

# Kingborough

## **PUBLIC MINUTES**

These Minutes are provided for the assistance and information of members of the public.

# MINUTES

**26 June 2017**



*Back (L – R): Cr Paul Chatterton, Cr Mike Percy, Cr Sue Bastone, Cr Dean Winter, Cr Richard Atkinson  
Front (L – R): Cr Dr Graham Bury, Cr Flora Fox, Mayor Cr Steve Wass, Deputy Mayor Cr Paula Wriedt, Cr David Grace*

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MINUTES of an Ordinary Meeting of Council held at the Kingborough Civic Centre, Kingston on Monday, 26 June 2017 at 5.30pm.

	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Council	5.30pm	6.07pm	37 minutes
Planning Authority	6.07pm	6.29pm	22 minutes
Open Council	6.29pm	7.38pm	1 hour, 11 minutes
Meeting Adjourned	7.38pm	7.49pm	11 minutes
Meeting Resumed	7.49pm	8.24pm	33 minutes
Closed Council	8.24pm	8.29pm	5 minutes
Open Council	8.29pm	8.30pm	1 minute
<b>TOTAL TIME OCCUPIED</b>			<b>3 hours</b>

## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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The Chairman will acknowledge and pay respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which we now meet, and acknowledge elders past and present.

## **ATTENDEES**

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### **Councillors:**

Mayor Councillor S Wass	✓
Deputy Mayor Councillor P Wriedt	✓
Councillor R Atkinson	✓
Councillor S Bastone	✓
Councillor Dr G Bury	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor D Winter	✓

### **Staff:**

<b>TITLE</b>	<b>NAME</b>
General Manager	Mr Gary Arnold
Deputy General Manager	Mr Tony Ferrier
Chief Financial Officer	Mr John Breen
Executive Manager Organisational Development	Ms Pene Hughes
Executive Manager Engineering Services	Mr David Reeve
Manager Development Services	Mrs Tasha Tyler-Moore
NRM Coordinator	Ms Liz Quinn
Media & Communications Officer	Ms Sarah Wilcox
Executive Assistant	Mrs Amanda Morton
Administrative Officer	Mrs Jenny Tilbury

C298/14-17

## **APOLOGIES**

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Cr Mike Percey (Leave of Absence)  
Cr Paul Chatterton (Apology)

## CONFIRMATION OF MINUTES OF COUNCIL MEETING NO. 12 HELD ON 5 JUNE 2017

MOVED Cr Grace  
 SECONDED Cr Fox

That the Minutes of Council Meeting No 12 held on 5 June 2017 be amended to reflect the audio recording and include the attached budget as the approved budget for 2017-18, and be confirmed to be a true record.

FOR

Cr Bastone	Cr Bury	Cr Fox	Cr Grace
Cr Wass	Cr Wriedt		

AGAINST

Cr Atkinson	Cr Winter		
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Carried

