

Kingborough

PUBLIC MINUTES

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

MINUTES

14 August 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 to be held at the Kingborough Civic Centre, Kingston on Monday, 14 August 2017 at 5.30pm.

	From	To	Time Occupied
Open Council	5.30pm	5.53pm	23 minutes
Planning Authority	5.53pm	7.09pm	1 hour, 16 minutes
Meeting Adjourned	7.09pm	7.23pm	14 minutes
Meeting Resumed	7.23pm	7.31pm	8 minutes
Open Council	7.31pm	8.10pm	39 minutes
Closed Council	8.10pm	8.35pm	25 minutes
Open Council	8.35pm	8.36pm	1 minute
TOTAL TIME OCCUPIED			3 hours, 6 minutes

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairman acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which we met, and acknowledged elders past and present.

ATTENDEES

Councillors:

Mayor Councillor S Wass	✓
Deputy Mayor Councillor P Wriedt	✓
Councillor R Atkinson	✓
Councillor S Bastone	✓
Councillor Dr G Bury	✓
Councillor P Chatterton	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor M Percey	✓
Councillor D Winter	✓
	(arrived at 5.32pm)

Staff:

TITLE	NAME
General Manager	Gary Arnold
Deputy General Manager	Tony Ferrier
Manager Finance	Tim Jones
Development Services Manager	Tasha Tyler-Moore
Manager Governance & Property Services	Daniel Smee
Senior Planner	Melissa Stevenson
Assistant Planner	Emerald Febey
Media & Communications Officer	Sarah Wilcox

C377/17-17

APOLOGIES

There were no apologies

CONFIRMATION OF MINUTES OF COUNCIL MEETING NO. 16 HELD ON 24 JULY 2017

MOVED Cr Fox
 SECONDED Cr Percey

That the Minutes of Council Meeting No. 16 held on 24 July 2017 be confirmed.

FOR

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

Carried Unanimously

WORKSHOPS HELD SINCE COUNCIL MEETING ON 24 JULY 2017

DATE	PURPOSE
31 July 2017	TasWater
7 August 2017	Reconciliation

DECLARATIONS OF INTEREST

There were no declarations of interest.

QUESTIONS ON NOTICE FROM THE PUBLIC

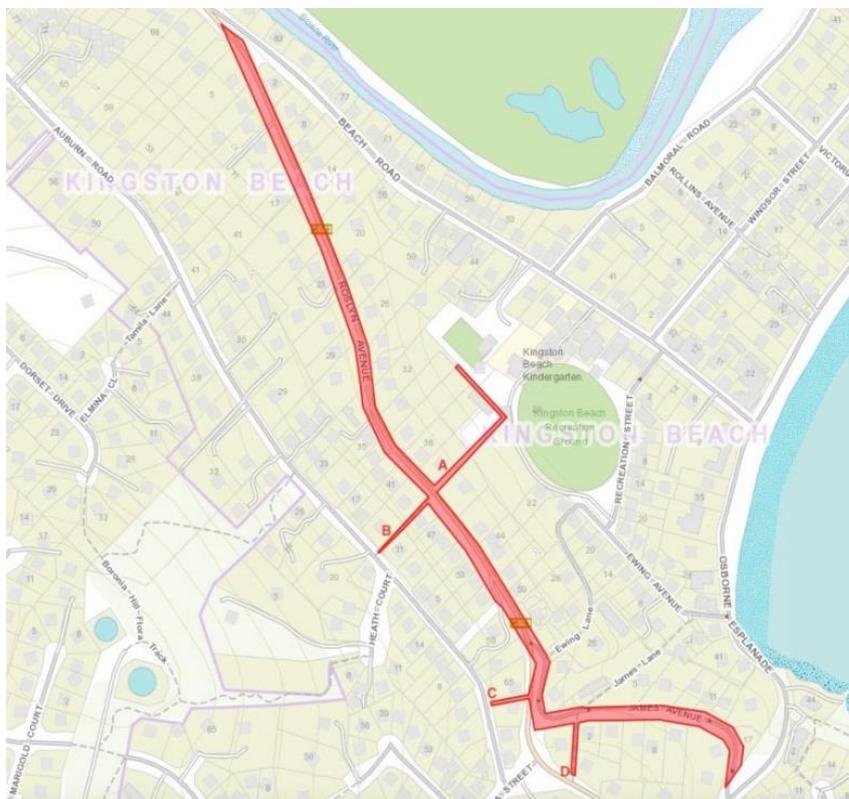
SALE OF COUNCIL OWNED LAND

At the Council meeting on 24 July 2017, **Mr Hilbrand Schuringa** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

“At its meeting on 24th October 2016, Council approved the sale of 153m² of Council owned land, one of four public laneways marked ‘C’ on the map below, to the owner of 65 Roslyn Avenue. The sale of this land, which is conditional upon Council approving the development application for a three lot subdivision and boundary adjustment of 65 Roslyn Avenue was not publically advertised and the decision to sell this land was made in a closed session of Council. My questions are:

1. *What was the method used by Council for the sale of this land and is this method normally used for the sale of Council owned land?*

2. When did Council approve the particular method for the sale of this land?
3. The Local Government Act 1993 requires Council to obtain a valuation of the land before it is sold. When was the valuation obtained? What was the valuation? And what is the contract price?"



Officer’s Response:

1. The report was considered in closed session in accordance with Regulation 15(2)(f) of the *Local Government (Meeting Procedures) Regulations 2015* as the matter related to the disposal of Council land. In relation to the method of sale, Section 177 of the *Local Government Act 1993* states that “A council may sell any land by auction or tender; or any specific land by any other method it approves”. The land in question is not classified as Public Land and therefore the provisions of Section 178A of the Act with respect to public notification are not applicable. The land is classed as a road casement but was never developed as a public walkway and has remained part of the title to 65 Roslyn Avenue since the time of the original subdivision. The method used for the sale of the land in question was by a negotiated agreement with the owners of 65 Roslyn Avenue. This is a standard method used for the disposal of land in situations such as the one in question where the only way in which a sale could progress is by means of a boundary adjustment and adhesion to an adjoining title.
2. Council approved the method of sale as part of its resolution of 24 October 2016.
3. In accordance with the provisions of the Act, a valuation of the land was obtained from Saunders and Pitt in September 2016. This valuation formed the basis of the contract price, details of which will be made publically available once the sale of the land has been finalised.

