	Cr James	Cr Chong	Cr Goyne (abstained)	Cr Darko		Cr Hulme		Cr Hunter		Cr Kennedy		Cr Mulder		Cr Ritchie		Cr Warren	
<b>FOR</b>	<b>AGAINST</b>																				
Cr Blomeley	Cr James																				
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Cr Hulme																					
Cr Hunter																					
Cr Kennedy																					
Cr Mulder																					
Cr Ritchie																					
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 – INTERGENERATIONAL RECREATION FACILITIES SPACE IN RICHMOND

##### EXECUTIVE SUMMARY

###### PURPOSE

To consider two petitions tabled at the Council Meeting on 20 April 2026 requesting Council to identify an appropriate site, plan infrastructure, secure funding and build inclusive multi-purpose recreational facilities in Richmond. One petition was in paper form and the other electronic but given that they were regarding the same subject matter they have been dealt with collectively.

###### RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2025-2035 and Active Living Strategy 2022-2032 are relevant.

###### LEGISLATIVE REQUIREMENTS

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

###### CONSULTATION

Nil.

###### FINANCIAL IMPLICATIONS

The petitions themselves have no direct financial implications. Relevantly, Council has funded within the 2025/2026 budget the renewal of the Richmond Oval Cricket Nets, resurfacing of the synthetic Tennis Court, and design to build a new Richmond Village Green Playground. The Richmond Village Master Plan received funding in 2022/2023 and is expected to be presented to Council shortly for approval. There are also several footpath projects funded for design including a new footpath on Wellington Street and the pedestrian link to the Caravan Park.

##### RECOMMENDATION:

That Council:

- A. Notes the petitions.
- B. Notes the Chief Executive Officer's advice that the petitions comply with Section 59 of the *Local Government Act 1993* (Tas).
- C. Notes that Council is finalising a Master Plan for Richmond Village and progressing the Clarence Open Space Strategy which will inform planning future recreational infrastructure and funding priorities.

D. Authorises the Chief Executive Officer to write to petitioners acknowledging their concerns and advising of Council’s decision.

**Decision:** **MOVED** Cr Kennedy **SECONDED** Cr Chong  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

**8.2 ASSET MANAGEMENT**

Nil Items.

**8.3 FINANCIAL MANAGEMENT**

Nil Items.

**8.4 GOVERNANCE****8.4.1 PROVISION OF COUNCIL CONSENT UNDER COVENANT TO SEALED PLAN SP134052****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a request for the provision of Council consent in accordance with the covenant under Sealed Plan SP134052.

**RELATION TO EXISTING POLICY/PLANS**

Nil.

**LEGISLATIVE REQUIREMENTS**

Under the provisions of the Land Titles Act 1980, covenants which were set forth in a sealed plan which has taken effect under Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* runs with freehold registered land and may provide an impediment to development.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There are no financial costs associated with this request.

**RECOMMENDATION:**

That Council:

- A. Agrees to waive the benefit of the restrictive covenant set out in Sealed Plan 134052 as it relates 3D Wisteria Avenue, Cremorne, more particularly described in Certificate of Title Volume 134052 Folio 24.
- B. Advises the applicant that this waiver is, in no way, taken to imply any specific outcome in relation to Council's role as a planning authority in assessing a subdivision application made under the provisions of the *Land Use Planning and Approvals Act 1993*.

**Decision:** **MOVED** Cr Warren **SECONDED** Cr Hunter

"That the Recommendation be adopted".

**CARRIED UNANIMOUSLY**

**8.4.2 COMMUNITY GRANTS AND CULTURAL AND CREATIVE GRANTS**

**EXECUTIVE SUMMARY**

**PURPOSE**

To consider the General Grants Assessment Panel’s recommendations of the allocation of financial assistance in respect of the February round of the Community Grants and Cultural and Creative Grants.

**RELATION TO EXISTING POLICY/PLANS**

Consistent with Council’s Strategic Plan 2025-2035; Grants and Sponsorship Policy 2023; and 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; Sustainability Strategy 2022-2032 or other relevant Reserve Activity Plans and Master Plans.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

Nil.

**FINANCIAL IMPLICATIONS**

There is an approved budget of \$116,645.00 for the bi-annual Community Grants program which includes the Community, and Cultural and Creative Grants streams for 2025-26.

**RECOMMENDATION:**

That Council approves the distribution of financial grants totalling \$28,077.50 (in cash) in support of Community Grants to community groups and organisations, as detailed in the attachments to the Associated Report.

Cr Hulme declared an interest in this Item and left the meeting prior to discussion (8.00pm).

Cr Kennedy left the meeting at this stage 8.00pm.

**Decision:** **MOVED** Cr James **SECONDED** Cr Chong  
“That the Recommendation be adopted”.  
**CARRIED UNANIMOUSLY**

Cr Hulme returned to the meeting at this stage (8.02pm).