<b>KINGBOROUGH COUNCIL</b>					
<b>Budget 2017/18</b>					
<b>Operating Statement</b>					
<b>DRAFT</b>	<b>New Budget 2017/18</b>	<b>Annual Budget 2016/17</b>	<b>Full Year Forecast 2016/17</b>	<b>Variance 17/18 Budget 16/17 Budget</b>	<b>Variance 17/18 Budget 16/17 Forecast</b>
<b>Income</b>					
Rates	25,062,500	23,535,000	23,885,000	1,527,500	1,177,500
Levies	1,485,000	1,402,000	1,441,000	83,000	44,000
Contributions	602,693	310,300	573,000	292,393	29,693
Grants	3,917,398	3,782,287	3,773,600	135,111	143,798
Other Income	902,000	1,127,900	1,020,018	(225,900)	(118,018)
Reimbursements	1,106,000	1,138,600	1,128,500	(32,600)	(22,500)
User Charges	2,944,950	2,750,489	2,950,300	194,461	(5,350)
Internal Transfers & Oncosts	551,000	570,000	568,200	(19,000)	(17,200)
<b>Total Income</b>	<b>36,571,540</b>	<b>34,616,576</b>	<b>35,339,618</b>	<b>1,954,964</b>	<b>1,231,922</b>
<b>Expenses</b>					
Employee Costs	14,087,278	13,886,184	13,841,100	(201,094)	(246,178)
Levies	1,485,000	1,402,000	1,441,000	(83,000)	(44,000)
Loan Interest	240,000	113,700	0	(126,300)	(240,000)
Materials and Contracts	9,250,391	9,206,903	9,008,510	(43,488)	(241,881)
Other Expenses	3,666,052	3,642,392	3,595,750	(23,660)	(70,302)
Internal Transfers & Oncosts	550,900	571,580	572,500	20,680	21,600
<b>Total Expenses</b>	<b>29,279,621</b>	<b>28,822,759</b>	<b>28,458,860</b>	<b>(456,862)</b>	<b>(820,761)</b>
<b>Net Operating Surplus/(Deficit) before:</b>	<b>7,291,919</b>	<b>5,793,817</b>	<b>6,880,758</b>	<b>1,293,468</b>	<b>411,161</b>
Depreciation	9,544,160	8,378,160	9,227,002	(1,166,000)	(317,158)
Carrying Amount of Assets Retired	600,000	700,000	700,000	100,000	100,000
<b>Net Operating Surplus/(Deficit) before:</b>	<b>(2,852,241)</b>	<b>(3,284,343)</b>	<b>(3,046,244)</b>	<b>188,818</b>	<b>194,003</b>
Interest	144,000	250,000	195,000	(106,000)	(51,000)
Dividends	1,848,000	1,848,000	1,848,000	0	0
<b>Net Underlying Surplus/(Deficit)</b>	<b>(860,241)</b>	<b>(1,186,343)</b>	<b>(1,003,244)</b>	<b>82,818</b>	<b>143,003</b>
Grants - Capital	800,000	1,316,000	1,200,000	(516,000)	(400,000)
Contributions - Capital	200,000	144,000	200,000	56,000	0
<b>NET SURPLUS/(DEFICIT)</b>	<b>139,759</b>	<b>273,657</b>	<b>396,756</b>	<b>(242,071)</b>	<b>(113,199)</b>

## **CONFIRMATION OF MINUTES OF COUNCIL MEETING NO. 13 HELD ON 13 JUNE 2017**

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MOVED            Cr Fox  
 SECONDED       Cr Bastone

That the Minutes of Council Meeting No. 13 held on 13 June 2017 be confirmed.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Fox
Cr Grace	Cr Wass	Cr Winter	Cr Wriedt

Carried Unanimously

## **DECLARATIONS OF INTEREST**

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Cr Bastone declared an interest in the report “DA-2015-104 – Extension of Planning Permit” as she was the original objector.

## **QUESTIONS ON NOTICE FROM THE PUBLIC**

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### **Contribution of Funds to the Local Government of Tasmania**

**Mr Mervyn Reed** has submitted the following question on notice :

*“Mayor it is understood that you have promised \$18,000 to the LGAT for Kingborough’s contribution to a political campaign involving TasWater.*

*I further understand that you are asking for approval from the Council this evening for this expenditure. This represents 1% of TasWater current dividends but close to 3% of future dividends.*

*When did you make these commitments, and why did you not seek the approval of the Council before pledging scarce ratepayers funds, for a campaign that the ratepayers care little about. I am sure other Kingborough community groups would love to have a gift of \$18,000 to promote their views.*

*Do you realise that by publically making these commitments without the written approval of the Council (vote of the LGAT meeting which you attended) that you are in breach of the Local Government Act, Division 3 section 27, which provides no specific power for the Mayor to commit funds for expenditure as these funds are owned by the ratepayers, and without formal council approval no such expenditure can be made.*

*How much do the rates have to now continue to rise Mayor, given your lack of judgment, and this type of expenditure which will not make the life of any ratepayer better, and for this breach of the Local Government Act. “*

**Officer's Response:**

Council considered this matter at the Council meeting held on 13 June 2017 and resolved to not financially support the LGAT campaign.

Gary Arnold - General Manager

C303/14-17

(Commences at ± 18 minutes on Part A of audio recording)

**Signposting**

At the Council meeting on 13 June 2017, **Mr Mark McBride** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

*“During the week I had the good fortune to visit this Council's newest old growth forest and newest ..... (inaudible) that being the junction of the Bennetts Roads and Arve Roads at Geeveston, but could I tell you how to get there? No, because the Bennetts Road is unsignposted. The next day I had the good fortune to visit Reuben Falls, the mouth of the Weld River, the Huon Eddy, the Huon Flats and Glovers Bluff. But can I tell Kingborough how to get there? No, I can't. I can't tell you how to get there because there is no Weld Road sign. It's a vital piece of infrastructure is the Weld Road sign when you are trying to find something and it's just not there. Of equal importance, in the same area, is Edwards Link Road to the air walk. Again, can I tell you how to get to the airwalk? No, because there is no Edwards Link Road signpost anymore. Does the fact that I am unable to give the rate payers of Kingborough access to the Huon's best free getaway destinations concern you? How much does a sign post cost? In the interests of the rate payers of your Council, is it not in their interests that their getaway destinations be adequately signposted?*

**Officer's Response:**

None of the roads mentioned are managed by Kingborough Council and as such there is little that Council can do as regards installing signposts, however the comments will be passed onto Huon Valley Council for action.