Daniel Smee - Manager Governance & Property Services

LAND FOR WILDLIFE AND PRIVATE COVENANTED LAND CONSERVATION PROGRAMS

Mr Julian Punch has submitted the following question on notice:

Given that the Kingborough Council endorses and support the Land for Wildlife and Private Covenanted Land Conservation Programs and given the increased clearing of land in the municipality I would address the following question on notice to Council;

What efforts have been made to facilitate through Council resources (to community development and natural resource management) a cooperative, collaborative and coordinated management plan in the municipality to protect in perpetuity the flora and fauna, water quality and natural diversity of the land mass in the municipality that brings together the participants of the two programs above.

Officer's Response:

Protecting, maintaining and restoring the health of our natural environment are key priorities for Council. Council's Natural Resource Management (NRM) program provides professional and technical capacity in strategy, policy and operational functions associated with natural resource management and weed management in the municipal area. The core work of the unit involves developing and protecting a network of healthy reserves in the Kingborough municipality. The Unit is involved with a variety of functions that range from strategic vegetation management, managing invasive species and supporting environmental volunteers, through to programs aimed at improving urban stormwater discharges.

The priorities of the NRM program have been established strategically by assessing the threats (weeds, vegetation clearance, stormwater etc) to each of the key natural asset types in Kingborough (e.g. the coastal environment, vegetation, waterways etc). As a result of this planning the program is focused on addressing the threatening processes or behaviours that affect the highest priority asset areas. For example delivering educational opportunities (beach walks, coastal planting and weeding days and family activities) which engage people in conversations about the value of the coastal environment and the pressure it is under.

This prioritised approach is reflected in Council's strategic delivery plan within strategic outcome 3.1 - *The values of the natural environment are protected and enhanced through strategic and coordinated natural resource management*. The twenty-two actions listed for 17-18 illustrate the diverse and coordinated range of activities that will be delivered. The NRM unit workplan is derived each year from these actions. The program works collaboratively with an extensive range of stakeholders including landowners, NRM South, the Southern Councils, Department of State Growth, Department of Primary Industries, Parks, Water and Environment, Parks and Wildlife Service, Tasmanian Fire Service, Conservation Volunteers, Birdlife Australia, Book End Trust, Landcare Tasmania and a network of over thirty landcare and environmental advocacy groups, local schools, Scouts and Guides and many more. The collaborations are of a diverse nature and range from formal partnerships to the sharing of knowledge, resources and expertise to joint funding initiatives.

Council supports landowners who have a conservation covenant or land for wildlife property by providing information and resources where possible to assist in managing the conservation values of their land. These programs are initiatives of the State Government and both have a dedicated extension officer to provide support to landowners in the program.

Liz Quinn - NRM Coordinator

QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Hilbrand Schuringa asked the following questions without notice:

Mr Chairman, my questions are on the matter of the sale of 153m² of Council owned land that is part of the land to CT 249081/1, Roslyn and James Avenue Kingston Beach, I also refer to the map contained within tonight's agenda and the Laneway marked "C" on that map.

1. What was the date of Council's request of the valuer Saunders and Pitt for a valuation of this land?
2. What was the cost of this valuation?
3. What was Saunders and Pitt's valuation of the land?
4. What was the date that Council commenced their discussions and negotiations with the owners of 65 Roslyn Avenue on the sale of this adjoining area of Council land?
5. What was the date that Council commenced their discussions and negotiations with the owner of 67 Roslyn Avenue on the sale of this adjoining area of Council?
6. In point one to the Council Officer's response to my earlier questions on this matter he stated that the land has remained part of the title to 65 Roslyn Avenue since the time of the original subdivision. Could Council clarify this statement as the land is not part of the title to 65 Roslyn Avenue.
7. When did the owners of 65 Roslyn Avenue to fence off the roadway access to the land at both the Roslyn Avenue and Auburn Road ends and thereby gain sole occupancy of this land a public laneway approximately 4m wide and 38.5m in length.

General Manager responds:

We will take the questions on notice and provide a written response.

QUESTIONS ON NOTICE FROM COUNCILLORS

1967 BUSHFIRES

At the Council meeting on 24 July 2017, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

1. *Could Council update us regarding the filming of the 67 Commemoration of the 1967 bushfire. I understand and in your speech to the public down there, you said as you were speaking this is being filmed because the question is we want to get a copy, as I understand, to the Duke of Edinburgh who acknowledged us for the 50th year of 1967 Bushfires."*
2. *Also, the presentation to the book, the book written by Roger McNeice, it was agreed by the committee that was set up by Council and the books were paid for by Hazell Bros, not the Council and Max Doyle and Peter Spratt and somebody else were supposed to get a copy*

of them and to date I haven't been notified, but I've been off for three months as you know, but I'm not aware of those books being presented to those people.

- 3. And the final one, again as I've raised with you Mayor, when you were good enough to come and visit me when I was ill, regarding the placard that was supposed to be erected down at the park, the letter that came from Prince Philip, as you are aware he sent us one for the 40th year and he also sent us one for the 50th year. Again the committee agreed that the left over money from Hazell Bros and Hazell Bros agreed with this also, that that money be used to put that up.*

Officer's Response:

1. Filming of the event was undertaken by a volunteer without professional skills after the person who was originally undertaking the task was unable to attend for health reasons. The quality of the filming was therefore not of a standard we could share with His Excellency the Duke of Edinburgh. The footage is currently with a professional who will produce a short film from still photographs and other footage. The film can then remain in Councils archives and a copy sent to His Excellency.
2. The books were signed by the author after his release from hospital some weeks ago. A time which is suitable to the Mayor for the delivery to Mr Spratt's and Mr Doyle's homes is to be arranged.
3. The 50th Anniversary interpretation sign is in production at Eye Spy Signs. The grant from Hazell Bros which covered the cost of the books 'Flames of Fear' for each Kingborough school has been able to also cover the cost of the design and production of the sign but not installation. Eye Spy signs have indicated that while the sign itself has been produced there has been a delay in the production of the frame. The company has stated that the frame will be ready by Friday 11 August.

Julie Alderfox – Community Development Officer

C383/17-17

(Commences at 7 minutes of audio recording)

COUNCILLORS MAIL

At the Council meeting on 24 July 2017, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

"Council mail that comes to the office. Some time ago, a letter came addressed to myself marked 'strictly confidential'. I received a phone call from one of the staff members to say there was a mistake, it was opened, and apologised for it. I thought, ok, mistakes happen. Just last week I came to the chambers to our workshop and I went into my pigeon hole and here's another letter, addressed to myself, Cr Grace. It also had been opened and this time it wasn't in the original envelope it came in. It was put in a Council envelope. My question is, when stuff, particularly like code of conduct stuff, why is that allowed to occur? The General Manager gave a guarantee, through his staff, that it would not occur again and within a few weeks it has occurred again."