**9. MOTIONS ON NOTICE****9.1 NOTICE OF MOTION – COUNCILLOR GOYNE  
HAZARDOUS CHEMICAL USE, CHILD SAFETY AND THE OPEN SPACE  
STRATEGY**

In accordance with Notice given, Councillor Goyne intended to move the following Motion:

“That Clarence City Council:

1. Notes the findings of Improving Child Safety in Public Parks and Playgrounds: A Case Study of Hazardous Chemical Use at the City of Clarence (**Attachment 1**) - which identifies significant gaps in child-centred governance, policy and risk management relating to hazardous chemical use on council-managed premises accessed by children.
2. Acknowledges Council’s statutory obligations under the Child and Youth Safe Organisations Act 2023, Work Health and Safety Act 2012, Public Health Act 1997, and Local Government Act 1993 to provide physical environments that promote the safety, health and wellbeing of children, including requirements for documented policies and proactive hazard management.
3. Notes that Council is currently preparing the 2026–2046 Open Space Strategy, which will guide long-term planning, design, maintenance and management of parks, playgrounds and open space across the municipality.
4. Recognises that reliance on chemical product registration and label compliance alone does not constitute a child-specific risk assessment for public parks, playgrounds and other council premises accessed by children and pregnant people.
5. Directs the Chief Executive Officer to develop and report to Council a comprehensive, child-centred Hazardous Chemicals Policy for council-managed parks, playgrounds and open spaces, consistent with the hierarchy of hazard control and the ALARP principle.
6. Directs that the policy and associated risk management framework be explicitly embedded into the draft and final 2026–2046 Open Space Strategy, including:
  - strategic objectives and principles,
  - standards for park and playground design, maintenance and renewal,
  - criteria for identifying and managing sensitive areas; and
  - implementation, monitoring and reporting mechanisms.
7. Requests that officers review the use of highly hazardous chemicals, including those identified as containing PFAS, and report options for elimination, substitution and non-chemical management approaches, including implications for the Open Space Strategy’s delivery program.
8. Requests that the Open Space Strategy address the child safety implications of playground and recreational surfacing materials, including synthetic turf and rubber-based surfaces, and identify safer alternatives for future upgrades.

**NOTICE OF MOTION – COUNCILLOR GOYNE  
HAZARDOUS CHEMICAL USE, CHILD SAFETY AND THE OPEN SPACE STRATEGY  
/contd...**

9. Supports transparency and community confidence by ensuring that relevant policies and Open Space Strategy commitments relating to hazardous chemicals and child safety are publicly accessible”.

With the Leave of the Meeting Cr Goyne amended her Motion.

**Decision:**

**MOVED** Cr Goyne **SECONDED** Cr Ritchie

“That Council requests the CEO to review chemical use in parks and reserves, with a focus on strengthening Council’s management practices in high use and sensitive locations, with update reports provided to Council annually”.

Cr Kennedy returned to the meeting at this stage (8.04pm).

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

**FOR**

Cr Blomeley  
Cr Darko  
Cr Goyne  
Cr Hulme  
Cr Ritchie

**AGAINST**

Cr Chong  
Cr Hunter  
Cr James  
Cr Kennedy  
Cr Mulder  
Cr Warren

## 9.2 NOTICE OF MOTION – COUNCILLOR RITCHIE SALE OF FORT DIRECTION

In accordance with Notice given, Councillor Ritchie intended to move the following Motion:

“That Council:

1. Acknowledges Fort Direction at South Arm as a site of ongoing national security, emergency management, heritage and community importance.
2. Calls on the Australian Federal Government to immediately abandon its decision to divest and sell Fort Direction as part of the national defence property divestment program and confirm the site’s ongoing retention in public ownership.
3. Calls for any consideration of the future of Fort Direction to be undertaken transparently and in consultation with:
  - Clarence City Council
  - the Tasmanian Government
  - Traditional Owners
  - Veterans’ organisations
  - Emergency services
  - the South Arm and wider Clarence community.
4. Resolves to write to the Prime Minister of Australia, the Minister for Defence and the Federal Member for Franklin advising of Council’s opposition to the sale and its call for the decision to be abandoned”.

With the Leave of the Meeting Cr Ritchie amended her Motion.

### Decision:

**MOVED** Cr Ritchie **SECONDED** Cr Goyne

“That Council:

1. Acknowledges Fort Direction at South Arm as a site of ongoing national security, emergency management, heritage and community importance.
2. Calls on the Australian Federal Government to immediately abandon its decision to divest and sell Fort Direction as part of the national defence property divestment program and confirm the site’s ongoing retention in public ownership.
3. Calls for any consideration of the future of Fort Direction to be undertaken transparently and in consultation with:
  - Clarence City Council
  - the Tasmanian Government

/ Decision contd on Page 41...