David Reeve - Executive Manager Engineering Services

**QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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There were no questions without notice from the public.

## **QUESTIONS ON NOTICE FROM COUNCILLORS**

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C304/14-17

(Commences at ± 18 minutes on Part A of audio recording)

### **Skating on Roads near Blackmans Bay Skate Park**

At the Council meeting on 13 June 2017, **Cr Wriedt** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

*“Is Council aware that as a result of the redeveloped Blackmans Bay skate park that there has been a significant increase of people skateboarding down Myuna Road and along Wells Parade? This has resulted in a potential hazard for both skateboarders and drivers. This is concerning to local residents who I understand have recently witnessed some “near misses”. Could Council staff please consider the installation of one or more speedbumps on Myuna Road, along with road signs to alert drivers to the skate park in order to avoid a potentially dangerous accident?”*

#### **Officer’s Response:**

Under the Road Rules skaters can use a road except in the following circumstances:

- Where the road has a dividing line, median strip or is one way
- Where the signed speed limit is greater than 50km/hr
- Between sunset and sunrise
- If the skater is less than 12 years old
- If the area has been signposted as a no go zone for skaters

Myuna Road and Wells Parade would be allowable roads for skaters to use and would not be deemed as appropriate to be declared no go zones for skaters. Actions that Council Officers will take include:

- Engaging with the users of the skate park to try and promote responsible behavior by skaters travelling to the area.
- Install some signage within the park to encourage safe behavior of users.
- Investigate further as to the volumes and speeds of traffic and indicative number of skaters using the approach roads to the park to ascertain whether any other traffic calming measures are appropriate.
- Communicating increased skate park user presence in the area to other road users and encouraging motorists to take care.

*David Reeve - Executive Officer Engineering Services*



**Business Signs on Council Roads**

At the Council meeting on 13 June 2017, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

*“Can the General Manager advise how many business signs throughout the municipality on Council roads, has Council written to the business people and had removed? How many businesses have been requested to remove their signs?”*

**Officer’s Response:**

Council prohibits signs within the Council owned road reserve by way of the Roads, Parking and Stormwater By-law No.4 of 2011. In the last 12 months, Council’s Compliance officers have required the removal of more than 20 signs. Only a few of these have been business signs – most have been real estate signs, particularly when they might constitute a safety hazard for motorists and pedestrians. Most business signs within the road reserve are sandwich boards and these are also required to be removed if they are a public hazard.

*Tony Ferrier - Deputy General Manager*

**Rates Increase**

At the Council meeting on 13 June 2017, **Cr Winter** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

*“At last week’s Special Council Meeting, we debated the annual estimates. It was explained four separate times to Councillors that the annual estimates were based on a 4% rate rise, on four separate occasions. In answer to a question on notice that they were in fact based on an 8.8% rate rise, do you accept that Councillors fundamentally misunderstood the budget estimates that they were adopting when the motion was passed?”*

**Officer’s Response:**

The resolutions of Council set a 4% rate increase as opposed to the officer recommendation of 8.8%. The only material change this makes to the estimates is to reduce the estimated rate income which in turn altered the bottom line from a projected underlying surplus to an underlying deficit.

The decision was made by absolute majority of the Council in accordance with the Local Government Act requirements.

*Gary Arnold - General Manager*

**25A Osborne Esplanade, Kingston Beach - Development Possibilities**

**Cr Winter** has submitted the following question on notice :

Given the Planning Authority's decision to refuse Kingborough Council's development at 25A Osborne Esplanade, will Council now undertake a comprehensive analysis of what development is actually possible at the location under the current planning scheme?

**Officer's Response:**

A review of the future use and development options relevant to Council's property at 25A Osborne Esplanade is currently being undertaken and a report will be prepared for Council's consideration as soon as possible.