Officer's Response:

In accordance with Council's Records Management Policy and Business Processes, incoming mail is to be handled in the following way:

“The Records Unit receives mail deliveries at approximately 8am every morning from Australia Post and at 9am from Ausdoc. This mail includes all mail addressed to the Civic Centre, Family Day Care, Depot, Manor Gardens and the Sports Centre.

- *Mail marked private, confidential or personal remains unopened & forwarded to addressee*
- *Mail addressed to the Mayor and Councillors is treated as incoming mail unless marked private, confidential or personal”*

On this occasion the mail addressed to Cr Grace was **not** marked private, confidential or personal and was consequently opened in accordance with standard procedures.

Once the Records Staff member saw the nature of the letter it was immediately treated as confidential and returned to a new sealed envelope and placed in Cr Grace’s pigeon hole.

Further investigation as to why the correspondence was not marked private, confidential or personal was made with the sender. The sender checked their copy of the correspondence and advised that the error was made at their end because a confidential classification/code had not been added to the correspondence. Had this been done, the correspondence would have been placed in an envelope marked “Private and Confidential Mail” or similar.

The sender attributed the error having been made to a change in staff in the mail preparation area.

Fred Moulton - Executive Manager Information Services

C384/17-17

(Commences at 8 minutes of audio recording)

MARGATE DEVELOPMENT

At the Council meeting on 24 July 2017, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

As you are aware, Mayor, I raised concerns on the hole in Margate which is proposed for a new shopping centre for the town of Margate. I requested that you provide the developer with the latest stats on the population in that area. Have you been able to supply him with that information as yet?”

Officer’s Response:

The Mayor has written to Mr Kalis and provided him with detailed relevant information on the 2016 Census results for the Kingborough municipality.

Tony Ferrier - Deputy General Manager

C385/17-17

(Commences at 8 minutes of audio recording)

BORONIA HILL

At the Council meeting on 24 July 2017, **Cr Chatterton** asked the following question without notice to the General Manager, with a response that the question would be taken on notice :

“At the last Council meeting, I commented on the Boronia Hill and it was mentioned in the Environmental Services report at page 254 in the Agenda for the 10th July. It mentioned about

the denigration to the reserve, particularly by mountain bike riders. The question was asked of me by a rate payer and that's what the answer was in that Agenda. Since then, the ratepayer has advised me that there has been further denigration to the reserve and apparently, in that report, and I quote "kids can continue to ride their bikes and enjoy the reserve". At the Hutchins Street entrance to the reserves it says, and I have a photocopy here of the sign, it says that bikes are not permitted in the reserve due to erosion problems and at every other point of entry to the reserve there is a no bike signage. So there seems to be some contradiction by one department and someone else, the environmental service report says we are going to encourage the kids to ride there. I don't know quite what is going on and the resident is asking what is going on so perhaps the Deputy General Manager can take that on board for me and come back in due course with some information please."

Officer's Response:

Push bikes are permitted to be used within the Boronia Hill Reserve on service tracks, fire trails and the Hutchins Street to Jindabyne Road link. The main signage at entry points to the reserve refers to the prohibition of trail bikes in the reserve. There is additional signage at a few locations (including the Auburn Road entrance) that refer directly to restrictions for push bikes due to the risk of erosion on steep sandy soils.

For clarification, Council encourages children to be out riding their push bikes on the wider fire trails and roads within the reserve, but strongly discourages the creation of new tracks and bike jumps. The area of illegal bike track and jump creation above Carnation Terrace and at the Hutchins Street entrance is currently being rehabilitated.

Liz Quinn - NRM Coordinator

C386/17-17

(Commences at 8 minutes of audio recording)

KINGSTON PARK

At the Council meeting on 24 July 2017, **Cr Winter** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

What impact, if any, would a State Government interest free loan, for example, have on Kingston Parks development time frames?

Officer's Response:

A State Government interest free loan of \$6M has been sought and would need to repaid within 5 years. As indicated at the last Council meeting, this would result in constructing some components of the public infrastructure more quickly than would otherwise be the case. It is envisaged that these borrowings, together with the existing \$10M Capital Works allocation (for 2017/18 and sourced from another loan), would be expended on the construction of the first stage of the Boulevard and the installation of core services (water, sewerage, power, telecommunications, stormwater), the Community Hub, the Promenade (both sections), the completion of the Boulevard road and the John Street Link and the construction of first stage of the public open space (including children's playground). This is a very ambitious program of on-ground works, but every effort will be made to substantially complete it within the 5 year period.

Tony Ferrier - Deputy General Manager

KINGSTON BEACH MASTER PLAN

Cr Winter has submitted the following question on notice :

What is the latest update on the Kingston Beach Master Plan? When is it expected that the plan will be presented to Council for endorsement?

Officer's Response:

The draft Kingston Beach Master Plan was presented to Council via a workshop earlier this year. There was general support for the plan, however, it was requested that some further work was undertaken on options for car parking on the Osborne Esplanade foreshore. This work has now been done and will form part of a further Council workshop shortly.

David Reeve - Executive Officer Engineering Services

ANNUAL GENERAL MEETING, LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

Cr Atkinson has submitted the following question on notice :

Would the Mayor please advise council how he voted on each of the motions at the LGAT AGM and his reasons for doing so.

Officer's Response:

The draft LGAT minutes indicate as follows:

Motion 1 That the minutes of the 104th Annual General Meeting, held 20 July, 2016 be confirmed.

Carried

Motion 2 That the President's report be received.

Carried

Motion 3 That the Financial Statements for the period 1 July 2015 to 30 June 2016 be received and adopted.

Carried

Motion 4 That the Meeting adopt the Budget and Subscriptions as presented.

Carried

Motion 5 That the President's and Vice President's allowance for the period 1 July 2017 to 30 June 2018 be adjusted in accordance with the movement in the Wages Price Index.

Carried

Motion 6.1 That the Members note the report on the subscription modelling undertaken.

That Members agree to the formula outlined as Option 21 namely, a flat fee of 40 per cent, and population and revenue fees of 30 per cent each; 8 revenue categories and 8 population categories; and a 10 per cent collar and cap.

That Members agree to the amendment of the Rules allowing application of the new formula from 2018/19.

Carried

Motion 6.2 That Members note the concerns relating to the Rules as they currently provide for vacation of the office of the President.

