

# Kingborough

## **PUBLIC MINUTES**

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

# MINUTES

**28 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 held at the Kingborough Civic Centre, Kingston on Monday, 28 August 2017 at 5.30pm.

	<b>From</b>	<b>To</b>	<b>Time Occupied</b>
Open Council	5.30pm	7.15pm	
Planning Authority	7.15pm	7.26pm	
Open Council	7.26pm	8.12pm	
Closed Council	8.12pm		
Open Council			
<b>TOTAL TIME OCCUPIED</b>			

## **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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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**

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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 P Chatterton	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor M Percey	✓
Councillor D Winter	✓

### **Staff:**

<b>TITLE</b>	<b>NAME</b>
General Manager	Gary Arnold
Deputy General Manager	Tony Ferrier
Chief Financial Officer	John Breen
Executive Manager Information Services	Fred Moulton
Manager Environmental Services	Jon Doole
Manager Development Services	Tasha Tyler-Moore
Project Manager Kingston Park	Steve Loxley
Project Manager Capital Works	Craig Reid
Manager Governance & Property Services	Daniel Smee

## **APOLOGIES**

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There were no apologies.

C408/18-17

### **CONFIRMATION OF MINUTES OF COUNCIL MEETING NO. 17 HELD ON 14 AUGUST 2017**

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MOVED            Cr Percey  
SECONDED       Cr Fox

That the Minutes of Council Meeting No. 17 held on 14 August 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 14 AUGUST 2017**

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<b>DATE</b>	<b>PURPOSE</b>
21/08/2017	Climate Change

C409/18-17

*(Commences at 3 minutes of audio recording)*

### **DECLARATIONS OF INTEREST**

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Cr Winter declared an interest in relation to the Notice of Motion regarding Osborne Esplanade as he owns property in the area.

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

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C410/18-17

*(Commences at 4 minutes of audio recording)*

#### **Sale of Council Owned Land**

At the Council meeting on 14 August 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:

*“Mr Chairman, my questions are on the matter of the sale of 153m<sup>2</sup> 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 owner(s) of 65 Roslyn Ave obtain Council’s permission to fence off the roadway entries to the land at both the Roslyn Ave and Auburn Road ends and thereby gain sole occupancy of this land, a public laneway approximately 4m wide, & 38.5 m in length?*

**Officer’s Response:**

1. 1 September 2016
2. The cost of the valuation was met by the owners of 65 Roslyn Avenue.
3. \$15,000
4. 26 August 2016
5. 29 September 2016
6. The statement that the land has remained part of the title to 65 Roslyn Avenue is figurative. The laneway that comprises the strip of land in question was never formalised and was occupied over the years by the owners of 65 Roslyn Avenue as if it was part of the title to their property.
7. The date on which the land was fenced off is unknown.

*Daniel Smee – Manager Governance and Property Services*

## **QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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**Mr Wayne Burgess** asked the following question without notice

Today's Mercury records a proposal from the State Government to enact legislation relating to projects that they will call in from local government classifying them as major projects of significance. There is a quotation in that Mercury article from the Minister and I would like to quote that and follow that with a question. The Minister is going to point out that there a number of projects that the Government are considering for that purpose but to be clear these laws will not apply to skyscrapers as the government says and he goes on to say "We believe that local communities through their Council should determine what the appropriate height is for their community. That being the case will Council seriously consider appealing to the planning commission to amend their requirements of the State planning provisions which change the building height maximum inn general residential areas to 8.5 metres to potentially restore the sensible 5 metre height limit applied for example on the Blackmans Bay foreshore block."

**Deputy General Manager responds:**

Council will soon be preparing its local provisions schedule. I can't say at this stage how we will be dealing with heights of buildings in relation to the recommendations we make to Council. It has always been this Councils view that we favour a 5 metre limit on developments along the coast joining the waterways. We may well conclude that in the local provisions schedule. It is a bit early to tell at this stage so I probably would just like to bear that question in mind and review it over the coming months and prepare the local provisions schedule.

## **QUESTIONS ON NOTICE FROM COUNCILLORS**

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### **Kingston Beach Swing Set**

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

*When will the swings at the southern end of Kingston Beach return?*

**Response:**

The swing set will be installed in the week commencing 28 August 2017.