*Tony Ferrier - Deputy General Manager*

**25A Osborne Esplanade Development**

**Cr Winter** has submitted the following question on notice :

How much has Kingborough Council spent attempting to develop 25A Osborne Esplanade, Kingston Beach since entering into the relevant memorandum of understanding?

**Officer's Response:**

Council has spent a total of \$46,371.39. These costs related to the architectural services and other consultants involved in preparing the two development applications.

It does not include Council staff time, nor the costs associated with purchasing the rear part of 24 Osborne Esplanade (which is now an acquired asset).

*Tony Ferrier - Deputy General Manager*

**QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**Cr Winter** asked the following question without notice:

*"Can you provide Council with an update on discussions with the Surf Lifesaving Club and/or OEI Investments post the planning authority's decision against the 25a Osborne Esplanade development?"*

**Mayor responds:**

I spoke with President Paul Munday on the Thursday and asked, going forward, as to what options, what they would like to see and just generally the opportunities and options available to them. He indicated initially that they would like some presence at 25a, mainly for the Nippers and public space. He thought there that there should be in the beach a drop in patrol and first aid box where they can operate from. He also believed that at Kingston

Beach Oval they really needed training and meeting facilities. He went on to discuss that if 25a was not available they would like a drop in on the foreshore, middle of the beach or similar, that their equipment would be close and accessible at Kingston Beach Oval, that they could have a drive through so they can unhook without having to back into the vehicle. The meeting facilities, they saw opportunities because there were toilets and showers and particularly in winter months, particularly for the kids, when it is freezing, all they really want to do for the kids is to give them a shower and also at the Kingston Beach Oval there is food and drink preparation areas and they thought that if they could put a bowl of soup or some other hot food in front of them that would be something that they've never had before. They also believe that they needed a storage area and although they couldn't indicate the amount of storage area, they were talking at one stage of about 120 or 150m<sup>2</sup>. In relation to that, they thought it would be best if they had a double storey but at this stage they had no idea upstairs as to the amount of floor space because that floor space would be used for meetings and training. They have existing storage at Kingston Beach Oval and they also have some at the Kingston Beach Sailing Club. When we spoke about the Kingston Beach Sailing Club they didn't believe that was possibly the way forward because there were a number of issues, handling of equipment etc at the same time as the sailing club and that would create some clashing of times and use of the building. They also spoke about Blackmans Bay and that was the second preference originally and certainly if they were to move to Blackmans Bay then all the storage that they had at Kingston Beach would then be required to move. They believed that Blackmans Bay also in a residential area possibly wasn't the way going forward. Also, when Blackmans Bay Beach was upgraded there were no ramps available to the foreshore anymore so that was an issue. With Kingston Beach and operating from the Kingston Beach Oval area, the area provided all the required land and building structure. They could then transport a disability access to the beach. They would like that stored as close as possible obviously. There was need for public crossing if they were to continue there and if the toilets were to remain not on the foreshore. They indicated that spraypainting was still an issue although in relation to sharps that has improved but still ongoing issues but on a lower number than previously. They also indicated that the marram grass near the steps needs to be kept clear so that they can get through it and they also indicated that last summer there was a tiger snake in that marram grass which went out into the salt water when some kids disturbed it. In relation to the two storey part of the building, they've got 15 x 20m<sup>2</sup> (?) again not sure because until they draw some plans their dimensions would be unknown. That was virtually the total of my discussions and from there Mr Munday was going to have discussions with staff and I understand that has occurred and there will be ongoing discussions.

**Cr Winter:**

So as a supplementary, can you confirm that Council is now considering alternative sites for Kingston Beach Surf Lifesaving Club outside of 25a Osborne Esplanade.

**Mayor:**

I would need to ask Mr Ferrier that question to give you a response. I believe so but I will ask Mr Ferrier that question.

**Mr Ferrier:**

Yes, just confirming what the Mayor has said. The discussions with the surf club are primarily about them looking at the location in close proximity to the existing shed and the Kingston Beach Oval. I think they would still like to have some sort of storage close to the beach but in terms of identifying where a future club house might be located I think their favoured location is at the Oval.

**Cr Grace** asked the following question without notice:

*"I read in the Mercury on Saturday that this Council has spent somewhere around \$50,000 thereabouts on architectural services and consultancy work relating to this development down at 25. My knowledge of the process is the fact that I can't recall Councillors authorising money to be spent apart from the General Manager to investigate and to consult with the developer and the surf life club, but I can't recall. My question is can we get a report on who authorised the spending of those funds, that amount of money?"*

**Mayor responds:**

I think we will take that one on notice. I've also had a question from the public today which I indicated that I would investigate that for them.