That Members agree to amend the rules such that –

and if the office of the President becomes vacant more than six months before the next AGM where a President is due to take up office in accordance with Rule 27 (a), a new President shall be elected in accordance with the procedures in Rule 26.

Carried

Motion 7 (a) That the reports from representatives on various bodies be received and noted.

(b) That Conference acknowledges the time and effort put in by all Association representatives on boards, working parties, advisory groups and committees etc.

Carried

The Mayor has advised that he voted to support every motion listed above. He cited his reasons as follows:

Motion 1	accurate record
Motion 2	appropriate
Motion 3	accurate record
Motion 4	appropriate
Motion 5	appropriate
Motion 6.1	fair and reasonable
Motion 6.2	appropriate
Motion 7	appropriate

Gary Arnold - General Manager

LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT) JULY GENERAL MEETING

Cr Winter has submitted the following question on notice:

How did Kingborough vote on the motions debated at the LGAT July General Meeting?

Officer's Response:

LGAT utilised electronic voting at their General Meeting and as no division was required on any motion the draft minutes do not record how individual Councils' voted on any motion.

Ms Katrena Stephenson, CEO of LGAT has advised that at the next General Meeting of LGAT they will seek support of member Councils to record and publish in the minutes how individual member Councils' vote on every motion. In essence this will enable LGAT processes to catch up with the technology now being used for voting.

Gary Arnold - General Manager

QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Bury asked the following question without notice:

We recently had a very interesting workshop on reconciliation and I understand that there is a Reconciliation Action Plan in the early stages. The question is, when can Council expect a report on this matter so that we are well informed?

General Manager:

Thank you for your question Cr Bury, we have a couple of officers working on the draft action plan at this stage but one of those officers is about to take some extended medical leave which may impact upon our ability to bring a report to Council in the next month or two but we will bring it to Council as soon as we can.

Cr Winter asked the following question without notice:

Following up from my question on notice regarding the LGAT General Meeting, my question is, how did Kingborough Council vote at that meeting on the motion in relation to Local Government Rates, Fees and Charges Regulation 10.1?

General Manager:

I do have some difficulty in giving an answer at the moment and I am reluctant to take the question on notice because the meeting was held just recently but the difficulty I have is that I don't have the agenda before me but it's further compounded by the fact as outlined in the written response I gave to your question on notice that at the last Annual General Meeting, sorry General Meeting of LGAT, they utilised electronic voting and in doing so, the mayors or delegates of each Council were issued with, for want of a better term, a gadget with three buttons on it to vote yes, no or to abstain and without asking the Mayor who was Council's delegate, I am not in a position to personally answer that question.

Cr Winter:

I mean I suppose the Mayor is sitting there so perhaps, I mean I was asking the Mayor, could you enlighten us as to the answer to the question to which I have asked - item 10.1 was Local Government Rates, Fees and Charges Regulation, how did Kingborough Vote in relation to that item?

Mayor:

Was that setting the membership fees?

Cr Winter:

No, it is in the General Meeting Item 10.1 was Local Government Rates, Fees and Charges Regulation, it's not available on line and as the General Manager has pointed out, it has not been recorded, so my question is, how did Kingborough vote in relation to that particular motion and I have subsequent questions about how Kingborough voted on five other motions.

Mayor:

I really can't recall that particular item Councillor - I would have to take it on notice.

Cr Winter

So, if you can't remember how Kingborough voted and it wasn't recorded, is there any chance that Councillors or the Kingborough community will ever know how Council voted on any of these items?

Mayor:

As I indicated I would have to take it on notice, I would have to look at what the question was and then I would answer that to you.

Cr Winter:

Ok, as the next question then, at the same Local Government General Meeting there was a motion called Recognition of Australia Day, how did Kingborough Council vote on that particular motion?

Mayor:

On that particular motion, we voted against the amendment because that was not in line with Council policy.

Cr Winter:

So, how did Council vote on the substantive motion if there was one?

Mayor:

It voted no.

Cr Winter:

Ok, thank you.

Cr Bury:

Council would be aware that the time limit was extended and passed onto the GM during the week. My question is, how many times have the DA's been dealt with in this way, I appreciate that permission wasn't given to extend the time but how many since we went to fortnightly Council meetings which would be about three years ago, and I recall being advised that it was unlikely to happen once we did so.

Manager Development Services:

We have the statistics for how many this year, how many decisions, how many have been to Council meetings and how many didn't make it to a Council meeting, I have got that for this year alone but I would need to take it on notice if you want it since the time that it moved from a Planning Committee.

Cr Bury:

The question has been taken on notice but all I need to know is how many, that's all since we went to fortnightly meetings, I think about three years ago but how many Development Applications have been decided on delegation by the GM rather than by Council.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

C391/17-17

(Commences at 14 minutes of audio recording)

ANNUAL GENERAL MEETING - LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

The following Notice of Motion was submitted by **Cr Atkinson** :

MOVED Cr Atkinson
SECONDED Cr Chatterton

That the council delegate to the LGAT Annual General Meeting and General Meeting ensure that:

1. Prior to the AGM and General Meeting all Councillors have the opportunity to contribute to the forming of the council's position on all motions that are to be voted on at the AGM and General Meeting;
2. Kingborough Council's vote is made in accordance with the position formed by council, unless additional information is provided during the debate that makes this position unreasonable; and
3. At the first possible council meeting after the AGM and General Meeting a report is included in the meeting agenda detailing Kingborough's voting on each item and justification for any voting that differed from the council position.

FOR

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

Carried Unanimously

PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

PETITIONS RECEIVED IN LAST PERIOD

C392/17-17

(Commences at 23 minutes of audio recording)

NO KERBSIDE WASTE COLLECTION - KETTERING

MOVED Cr Grace
SECONDED Cr Fox

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

FOR

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

Carried Unanimously

OPEN SESSION OF COUNCIL ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 5.53pm

OFFICERS REPORTS TO PLANNING AUTHORITY

C393/17-17

(Commences at 24 minutes of audio recording)

DELEGATED AUTHORITY FOR THE PERIOD 12 JULY 2017 TO 1 AUGUST 2017

MOVED Cr Chatterton
SECONDED Cr Fox

That the report be noted.