*Stephen Cardinal - Assistant Works Manager*



**Local Government Association of Tasmania, July 2017 General Meeting**

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

*Can the Mayor please advise how Kingborough voted on the following items at the 26 July LGAT General Meeting:*

*9.1 MOTION – PUBLIC TRANSPORT SERVICES*

*10.1 MOTION – LOCAL GOVERNMENT RATES, FEES & CHARGES REGULATOR*

*11.1 MOTION – FLOOD MITIGATION FUNDING*

*11.2 MOTION – IMMUNISATION PROGRAMS*

*12.1 MOTION – CONTAINER DEPOSIT LEGISLATION*

*12.2 MOTION – SMOKING AT SCHOOL CROSSINGS*

*12.3 MOTION – FLUORIDATION ACT 1968*

*13.1 MOTION – RECOGNITION OF AUSTRALIA DAY*

**Response:**

The Mayor has advised as follows:

Motion 9.1

That the State Government be urged to increase its per capita spending on the provision of public transport services within metropolitan and regional Tasmania.

Carried - Kingborough: Yes

Motion 10.1

Voting details previously advised.

Motion 11.1

That LGAT lobby the State Government to boost Tasmania's disaster resilience by providing a significant increase in funding and work with the Commonwealth Government to change the disaster resilience mitigation funding under the National Partnership Agreement back to 1/3 Commonwealth, 1/3 State and 1/3 Council contributions.

Amendment Motion

That LGAT lobby the State and Federal Government to boost Tasmania's disaster resilience by forming a tri-partisan arrangement containing representatives from Local, State and Federal government to consider and approve disaster relief funding requirements on a needs basis.

Lost - Kingborough: No

Original Motion :Carried - Kingborough: Yes

#### Motion 11.2

That the Local Government Association of Tasmania lobby the State Government to investigate the coordination of school immunisation programs being undertaken on a State wide basis, rather than being an individual council responsibility to coordinate.

Carried - Kingborough: Yes

#### Motion 12.1

That the Local Government Association of Tasmania lobby the State Government to introduce container deposit legislation for the state.

Carried - Kingborough: Yes

#### Motion 12.2

That LGAT lobby the State Government to amend the Public Health Act 1997 to declare all school road crossings and surrounds, a smoke free area under section 67B.

Carried - Kingborough: Yes

#### Motion 12.3

That LGAT requests the State Government repeal section 13 of the Fluoridation Act 1968 (amended) which states that 'a council must not hold an elector poll under Part 6 of the Local Government Act 1993 in relation to the addition of fluoride to a public water supply'.

Repealing section 13 will enable the people of Tasmania to participate in information-sharing and debate and to state their informed position regarding the routine addition of fluoride to their drinking water, through a referendum.

#### Amendment Motion

That LGAT requests the State Government, in regard to the fluoridation of water, that more research be undertaken and made available.

The amendment lapsed for want of a seconder.

Original Motion : Lost - Kingborough: No

Motion 13.1 Voting details advised Council Meeting 14 August 2017.

*Gary Arnold - General Manager*

C414/18-17

(Commences at 7 minutes of audio recording)

### **2016-2017 Council's Underlying Result**

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

*Has Council finalised its 2016-17 financial year results? If so, what was the underlying result?*

#### **Response:**

The financial accounts for 2016/17 have been lodged with the Tasmanian Audit Office and will be audited over the coming week. The audited financial accounts will be available in mid-September.

The underlying deficit in the financial accounts is \$0.91 million which is below the budgeted underlying deficit of \$1.14 million.

*John Breen - Chief Financial Officer*

C415/18-17

(Commences at 7 minutes of audio recording)

### **Long Term Financial Plan Review**

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

*Will Council be reviewing its Long Term Financial Plan before the next budget?*

*If so, when will this occur?*

#### **Response:**

We intend to update the current Long Term Financial Plan (LTFP) during September 2017 ready to be workshopped with Councillors in October 2017 and then taking the LTFP to a Council Meeting before the end of the year.

*John Breen - Chief Financial Officer*

## **QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

C416/18-17

(Commences at 7 minutes of audio recording)

### **Meeting Between Mayor and Developer Regarding Kingston Park.**

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

*I note that in your communications that you and the General Manager met with a developer. I wish to ask the question was it in relation to the purchase of Kingston Park development as there has been no consultation regarding the selling of the land.*

#### **Mayor responds:**

The main discussion centered around the Kingston Park Project and the developer is happy with the project Council is proceeding with. There was no land identified in which the developer wished to buy.