**NOTICE OF MOTION – COUNCILLOR RITCHIE  
SALE OF FORT DIRECTION /Decision contd...**

- Traditional Owners
- Veterans’ organisations
- Emergency services
- the South Arm and wider Clarence community.

4. Notwithstanding Council’s opposition to the divestment of the land, should this occur, it is Council’s preference that the land remain in public ownership.

5. Resolves to write to the Prime Minister of Australia, the Minister for Defence and the Federal Member for Franklin advising of Council’s opposition to the sale and its call for the decision to be abandoned”.

**CARRIED**

**FOR**

Cr Blomeley  
Cr Chong  
Cr Goyne  
Cr Hulme  
Cr Hunter  
Cr Ritchie

**AGAINST**

Cr Darko  
Cr James  
Cr Kennedy  
Cr Mulder  
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).

Cr Mulder has given notice of the following questions:

#### QUESTIONS ASKED OF MEMBERS OF THE PUBLIC GALLERY

At the meeting of 21 March, while speaking to a motion as a councillor, not the Mayor, the Mayor asked a question of a member of the gallery.

In the Mayoral communication of April 20, the Mayor claimed that asking questions of the gallery was not “unheard of” and that he exercised his “Mayoral prerogative”.

1. In the entire representative Westminster democratic system, on which council meetings are based, can the Mayor provide any cases of a presiding officer, speaker, president or Mayor, during a debate, asking a question of the gallery to reinforce an argument?
2. Is there any legal or parliamentary basis for a presiding officer's prerogative to break long standing Westminster conventions or practice?
3. If the Mayor is speaking as a councillor, and not as the Mayor, how is it that the Mayor can claim a prerogative that, if it exists, is available only to the Mayor?

### 10.2 ANSWERS TO QUESTIONS ON NOTICE

The Chief Executive Officer provided the following responses to Cr Mulder's questions at Item 10.1.

#### QUESTIONS ASKED OF MEMBERS OF THE PUBLIC GALLERY

I will answer the three questions as follows.

While the Westminster system underpins our system of government within Australia, Council is bound to the Local Government (Meeting Procedures) Regulations and, in the case of this Council, the Council approved Consolidated Meeting Procedures, in the same way that federal and state legislatures are bound by their own established rules.

The Regulations and approved meeting procedures are silent on the meeting Chair asking a question of a gallery member. Therefore, there is no prescription against the chair asking a question of a person in the gallery.

/ contd on Page 43...

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

Relevantly, when the Mayor asked a question of a person in the gallery recently, he did so as the Mayor and not as a councillor.

As has been past practice, councillors cannot ask a question of a member of the gallery without the approval of the Mayor. That is, any question must be asked through the chair and with the approval of the chair.

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

Cr Chong

I had a recent discussion about poor lighting for pedestrians in Bellerive Village entrance and my question is whether this has been looked at and whether there is any intention of doing any work in that area?

**Answer**

Taken on notice.

(Further information) Street lighting in the Bellerive Village has not been recently investigated. Some of Bellerive Village is included in the adopted Victoria Esplanade and Queen Street Master Plan, which includes improved pedestrian circulation and lighting. The first stage of the Master Plan implementation is investigating improvements in the vicinity of the carpark adjacent the Bellerive Ferry Terminal and will include consideration of necessary lighting. Further lighting upgrades are expected to be delivered in subsequent stages of the Master Plan.

Cr Walker

Using the rates that were struck for 2024/2025 as valuation methods, could I be given the hypothetical amount of rates a 60 million dollar hotel would be expected to generate for the City of Clarence?

**Answer**

Taken on notice.

(Further information) A hypothetical rate amount for a \$60M hotel development would be \$339,670 - (made up of General rate \$290,694, Stormwater rate \$23,400 and Fire Levy\$25,576).

Cr James

1. Could I have an update on the dog management review and as to whether or not there may be an opportunity for this Council to make a decision in relation to it before the elections in 2026?

**Answer**

(Mayor) My clear recollection was that we endorsed the timetable for that.

(Chief Executive Officer) Council previously endorsed the timeframe which sees the consultation occurring now and the draft Dog Management Policy going out for consultation after the coming election.

2. My question relates to the Chambroad land at Kangaroo Bay. Is it likely that the Supreme Court decision will be post January 2027?

**Answer**

(Chief Executive Officer) There is a Directions Hearing scheduled for June and we understand parties should be ready for the Supreme Court to allocate a hearing date or dates. We do not know when that will be and therefore, we do not know when a decision will be made by the Supreme Court.