**Cr Atkinson** asked the following question without notice:

*"I also had a couple of questions along the same vein. Cr Winter has covered the main one. Is it common practice that proponents speak with our planners when they are putting together a development application before they submit it?"*

**Deputy General Manager responds:**

Can I just confirm, did you ask the question "do developers employ a consultant?"

**Cr Atkinson:**

No, do they talk to our planners? If they are putting in a DA but haven't yet submitted it, do they talk to our staff?

**Deputy General Manager responds:**

They talk to our staff in relation to confirming the requirements of the Planning Scheme. Council's planning staff are very careful not to direct or assist in the design of the Development Application. As soon as Council staff take that step we start to compromise the objectivity of the actual assessment process. So it is very much about talking about how the Planning Scheme is interpreted and what the Planning Scheme says and what is required under the Planning Scheme and that is further examined when they request further information to make sure that that enough information is available so that the planning staff can actually assess the application against the requirements of the Planning Scheme. But, they don't actually provide advice to the developer or to the applicant as to whether they should do this or should do that in order to conform with the Planning Scheme.

**Cr Atkinson:**

You know where I'm heading, with this development, and I understand exactly the point you are making about that we don't provide advice, but the questions are coming from the public as to how did this get this far and when it was so strongly opposed. Is there any information you can enlighten us and the public with as to what discussions were had as to whether, how something that was so at odds with the Planning Scheme got to the stage of being submitted as a DA without any indication to them or to the applicant that it was going to be refused, or likely to be refused. Is that something that would be beyond what the discussion with the planning staff would normally be?

**Deputy General Manager responds:**

It is somewhat. I guess it's worth just recapping what has actually happened in this particular instance. The original development application was prepared. It went through a process of being exhibited. The objections came in, the assessment report was substantially done and the applicant was advised that a recommended refusal. That development application was withdrawn and after that a series of consultants were employed to address the issues of concern that had been identified by staff and also through the objections when it was publically exhibited and a fresh development application was then lodged. So now we are dealing with two DA's for the one development. A number of changes were made to the design of the building, a number of changes were made to the actual use proposals within the application and the advice that were obtained from the consultants that were employed was that those changes would address the Planning Scheme requirements. So the applicant proceeded with the development application on the basis of that advice. There was some discussions again with staff during that process but again those discussions were limited to just the requirements of the Planning Scheme. It wasn't advice which actually suggested that we should be doing this or change that design to this or change the operating hours to this and it would get approved. It's not the job of the planning staff to then assist that through the process so that you will get an approval. It's just to let them know how to interpret the Planning Scheme. So what happened then was all the additional information was required to ensure that the assessment could take place, that was provided and as you know that took some time. When all that information was then made available, the assessment was conducted, so there was no prior knowledge that there was going to be a recommended refusal. The final assessment is only completed and determinations made as to whether something will be refused or approved or conditioned, at the very last minute. A decision was made by the applicant that once they knew that there was potentially a recommended refusal to allow it to proceed because, prior to that, the previous development application had been withdrawn and this was let's finish this off, lets take it to its natural consequence. If it gets refused, it gets refused. If it gets approved, it gets approved but lets finish this development application off otherwise we would just be here forever. So the actual assessment was done at a fairly late stage in the process and appeared on the agenda, it came to the Councillors and it came to the meeting.

**Cr Atkinson:**

One final question if I may, a couple of times there you referred to information being provided back to the applicant or the applicant making the decision to proceed. As I understand, there were three parties to the application. Can you just clarify who the applicant is? Who made that decision?

**Deputy General Manager responds:**

The applicant under the actual application was the consultant but the consultant obviously is being commissioned by the three parties and the three parties were the surf club, the Osborne Esplanade Investments and the Council and those three parties jointly formed the consortium and as Council will be familiar with, there was a Memorandum of Understanding signed between the three parties very early on in the process, probably about 2½ years ago. That was the group that was commissioning the applicant to lodge the development application.

**Cr Wriedt** asked the following question without notice:

*“Just a follow on question to Mr Ferrier just for clarification, in answer to Cr Atkinson’s question, Mr Ferrier said that the advice by consultants was that it would pass. Who were those consultants employed by?”*

**Deputy General Manager responds:**

They were employed by the three parties, including the Council.

**Cr Wriedt:**

So they weren’t the independent consultants that we then used down the track?