FOR

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

Carried Unanimously

C394/17-17

(Commences at 24 minutes of audio recording)

DA-2017-229 - DEVELOPMENT APPLICATION FOR DWELLING AND ANILLARY DWELLING AT 35 BLYTH PARADE, GREAT BAY FOR MR M W PAXTON (CT 170466/1)

MOVED Cr Fox
SECONDED Cr Grace

The Planning Authority resolves that the report of the Manager Development Services be received and that the development application for dwelling and ancillary dwelling at 35 Blyth Parade, Great Bay for Mr M W Paxton 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-2017-229 and Council Plan Reference No. P4 submitted on 20 July 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. This planning permit cannot be acted upon until DAS-2013-25 is amended to demonstrate that 'tree 6' is to be retained (this tree is to be retained as an offset of the already removed 'tree 7').
3. The management of native vegetation on the site for the purpose of bushfire hazard management is approved. One eucalypt, identified as a *Eucalyptus amygdalina* with a trunk diameter at breast height (DBH) of 27cm, is approved for removal as per the approved plans.

All other native trees on the site with DBH >25cm must not be disturbed or removed without further written approval from Council. Prior to commencement of works, an arborist must be consulted about all proposed works within Tree Protection Zones (defined as a radius of 12 x trunk diameter at breast height) to ensure they are undertaken in such a way as to ensure no impact on the health of those trees. Evidence of this arborist advice must be provided prior to commencement of onsite works.

4. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site in order to minimise introduction of new weeds and pathogens to the area.

5. A minimum of three car parking spaces must be provided for the house and ancillary dwelling and provision of a gravel hardstand turning area at the end of the proposed internal driveway as detailed on the submitted application proposal plan P3.
6. The concentrated stormwater runoff from all roofed, paved or otherwise sealed areas and water tank overflows must be collected and contained within the property or discharged to a council approved discharge point to the Blyth Road stormwater system. All works in relation to the discharge of stormwater is to be completed in Stage 1 works to the satisfaction of the Executive Manager - Engineering Services.
7. No works are to commence on site, or within a Council roadway, without a 'Start of Works notice' being lodged with, and accepted by the Executive Manager - Engineering Services.
8. All terrace embankments and associated retaining structures, surface and subsoil drainage must be designed and certified by a qualified professional Engineer and lodged with Council to the satisfaction and approval of the Executive Manger Engineering Services.
9. The existing vehicular access from the edge of the Blyth Parade sealed pavement to a point 6m within the property boundary must be upgraded to a width of five metres in accordance with the Tasmanian Standard Drawings (TSD-RO3, TSD-RO4 , TSD-E01 & TSD-RF01) and be sealed to match the existing road surface.

A permit to carry out works within a Council road reservation must be obtained prior to any works being commenced within the Council road reservation.

The existing internal gravel driveway must be upgraded and drained to provide for the required passing bays, parking spaces and vehicle turning/ manoeuvring areas to the satisfaction and approval of the Executive Manager Engineering Services.

11. All remaining trees must be retained and appropriately protected during construction. This includes establishing and maintaining a Tree Root Protection zone between any works and

adjacent native vegetation prior to commencement of construction in accordance with AS 4970-2009 to exclude:

- a) Storing of building materials;
- b) Vehicular traffic;
- c) Placement of fill; and
- d) Excavation works.

In addition, the following tree protection measures must be adhered to following construction for all areas within the Tree Root Protection Zone but outside the footprint of the approved works:

- (a) the existing soil level must not be altered around the Tree Root Protection Zone of the trees (including via the disposal of fill, placement of materials or the scalping of the soil); and
 - (b) the Tree Root Protection Zone must be free from the storage of fill, contaminants or other materials; and
 - (c) machinery and vehicles are not permitted to access the Tree Root Protection Zone.
12. The existing building on site is not an approved habitable building and occupation of this building is not permitted until construction of the proposed ancillary dwelling (including the proposed wastewater and stormwater facilities) is complete.

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. This Permit does not constitute plumbing approval. The developer should obtain a Plumbing Permit for the development prior to commencing construction.
- c. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system.

FOR

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

Carried Unanimously

DA-2017-218 - DEVELOPMENT APPLICATION FOR OUTDOOR KITCHEN, SPA AND HOUSE ALTERATIONS AT 60 MOUNTAIN ROAD, ALLENS RIVULET FOR A T BERRESFORD

MOVED Cr Fox
SECONDED Cr Percey

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for an outdoor kitchen, spa and house alterations at 60 Mountain Road, Allens Rivulet for A T Berresford 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-2017-218 and Council Plan Reference No. P1 submitted on 19 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. The use of the outdoor kitchen and spa are approved for residential purposes only. Any use of this area for commercial or other purposes will be subject to separate Council approval.
3. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without further written approval of Council.

All trees must be appropriately protected during construction by establishing and maintaining a visible Tree Protection Zone (calculated as 12 x trunk diameter at 1.4m above ground) in accordance with AS 4970-2009 to exclude:

- (a) Storing of building materials;
 - (b) Vehicular traffic;
 - (c) Placement of fill; and
 - (d) Excavation works.
4. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site in order to minimise introduction of new weeds and pathogens to the area.

5. The stormwater runoff from all concrete, paved, or otherwise sealed areas must be collected and contained within the property or discharged to a Council approved discharge point. All works in relation to the discharge of stormwater must be completed to the satisfaction and approval of the Executive Manager – Engineering Services.
6. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Executive Manager – Engineering Services.

7. (a) The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system.
- (b) Wastewater generated by the development must be managed by an Aerated Wastewater Treatment System.

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. This Permit does not constitute Plumbing approval. The developer should obtain a Plumbing Permit for the development prior to commencing of any construction.
- C. Please be aware that the Building Permit No. BA 158-2015 issued by Council for a proposed shed/ancillary dwelling was due to expire on the 5th May 2017. You will be required to contact your Building Surveyor to obtain authorisation to submit an application for an extension of time for your permit if you intend to proceed with this development.