Cr Hulme

1. It appears to me and maybe it is only simply a perception that of late in terms of the number of Elected Member requests I have unanswered and the age of those requests, that there seems to be a bit of a backlog. Is there anything holding up the processing of Elected Member requests?

**Answer**

(Chief Executive Officer) I am not aware of any particular backlog although each Elected Member request can dictate its own timeframe in the sense that some of those require investigation, others do not - they can be answered straight away, some can be answered in a number of days, and some may take a number of months. We provide, as you will be aware, councillors with an update every Friday of what is outstanding. So, if you have something outstanding and you are not clear what the reason is, contact my office I will have that specifically followed up to provide further information to you.

2. One of those requests is regarding what I understand was a resolution in the previous term of Council during which I was not a councillor, to engage with the Parks and Wildlife Service in relation to the management of whether you call it the Bellerive Bluff Battery or the Kangaroo Bluff Battery historic site, I am sure we will get that clarified. I understand that one of the reasons that has not proceeded is because of a lack of response from Parks and Wildlife Since the establishment of the Bellerive Bluff Battery Association and work that they are doing, has there been any engagement with Parks and Wildlife, with the Association or Council over how we move things forward?

**Answer**

(Chief Executive Officer) To the best of my knowledge there has been no engagement from Parks and Wildlife or NRE with Council. As to engagement that the new association may have had with the Parks and Wildlife Service, I am not sure about that. I understand from Mr Lawson that there may have been some, but I do not know in relation to what. They would have needed to have permission from the Parks and Wildlife Service in order to hold their inaugural event but beyond that I am unaware of any other discussions that have occurred.

Cr Mulder

Given current frustrations with the Droughty Point Structure Plan that we heard about this evening, could we be provided with a dot pointed timeline for development of this structure plan?

**Answer**

Taken on notice.

(Further information) In December 2025, councillors were provided a confidential memo on the progress of the Droughty Peninsula Structure Plan, which set out anticipated timelines and discussed required budget variations. An updated timeline has now been provided to councillors through the weekly briefing report which shows that the progress of the Structure Plan remains generally on track but that the finalisation and adoption of the Structure Plan (which is likely to occur in September 2026) is potentially impacted by the Local Government elections and any adopted caretaker provisions

Cr Ritchie

1. Can Council advise if any penalties have been issued under the Public Places by-law for abandoned shopping trolleys, further to the measures we introduced around June last year in response to the increasing number of abandoned shopping trolleys?

**Answer**

(Head of Regulatory Services) We have not had need to issue any penalties under the by-law in regard to that since writing to the retailers and discussing it with them. The system seems to be operating quite well, most abandoned trolleys seem to be collected in a fairly timely manner, our website has all of the information for people. If they have concerns, we would encourage them to go to that and contact the relevant retailers. Our ranger team has been working with the retailers in a productive way, and we have particular contacts at the relevant stores, so we are able to follow up if there are any issues. If people have particular concerns, they can raise them with the store and if there are specific locations or matters. We will soon be writing to the retailers again to remind them of the situation and the situation at Eastlands has been quite productive with their response and their additional vehicles for collecting trolleys.

2. Is Council able to confirm that tip vouchers recently issued have in fact been issued to all people renting in Homes Tasmania properties and when in fact they were issued and whether or not Council may in the future give some consideration to how we might support renters in private rental accommodation?

**Answer**

(Chief Executive Officer) Council issued unique reference ID's directly to tenants of public housing properties within Clarence, including those managed by Homes Tasmania. Those were distributed by mail on Wednesday 25 March and on that date, we issued 1648 of those notices. In respect to the second part of the question regarding private rentals, I will take that on notice, it will come down to what information we have on whether a particular property is a rental or not.

(Further information) Vouchers are assigned to the property rather than the occupant and are therefore generally issued to the property owner or ratepayer, who may choose to provide them to tenants. This reflects common practice across local government, as councils do not typically maintain tenancy records.

Council recognises the importance of equitable access for renters. While the program currently operates on a property-based model, the digital voucher platform presents potential opportunities to enhance access for occupants, including tenants, to request vouchers from the property owner or manager in the future. At present, however, vouchers remain linked to the property, with their use ultimately determined by the property owner.

**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 17 of the Local Government (Meetings Procedures) Regulations 2025 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 17 of the Local Government (Meeting Procedures) Regulations 2025.

### 11.1 APPLICATIONS FOR LEAVE OF ABSENCE

In accordance with Regulation 17 of the Local Government (Meeting Procedures) Regulations 2025 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.**

<b>Decision:</b>	<p><b>PROCEDURAL MOTION</b>  <b>MOVED</b> Cr Warren <b>SECONDED</b> Cr Chong</p> <p>“That the Meeting be closed to the public to consider Regulation 17 matters, and that members of the public be required to leave the meeting room”.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p>
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The Meeting closed at 9.04pm.