**Cr Grace:**

It is hoped this will be open and transparent all the way. Kingborough Council will be the developer and applications applied before Council.

**Mayor:**

Any land purchased is open to all and sundry.

C417/18-17

(Commences at 7 minutes of audio recording)

**Snug and Electrona Residents Group and Concerns Relating to Playground Equipment.**

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

*I've been asked to raise a question from concerned residents of Snug and Electrona concerning a letter distributed to residents of Snug regarding a playground and equipment discussed some months ago at Council level and relates to development on the corner of Beach Road and Channel Highway. Will you be replying to the correspondence personally sent to you Mayor?*

**Mayor responds:**

The residents wrote about play equipment earmarked for Snug Park. Staff will be contacting the Group.

**Cr Grace:**

Will the Group have input?

**Mayor:**

They certainly will.

**Cr Grace:**

And will you be replying to their correspondence personally?

**Mayor:**

I have responded to them. It was not about land at the Channel Highway.

**Cr Grace:**

As of today nobody has received any correspondence.

**July LGAT meeting and vote regarding Australia Day**

**Cr Winter** asked the following question on notice:

*In the two weeks since you revealed you voted against the Hobart City Council's motion at the July LGAT meeting, have you reconsidered your claim that your vote satisfactorily represented Council's position and if not how do you justify your vote against the motion?*

**Mayor responds:**

I do believe it is justified. The Council made a decision not to support the Hobart motion. The Hobart City Council sent a motion to us and that was lost and the subsequent motion went through.

**July LGAT meeting. Advice sought from GM regarding voting.**

**Cr Winter** asked the following question on notice:

*My Question is to the General Manager. At the LGAT July meeting numerous topics were covered including public transport services, local government rates and fees, flood mitigation, immunization programs and the Fluoridation Act. Did the Mayor seek your advice on any of these Agenda items before he cast the Kingborough vote on them? Specifically, did he ask whether Council had an established position or what your thoughts were on how he should vote?*

**General Manager responds:**

The Mayor asked me about many of the motions and where time permitted we had a brief discussion before the Mayor voted.

**Cr Winter:**

When did you become aware of how Council voted on those items?

**General Manager:**

The most recent time was when the Mayor responded to questions to you Cr Winter, because I had previously responded to a question you'd raised and indicated that I had checked the LGAT website which currently doesn't record how Councils vote on any of the motions. I had then telephoned the CEO of LGAT to discuss that with her and I included in my answer that it was going to be raised by her at the next general meeting and seek the member Councils consideration to change that so that the voting of all individual councils is recorded at all future general meetings and the AGM.

**Cr Winter**

To summarise, at the biggest meeting of the Local Government Association of Tasmania for the year you did not know as General Manager of this Council how Council voted at that meeting until I asked the Question on Notice about it directly to the Mayor four weeks after the meeting.

**General Manager:**

Yes, Cr Winter, and let me qualify that by saying that I suspect that most General Managers in the State that attended the conference would give the same answer because short of watching the Mayor press the button on the voting tablet that was provided for each Mayor or delegate, that's the honest answer.

C420/18-17

(Commences at 7 minutes of audio recording)

**July LGAT meeting and consultation on voting.**

**Cr Winter** asked the following question on notice:

*My next question is to the Mayor. When the Australia Day motion was slightly amended by Hobart City Council and Brighton Council, you were seated next to multiple Councillors including a former Mayor, so when the motion was slightly amended at the conference, did you seek any of their input before you decided to fundamentally change what Council's predetermined position was?*

**Mayor responds:**

Firstly, I wasn't sitting beside Cr Bury. Cr Bury was about five people along from me

**Cr Winter:**

Sorry, you were sitting next to numerous Councillors, one of which was the former Mayor, did you consult with any of them before you decided to fundamentally change what Council's position was?

**Mayor:**

No.

**Cr Winter:**

The issue is not so much with the Australia Day vote, it's the fact that Council's predetermined position was misrepresented at that meeting. I am extremely disappointed about that, but more generally how can Councillors have confidence that their views are being represented accurately to LGAT going forward when you so flagrantly disregarded a predetermined position and yet you deny you have done anything wrong?

**Mayor:**

That is more a statement than a question.

**Cr Winter:**

How can Councillors have confidence in your representation to LGAT if you disregard their predetermined position and then don't accept that you have done anything wrong?

**Mayor:**

All issues to LGAT will be decided by Council prior to the attendance at the conference or meeting.