FOR

Cr Atkinson	Cr Bastone	Cr Fox	Cr Chatterton
Cr Percey	Cr Wass	Cr Winter	Cr Wriedt

AGAINST

Cr Dr Bury	Cr Grace		
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Carried

C396/17-17

(Commences at 47 minutes of audio recording)

DA-2017-227 - DEVELOPMENT APPLICATION FOR SHED AND CHANGE OF USE TO MICRO-BREWERY AT 60 MOUNTAIN ROAD, ALLENS RIVULET FOR A T BERRESFORD

MOVED Cr Fox
 SECONDED Cr Winter

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for a shed and change of use to micro-brewery at 60 Mountain Road, Allens Rivulet for A T Berresford 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-2017-227 and Council Plan Reference No. P1 submitted on 29 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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - (d) presence of vermin.
3. A sound attenuation barrier must be installed which surrounds the chiller on at least its northern and eastern sides. The sound attenuation barrier must be at least 2.4m high and must be designed, constructed and installed to the satisfaction of a suitably qualified acoustic engineer. Certification from a suitably qualified acoustic engineer that the noise attenuation barrier has been satisfactorily installed must be provided to Council prior to the operation of the micro-brewery.
4. The chiller unit must be positioned in front of the micro-brewery building such that there is no direct line-of-sight between any dwelling to south and the chiller unit.
5. Noise emissions from the micro-brewery when measured at the nearest location on the boundary of the site must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 8am – 6pm; and
 - (b) 40dB(A) (LAeq) between the hours of 6pm – 8am; and
 - (c) 65dB(A) (LAm_{ax}) at any time.
6. A further noise report by a suitably qualified acoustic engineer must be submitted to Council within ninety (90) days of the commencement of operation of the micro-brewery. The report must demonstrate that noise emissions from the micro-brewery comply with the following levels when measured at the nearest location on the boundary of the site:
 - a) 55dB(A) (LAeq) between the hours of 8am – 6pm; and
 - b) 40dB(A) (LAeq) between the hours of 6pm – 8am; and
 - c) 65dB(A) (LAm_{ax}) at any time.
7. The micro-brewery, including the manufacturing process and cellar door sales are only permitted to operate between the following hours:
 - (a) 8am – 6pm Monday – Friday
 - (b) 9am – 12 noon Saturday

The operation of the chiller can occur, on an intermittent basis, as necessary, outside of these hours.

8. Commercial vehicle movements associated with the micro-brewery must be no more than 20 vehicle movements per day and be within the following hours:
 - (a) 7.00am to 5.00pm Mondays to Fridays inclusive;
 - (b) 9.00am to 12 noon Saturdays;
 - (c) Nil on Sundays and Public Holidays.
9. Brewing must only be conducted on a maximum of three days in any calendar week, with no more than two brews on any given day.
10. The micro-brewery building must be fully insulated and lined with bondor panel.
11. The maximum annual output of the micro-brewery must not exceed 100,000L of finished product per year.
12. Amplified music is not permitted to be played outside in the vicinity of the micro-brewery or cellar door.
13. The property must not be used for commercial functions associated with the sale of products manufactured at the site.
14. Solid side streamed wastes from the brewing process must be stored in sealed, watertight containers prior to removal from the site for disposal.
15. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system in accordance with the site and soil evaluation and system designs by Geo-Environmental Solutions dated March 2017 and April 2017. This application must be to the satisfaction of Council's Environmental Health Officer and should accompany any application for a Building Permit for the development.
16. Landscaping plans must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field and submitted for approval by Council's Manager Development Services prior to the issue of a Building Permit.

The landscape plan must be at a suitable scale, and indicate the following:

- (a) outline of the proposed buildings;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (d) earth shaping proposals, including retaining wall(s);
- (e) fencing, paths and paving (indicating materials and surface finish);
- (f) proposed maintenance program; and
- (g) the relationship of the plantings to the proposed height of the buildings.

The plan must provide for adequate screening of the buildings to the south and north; and must include native species local to the area and a diversity of species that respond to

changing site conditions and are specifically chosen for their suitability in the specific locations.

17. Landscaping in accordance with an approved landscaping plan must be implemented on site prior to the occupation of the building and maintained for the life of the development. Landscaping must be to the satisfaction of the Council's Manager Development Services.
18. No outdoor storage areas are approved for the micro-brewery development.
19. The design and construction works must be carried out generally in accordance with the submitted application proposal plans and documentation "P1" to the satisfaction and approval of the Executive Manager - Engineering Services and comply with the following:
 - Austroads Standards
 - Building Code of Australia (BCA)
 - Tasmanian Standard Drawings (TSD)
 - AS2890.1:2004 Parking Facilities Part 1 : Off street Car Parking

The engineering plans must include, but not be limited to the following:

- Provide a standard rural sealed vehicular access 6m long from the edge of the Mountain Road sealed pavement to a point within the property boundary in conformance with TSD-R03 - Rural Roads Access;
- Provide a 4m wide sealed or all weather paved internal driveway with 5.5m wide x 6m long passing bays at 30m max intervals to service the proposed shed and containers area;
- Provide four (4) delineated vehicular parking spaces adjacent to the micro-brewery shed;
- Detail the existing house, proposed sheds, containers and dam sites sealed or hardstand parking, driveway, manoeuvring and truck loading/unloading areas;
- Provide details of the collection, treatment (in compliance with water sensitive urban design good practice), piping and discharge of concentrated stormwater from all roofed, sealed, hardstand areas, driveways and water tank/dams overflows to Council's approved stormwater system in conformance with the requirements of Code E7.0 - Stormwater Management Code of the Kingborough Interim Planning Scheme 2015.

The engineering plan approval will be valid for a maximum period of two years from the date of Council endorsement, and if practical completion has not been achieved within the time limit, the engineering plans will be subject to re-assessment.

The engineering plans and specifications must be prepared and certified by an accredited professional Civil Engineer approved by the Executive Manager - Engineering Services.

The engineer must supervise the civil construction works.

Approval of the plans and specifications is required prior to the issue of an associated Building Permit.

An application for a permit to undertake works within Council's Road must be lodged with Council, the fee paid and the permit issued prior to any works commencing within Mountain Road.

20. Prior to the commencement of site works, a soil and water management plan prepared by a suitably qualified person must be submitted to Council for approval by the Manager Development Services. The plan must be in accordance with NRM South Soil and Water Management Code of Practice 2009.

A site inspection by a Kingborough Council Development Inspector must be undertaken prior to the commencement of any work on site to ensure all soil and water control measures are in place.

21. No works are to commence on site, or within a Council roadway, without a 'Start of Works notice' being lodged with, and accepted by the Executive Manager - Engineering Services.
22. One (1) tree of high conservation value, comprising one eucalypt of 72cm trunk diameter at breast height, is approved for removal to accommodate the proposed development subject to an offset of \$500/tree in accordance with Council's Biodiversity Offset Policy. This offset must be paid into Council's Environmental Fund to be used to manage and conserve hollow-bearing habitat in Kingborough.

This tree must not be removed prior to the issue of a Building Permit and payment of the offset.

All other native trees and native understorey vegetation on the site must be retained. Any trees to be retained in close proximity to works must be appropriately protected during construction by establishing and maintaining a visible Tree Protection Zone (calculated as 12 x trunk diameter at 1.4m above ground) in accordance with AS 4970-2009 to exclude:

- (a) Storing of building materials;
 - (b) Vehicular traffic;
 - (c) Placement of fill; and
 - (d) Excavation works.
23. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site in order to minimise introduction of new weeds and pathogens to the area.