**Deputy General Manager responds:**

That’s right. So that was the consultant that was employed by, you might say the developer. As the regulator, as the planning authority, the Council also employed an independent planning consultant who essentially just checked the recommendation from staff. And that was sort of as a double check on the basis that Council could be seen to be wearing two hats, which it was in this particular instance, and to ensure that there was an effective separation between the developer and the regulator interest within Council.

**Cr Wriedt:**

So the consultants are employed by the three parties that were the applicant. Are you at liberty to say who the consultant was? Is it the consultant whose name was on the ....

**Deputy General Manager responds:**

Yes, the consultant was the applicant who was Ireneinc.

## **MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

There were no Notices of Motion received.

## **PETITIONS STILL BEING ACTIONED**

A report in response to the petition headed “North Roslyn Avenue Traffic” can be found at page 66 of this Agenda.

## **PETITIONS RECEIVED IN LAST PERIOD**

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C310/14-17

*(Commences at ± 35 minutes on Part A of audio recording)*

### **Save Tassie Bird and Poultry Supplies trading as Riverbend Farm Tasmania**

MOVED            Cr Fox  
SECONDED       Cr Bastone

That the petition be received and referred to the appropriate Department for a report to Council.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Fox
Cr Grace	Cr Wass	Cr Winter	Cr Wriedt

Carried Unanimously

<p style="text-align: center;"><b>OPEN SESSION OF COUNCIL ADJOURNS</b></p>
----------------------------------------------------------------------------

## PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 6.07pm

### OFFICERS REPORTS TO PLANNING AUTHORITY

C311/14-17

(Commences at ± 35 minutes on Part A of audio recording)

#### DELEGATED AUTHORITY FOR THE PERIOD 31 MAY 2017 TO 13 JUNE 2017

MOVED            Cr Fox  
SECONDED       Cr Wriedt

That the report be noted.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Fox
Cr Grace	Cr Wass	Cr Winter	Cr Wriedt

Carried Unanimously

*Cr Bastone left the room at 6.12pm*

C312/14-17

(Commences at ± 41 minutes on Part A of audio recording)

#### REQUEST FOR EXTENSION OF PLANNING PERMIT – DA-2015-104 - CHANGE OF USE TO BOAT MECHANICS INCLUDING EXTENSION TO EXISTING SHED AT 2 SELBY ROAD, KETTERING FOR I W HUGHES

MOVED            Cr Grace  
SECONDED       Cr Fox

That the matter be discussed.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously



MOVED            Cr Grace  
SECONDED       Cr Fox

That the request for an extension to the Planning Permit issued for DA-2015-104 – change of use to boat mechanics including extension to existing shed at 2 Selby Road, Kettering under Sec.53(5A) of the *Land Use Planning and Approvals Act 1993* be approved for a period of two years.

FOR

Cr Atkinson	Cr Fox	Cr Grace	Cr Wass
Cr Winter	Cr Wriedt		

AGAINST

Cr Bury			
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Carried

*Cr Bastone returned to the room at 6.23pm*

C313/14-17

*(Commences at ± 52 minutes on Part A of audio recording)*

**DA-2017-126 - DEVELOPMENT APPLICATION FOR TWO UNITS (ONE EXISTING) AT 14 VIEW STREET, BLACKMANS BAY FOR MR B J ATKINSON AND MRS O R ATKINSON**

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MOVED            Cr Grace  
SECONDED       Cr Wriedt

That in accordance with Council Policy 1.1 – Delegated Authority Policy, the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for two units (one existing) at 14 View Street, Blackmans Bay for Mr B J Atkinson and Mrs O R Atkinson be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2017-126 and Council Plan Reference No. P3 submitted on 23 May 2017. This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.
2. Decks within 3m of the eastern side boundary must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the east facing elevation of the building which is permanently fixed to the structure for the life of the building. The screening must be installed prior to occupation of the dwelling.