ADVICE

- A. In accordance with the Building Act 2000, a Form 42 request from a Building Surveyor for an environmental health officer assessment of the food business must be received.
- B. 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.

- C. This Permit does not constitute building or plumbing approval. The developer should obtain a Plumbing Permit and Building Permit for the development prior to commencing construction.
- D. If meeting the Bushfire Attack Level (BAL) established at the building permit stage relies upon any vegetation modification or clearing on or adjacent to the subject land, further planning approvals will be required.
- E. No signage is approved as part of this application. Should signage be proposed, details must be submitted to Council to determine whether further planning approval is required.

Amendment:

MOVED Cr Atkinson
SECONDED Cr Bastone

That Condition 8 read as follows:

Commercial vehicle movements associated with the micro-brewery must be no more than 20 vehicle movements per week and be within the following hours:

- (a) 7.00am to 5.00pm Mondays to Fridays inclusive;
- (b) 9.00am to 12 noon Saturdays;
- (c) Nil on Sundays and Public Holidays.

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton
Cr Wass	Cr Winter	Cr Wriedt	

AGAINST

Cr Fox	Cr Grace	Cr Percey	
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Carried

MOVED Cr Fox
SECONDED Cr Winter

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for a shed and change of use to micro-brewery at 60 Mountain Road, Allens Rivulet for A T Berresford 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-2017-227 and Council Plan Reference No. P1 submitted on 29 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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - (d) presence of vermin.
3. A sound attenuation barrier must be installed which surrounds the chiller on at least its northern and eastern sides. The sound attenuation barrier must be at least 2.4m high and must be designed, constructed and installed to the satisfaction of a suitably qualified acoustic engineer. Certification from a suitably qualified acoustic engineer that the noise attenuation barrier has been satisfactorily installed must be provided to Council prior to the operation of the micro-brewery.
4. The chiller unit must be positioned in front of the micro-brewery building such that there is no direct line-of-sight between any dwelling to south and the chiller unit.
5. Noise emissions from the micro-brewery when measured at the nearest location on the boundary of the site must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 8am – 6pm; and
 - (b) 40dB(A) (LAeq) between the hours of 6pm – 8am; and
 - (c) 65dB(A) (LAm_{ax}) at any time.
6. A further noise report by a suitably qualified acoustic engineer must be submitted to Council within ninety (90) days of the commencement of operation of the micro-brewery. The report must demonstrate that noise emissions from the micro-brewery comply with the following levels when measured at the nearest location on the boundary of the site:
 - a) 55dB(A) (LAeq) between the hours of 8am – 6pm; and
 - b) 40dB(A) (LAeq) between the hours of 6pm – 8am; and
 - c) 65dB(A) (LAm_{ax}) at any time.
7. The micro-brewery, including the manufacturing process and cellar door sales are only permitted to operate between the following hours:
 - (a) 8am – 6pm Monday – Friday
 - (b) 9am – 12 noon Saturday

The operation of the chiller can occur, on an intermittent basis, as necessary, outside of these hours.

8. Commercial vehicle movements associated with the micro-brewery must be no more than 20 vehicle movements per day and be within the following hours:
 - (a) 7.00am to 5.00pm Mondays to Fridays inclusive;
 - (b) 9.00am to 12 noon Saturdays;
 - (c) Nil on Sundays and Public Holidays.
9. Brewing must only be conducted on a maximum of three days in any calendar week, with no more than two brews on any given day.
10. The micro-brewery building must be fully insulated and lined with bondor panel.
11. The maximum annual output of the micro-brewery must not exceed 100,000L of finished product per year.
12. Amplified music is not permitted to be played outside in the vicinity of the micro-brewery or cellar door.
13. The property must not be used for commercial functions associated with the sale of products manufactured at the site.
14. Solid side streamed wastes from the brewing process must be stored in sealed, watertight containers prior to removal from the site for disposal.
15. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system in accordance with the site and soil evaluation and system designs by Geo-Environmental Solutions dated March 2017 and April 2017. This application must be to the satisfaction of Council's Environmental Health Officer and should accompany any application for a Building Permit for the development.
16. Landscaping plans must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field and submitted for approval by Council's Manager Development Services prior to the issue of a Building Permit.

The landscape plan must be at a suitable scale, and indicate the following:

- (a) outline of the proposed buildings;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (d) earth shaping proposals, including retaining wall(s);
- (e) fencing, paths and paving (indicating materials and surface finish);
- (f) proposed maintenance program; and
- (g) the relationship of the plantings to the proposed height of the buildings.

The plan must provide for adequate screening of the buildings to the south and north; and must include native species local to the area and a diversity of species that respond to changing site conditions and are specifically chosen for their suitability in the specific locations.

17. Landscaping in accordance with an approved landscaping plan must be implemented on site prior to the occupation of the building and maintained for the life of the development. Landscaping must be to the satisfaction of the Council's Manager Development Services.
18. No outdoor storage areas are approved for the micro-brewery development.
19. The design and construction works must be carried out generally in accordance with the submitted application proposal plans and documentation "P1" to the satisfaction and approval of the Executive Manager - Engineering Services and comply with the following:
 - Austroads Standards
 - Building Code of Australia (BCA)
 - Tasmanian Standard Drawings (TSD)
 - AS2890.1:2004 Parking Facilities Part 1 : Off street Car Parking

The engineering plans must include, but not be limited to the following:

- Provide a standard rural sealed vehicular access 6m long from the edge of the Mountain Road sealed pavement to a point within the property boundary in conformance with TSD-R03 - Rural Roads Access;
- Provide a 4m wide sealed or all weather paved internal driveway with 5.5m wide x 6m long passing bays at 30m max intervals to service the proposed shed and containers area;
- Provide four (4) delineated vehicular parking spaces adjacent to the micro-brewery shed;
- Detail the existing house, proposed sheds, containers and dam sites sealed or hardstand parking, driveway, manoeuvring and truck loading/unloading areas;
- Provide details of the collection, treatment (in compliance with water sensitive urban design good practice), piping and discharge of concentrated stormwater from all roofed, sealed, hardstand areas, driveways and water tank/dams overflows to Council's approved stormwater system in conformance with the requirements of Code E7.0 - Stormwater Management Code of the Kingborough Interim Planning Scheme 2015.

The engineering plan approval will be valid for a maximum period of two years from the date of Council endorsement, and if practical completion has not been achieved within the time limit, the engineering plans will be subject to re-assessment.