3. The front fence must have a height above natural ground level of not more than:  
1.2m if the fence is solid; or  
1.8m, if the fence openings above a height of 1.2m provide a uniform transparency of not less than 30% (excluding any posts or uprights).
4. The design and construction works must be generally in accordance with the submitted proposal plan P3 and to the satisfaction and approval of the Executive Manager - Engineering Services and as follows:
  - (a) Complies with Tasmanian Standard construction drawings.
  - (b) The carparking and vehicle manoeuvring must be of a sealed construction and comply with Australian Standard AS2890.1:2004 (Off street car parking).
  - (c) Visitor carparking signs must be installed for the visitor carparking spaces.
  - (d) Signage noting residential parking for each unit must be installed for the carparking spaces.
  - (e) Parking and vehicle circulation roadways and pedestrian paths must be provided with bollard lighting.
  - (f) Stormwater discharge from all new impervious areas must be must be disposed of by gravity to public stormwater infrastructure.
  - (g) The engineering plans shall include but not be limited to adequately detailed internal vehicular and pedestrian access, carparking, manoeuvring areas, and drainage services.
  - (h) The engineering plans and specifications must be prepared and certified by an accredited professional Civil Engineer to the approval of the Executive Manager - Engineering Services.
  - (i) Approval of the plans and specifications is required prior to the issue of a Building Permit.
5. Erosion/siltation infiltration control measures are to be applied during construction works in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines, Tasmanian Standard Drawings (TSD-SW28) and to the satisfaction of the Executive Manager - Engineering Services.
6. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

#### **ADVICE**

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.

- B. The Developer should not allocate any property address numbers for the proposed units.

New property addresses have been allocated as follows:

Lot/Unit No.	Allocated Property Address
1	1/14 View Street, Blackmans Bay (existing dwelling)
2	2/14 View Street, Blackmans Bay

These numbers must then be referenced on design and As-Constructed drawings as well as any Strata Plans lodged for sealing.

- C. This Permit does not constitute Plumbing approval. The developer should obtain a Plumbing Permit for the development prior to commencing of any construction.

MOVED            Cr Atkinson  
 SECONDED       Cr Fox

That condition 4 be deleted.

4. The west facing window (W-06 with dimensions 0.6m x 2.1m) located in the ground floor bedroom must have fixed obscure glazing; or be separated by a screen with a uniform transparency of no more than 25%, and be of at least 1.7m in height permanently fixed to the structure for the life of the building. The screening must be installed prior to occupation of the dwelling. Alternatively this window could be deleted from the dwelling design.

FOR

Cr Atkinson	Cr Fox	Cr Grace	Cr Winter
Cr Wriedt			

AGAINST

Cr Bastone	Cr Bury	Cr Wass	
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Carried

The amended motion was then put.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Fox
Cr Grace	Cr Wass	Cr Winter	Cr Wriedt

Carried Unanimously

## Submission to Planning Authority Notice

Council Planning Permit No.	DA-2017-126	Council notice date	28/03/2017
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2017/00434-KIN	Date of response	09/05/2017
TasWater Contact	Anthony Cengia	Phone No.	(03) 6237 8243
<b>Response issued to</b>			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
<b>Development details</b>			
Address	14 VIEW ST, BLACKMANS BAY	Property ID (PID)	5766814
Description of development	Proposed Strata Unit		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
DHK Architecture	A-287 Sheets A.0.2.1.1, A.0.2.2.1 & A.0.5.1.1		6/5/17
<b>Conditions</b>			
<b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections / sewerage system and connections to each dwelling unit must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing construction / use of the development, a boundary backflow prevention device and water meter must be installed, to the satisfaction of TasWater.</li> </ol>			
<b>56W CONSENT</b>			
<ol style="list-style-type: none"> <li>4. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in respect of that part of the development which is built within two metres of TasWater infrastructure.  The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located over or within 2.0m from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans must also include a cross sectional view through the footings which clearly shows;               <ol style="list-style-type: none"> <li>a. Existing pipe depth and proposed finished surface levels over the pipe;</li> </ol> </li> </ol>			

- b. The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- c. An amended services plan(s) locating all private services (sewer & stormwater drains) no closer than 1 metre to the outside of the sewer pipe wall;  
NOTE: Private services are permitted to cross TasWater infrastructure at 90 degrees +/- 15 degrees as required with clearances to TasWater's satisfaction.
- d. A note on the plan indicating how the pipe location and depth were ascertained.

**DEVELOPMENT ASSESSMENT FEES**

- 5. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:
  - a. \$201.93 for development assessment.

The payment is required within 30 days of the issue of an invoice by TasWater.

**Advice**

For information on TasWater development standards, please visit <http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developers cost to locate the infrastructure.

**Declaration**

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

**Authorised by**



**Jason Taylor**  
Development Assessment Manager

**TasWater Contact Details**

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

## OPEN SESSION OF COUNCIL RESUMES

Open session of Council resumed at 6.29pm

### OFFICERS REPORTS TO COUNCIL

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C314/14-17

(Commences at ± 59 minutes on Part A of audio recording)

### LGAT GENERAL MEETING

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MOVED            Cr Grace  
SECONDED       Cr Bastone

That Council advise Hobart City Council that it does not accept the motion.

FOR

Cr Bastone	Cr Grace	Cr Wass	Cr Wriedt
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AGAINST

Cr Atkinson	Cr Bury	Cr Fox	Cr Winter
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Lost

*Cr Bastone left the meeting at 6.45pm*

#### Motion:

MOVED            Cr Winter  
SECONDED       Cr Fox

That Council supports:

1. Changing the date of Australia Day; and
2. LGAT lobbying the Federal Government for changing the date of Australia Day.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Winter	Cr Wriedt
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AGAINST

Cr Grace	Cr Wass			
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Carried

**LGAT 2017 ELECTION FOR PRESIDENT**

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MOVED            Cr Fox  
 SECONDED      Cr Grace

That Council resolve to vote for Mayor Chipman in the 2017 LGAT election for the position of President.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

MOVED            Cr Bury  
 SECONDED      Cr Wriedt

That the voting papers be destroyed.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

**UNAUTHORISED VEGETATION DAMAGE SIGNAGE POLICY REVIEW**

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MOVED            Cr Bury  
 SECONDED      Cr Atkinson

That the revised Unauthorised Vegetation Damage Signage Policy be adopted.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wass	Cr Wriedt
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AGAINST

Cr Grace	Cr Winter			
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Carried

## **PETITION – NORTH ROSLYN AVENUE PRECINCT**

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MOVED            Cr Fox  
 SECONDED      Cr Winter

That Council officers undertake further investigation and consultation with residents to consider suitable options for reducing traffic volumes and speeds along the northern section of Roslyn Avenue.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

## **SNUG OPEN SPACE DEVELOPMENT**

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MOVED            Cr Fox  
 SECONDED      Cr Winter

That Council approve funding of \$17,865 from the Snug public open space account to undertake this project.

MOVED            Cr Grace  
 SECONDED      Cr Wriedt

That the matter be deferred until the school and business community in Snug have been consulted and a report comes back to Council.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Grace
Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

*The meeting is adjourned at 7.38pm  
 The meeting resumed at 7.49pm*



**Cr Grace** left the meeting at 7.49pm

C319/14-17

(Commences at ± 20 seconds of Part B on audio recording)

## **ANNUAL PLAN**

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MOVED Cr Atkinson

SECONDED Cr Winter

That the matter be discussed

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

MOVED Cr Fox

SECONDED Cr Bury

That, in accordance with Section 71 of the *Local Government Act 1993*, Council adopts the Annual Plan for the 2017/18 financial year.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wass	Cr Wriedt
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AGAINST

Cr Winter				
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Carried

C320/14-17

(Commences at ± 27 minutes of Part B on audio recording)

## **INFORMATION REPORTS**

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MOVED Cr Wriedt

SECONDED Cr Fox

That the following information reports be noted:

1. Mayor's Communications.
2. Financial Report for the period 1 July 2016 to 31 May 2017.
3. Minutes of the Kingborough Road Safety Committee dated 24 May 2017.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

C321/14-17

## **CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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MOVED           Cr Bury  
SECONDED       Cr Atkinson

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* the following items are to be dealt with in Closed Session.

<b>Matter</b>	<b>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
Applications for Leave of Absence	15(2)(h)
Tender for Supply and Placement of Asphalt and Bitumen Spray Seals	15(2)(d)

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

C322/14-17

## **CLOSED SESSION**

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MOVED           Cr Atkinson  
SECONDED       Cr Bury

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* that Council move into Closed Session.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

In accordance with the *Kingborough Council Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting ceased.

Open Session of Council adjourned at 8.24pm

<b>OPEN SESSION OF COUNCIL ADJOURNS</b>
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<b>OPEN SESSION OF COUNCIL RESUMES</b>
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Open Session of Council resumed at 8.29pm

C327/14-17

MOVED            Cr Fox  
 SECONDED       Cr Atkinson

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Subject	Decisions/Documents
Applications for Leave of Absence	Nil
Question Without Notice from Councillors	Confirmed
Tender for Supply and Placement of Asphalt and Bitumen Spray Seals	Successful tenderer EDI Downer Pty Ltd

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wass
Cr Winter	Cr Wriedt		

Carried Unanimously

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 8.30pm

.....  
 (Confirmed)

.....  
 (Date)