The engineering plans and specifications must be prepared and certified by an accredited professional Civil Engineer approved by the Executive Manager - Engineering Services.

The engineer must supervise the civil construction works.

Approval of the plans and specifications is required prior to the issue of an associated Building Permit.

An application for a permit to undertake works within Council's Road must be lodged with Council, the fee paid and the permit issued prior to any works commencing within Mountain Road.

20. Prior to the commencement of site works, a soil and water management plan prepared by a suitably qualified person must be submitted to Council for approval by the Manager Development Services. The plan must be in accordance with NRM South Soil and Water Management Code of Practice 2009.

A site inspection by a Kingborough Council Development Inspector must be undertaken prior to the commencement of any work on site to ensure all soil and water control measures are in place.

21. No works are to commence on site, or within a Council roadway, without a 'Start of Works notice' being lodged with, and accepted by the Executive Manager - Engineering Services.
22. One (1) tree of high conservation value, comprising one eucalypt of 72cm trunk diameter at breast height, is approved for removal to accommodate the proposed development subject to an offset of \$500/tree in accordance with Council's Biodiversity Offset Policy. This offset must be paid into Council's Environmental Fund to be used to manage and conserve hollow-bearing habitat in Kingborough.

This tree must not be removed prior to the issue of a Building Permit and payment of the offset.

All other native trees and native understorey vegetation on the site must be retained. Any trees to be retained in close proximity to works must be appropriately protected during construction by establishing and maintaining a visible Tree Protection Zone (calculated as 12 x trunk diameter at 1.4m above ground) in accordance with AS 4970-2009 to exclude:

- (a) Storing of building materials;
 - (b) Vehicular traffic;
 - (c) Placement of fill; and
 - (d) Excavation works.
23. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site in order to minimise introduction of new weeds and pathogens to the area.

ADVICE

- A. In accordance with the Building Act 2000, a Form 42 request from a Building Surveyor for an environmental health officer assessment of the food business must be received.
- B. 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.

- C. This Permit does not constitute building or plumbing approval. The developer should obtain a Plumbing Permit and Building Permit for the development prior to commencing construction.
- D. If meeting the Bushfire Attack Level (BAL) established at the building permit stage relies upon any vegetation modification or clearing on or adjacent to the subject land, further planning approvals will be required.
- E. No signage is approved as part of this application. Should signage be proposed, details must be submitted to Council to determine whether further planning approval is required.

FOR

Cr Chatterton	Cr Fox	Cr Percey	Cr Winter
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AGAINST

Cr Atkinson	Cr Bastone	Cr Dr Bury	Cr Grace
Cr Wass	Cr Wriedt		

Lost

MOVED Cr Atkinson
 SECONDED Cr Grace

That the meeting be adjourned for 10 minutes at 7:09pm

FOR

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

Carried Unanimously

The meeting reconvened at 7:23pm

MOVED Cr Grace
 SECONDED Cr Atkinson

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for a shed and change of use to micro-brewery at 60 Mountain Road, Allens Rivulet for A T Berresford be refused for the following reasons:

- a) The proposed commercial use of the site will have an adverse impact upon the residential amenity.
- b) Clause 13.4.3 (A3) The gross floor area will have an unreasonable impact on the landscape and is not consistent with the domestic scale of the site.

- c) Clause 13.4.2 (A2) The setback is not consistent with the location of the existing buildings on the site and impacts on vegetation.

FOR

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

AGAINST

Cr Chatterton	Cr Percey	Cr Winter	
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Carried

OPEN SESSION OF COUNCIL RESUMES

Open session of Council resumed at

OFFICERS REPORTS TO COUNCIL

C397/17-17

(Commences at 2 hours, 1 minute of audio recording)

KINGBOROUGH MUNICIPAL EMERGENCY MANAGEMENT PLAN

MOVED Cr Chatterton
SECONDED Cr Bury

That Council endorse the Kingborough Municipal Emergency Management Plan (Issue 12) 2017 prior to forwarding to the Regional Controller for approval.

FOR

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

Carried Unanimously

C398/17-17

(Commences at 2 hours, 2 minutes of audio recording)

INFORMATION REPORTS

MOVED Cr Chatterton
SECONDED Cr Wriedt

That the following information reports be noted:

1. General Manager's Diary for the period 3 July 2017 to 3 August 2017.
2. Current and Previous Minute Resolutions.
3. Community Services Quarterly Information Report – April to June 2017.
4. Infrastructure Works Progress Report.
5. Report by the Mayor re: National General Assembly of Local Government 2017, 18 – 21 June 2017.

6. Report by the Mayor, Cr Chatterton and Cr Percey re: 105th Local Government Association Tasmania Annual Conference
7. Report by Cr Fox re: Imagination, Ideas and Innovation: Development Better Communities.
8. Report by Cr Atkinson re: Report on Local Government Association of Tasmania Conference 27 – 29 July 2017

Cr Grace left the meeting at 8.02pm

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Percey	Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

C399/17-17

CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

MOVED Cr Fox
 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.

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
Applications for Leave of Absence	15(2)(h)
Current and Previous Minute Resolutions	15(2)(c)
Disposal of Land – Moonya Drive, Kingston Beach	15(2)(f)
Bruny Island Affordable Accommodation	15(2)(c)
Rate Rebate – Conservation Covenant Applications	15(2)(g)
Rate Rebate – Conservation Covenant Renewal	15(2)(g)

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton
Cr Fox	Cr Percey	Cr Wass	Cr Wriedt

AGAINST

Cr Winter			
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Carried

CLOSED SESSION

MOVED Cr Fox
SECONDED Cr Wriedt

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

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Percey	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 8.10pm

OPEN SESSION OF COUNCIL ADJOURNS

OPEN SESSION OF COUNCIL RESUMES

C407/17-17

Open Session of Council resumed at 8.35pm

MOVED Cr Wriedt
 SECONDED Cr Bastone

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
Current and Previous Minute Resolutions	Noted
Disposal of Land – Moonya Drive, Kingston Beach	Approved
Bruny Island Affordable Accommodation	Approved in principle to enable community consultation
Rate Rebate – Conservation Covenant Applications	Approved
Rate Rebate – Conservation Covenant Renewal	Approved

FOR

Cr Atkinson	Cr Bastone	Cr Bury	Cr Chatterton	Cr Fox
Cr Percey	Cr Wass	Cr Winter	Cr Wriedt	

Carried Unanimously

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.36pm

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 (Confirmed)

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 (Date)