**Cr Winter:**

Mayor, Part 8 of our Code of Conduct is about representation and Part 1 of that says that when giving information to the community a Councillor must accurately represent the policies and decision of Council. Part 4 says a Councillor must clearly indicate when he or she is putting forward his or her personal views. Part 5 says a Councillor's personal views must not be expressed in such a way as to undermine the decisions of Council or bring Council into disrepute. Part A says when representing the Council on external bodies, a Councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached. To me your behaviour has potentially breached all those points. Are you confident that your actions are within the bounds of the Code of Conduct?

**Mayor responds:**

I did not vote the way I personally would have done. I voted what I regarded was the correct way for Council.

C421/18-17

(Commences at 7 minutes of audio recording)

**Process for outgoing correspondence from Mayor.**

**Cr Atkinson** asked the following question on notice:

*I was just reminded of this when Cr Grace was asking his question - some time ago, a year ago at least, we were discussing outgoing correspondence from the Mayor and there was an agreement that outgoing correspondence would be put in the Dropbox so that we always have access to it. Is that still the procedure?*

**Mayor responds:**

That, or it goes into the folder at the back, yes.

**Cr Atkinson:**

So it goes into both?

**Mayor:**

It's one or the other.

**Cr Atkinson:**

Ok, so it's changed back to going into a folder?

**Mayor:**

We haven't changed back. The question when you asked, Councillor, was that you didn't care which way it went and that some of them would go in the Dropbox and some would go in the other because that's where the copy of the letter would be that came in.

**Cr Atkinson:**

Ok, because I was of the understanding from the e-mail that we had when we discussed this was that it was going to go into the Dropbox. So it's no longer the case that they will go into the Dropbox.

**Mayor:**

They will go either in the Dropbox or with a letter in the folder.

C422/18-17

(Commences at 7 minutes of audio recording)

**Current status of Kingborough regarding Climate Change.**

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

*At our last workshop on 21 August 2017, it was highlighted that the Tasmanian Government is committed to legislate for a target of zero emissions by the year 2050.*

*In Kingborough Council's Climate Change Action Policy, we acknowledge the critical role of local government in responding to climate change and commit to taking a leadership approach and a meaningful climate change response can be reviewed as having three critical components:*

- *Resilience, for example of process on risk evaluation and adaptation planning;*
- *Governance, for example process on improvements to Council's corporate climate change governance scores; and*
- *Mitigation, that is the energy, fuel, greenhouse gas reduction and progress towards net zero emissions.*

*We all need to set meaningful, measureable and achievable targets to demonstrate our ongoing response to climate change. The question that I'm asking is, what is the current status of Kingborough in relation to the three critical components to climate change, and can Kingborough aspire to having a target of net zero emissions on or before the year 2050?*

**Manager Environmental Services responds:**

I think in each of those three areas where we are well placed to set targets. We have made great progress in all of them so I would like to take that on notice and provide a report to Council.



## MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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C423/18-17

(Commences at 20 minutes of audio recording)

### Laptops for Council Meetings

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

MOVED            Cr Bury  
SECONDED       Cr Atkinson

Would staff please prepare a report on actions necessary to facilitate progress towards paperless Council meetings for Councillors.

A minority of Councillors currently use laptops only for Council meetings.

Whilst not wishing to make the use of laptops obligatory, some basic training is probably all that would be necessary to encourage other Councillors to move towards paperless meeting Agendas.

FOR

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

AGAINST

Cr Grace				
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Carried

C424/18-17

(Commences at 30 minutes of audio recording)

### Tobacco Free Generation (TFG)

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

MOVED            Cr Bury  
SECONDED       Cr Atkinson

That Kingborough Council supports the Tobacco Free Generation proposal as moved by The Hon Ivan Dean MLC.

FOR

Cr Atkinson	Cr Bury	Cr Fox	Cr Wriedt
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AGAINST

Cr Bastone	Cr Chatterton	Cr Grace	Cr Percey
Cr Wass	Cr Winter		

Lost

**Deputy Mayor, Cr Wriedt, took the chair**

C425/18-17

(Commences at 1 hour, 2 minutes of audio recording)

**Intensive Study and Strategic Direction Outcomes for Recycling and Waste**

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

MOVED            Cr Wass  
SECONDED       Cr Chatterton

That Council request LGAT's support at a General Meeting to:

1. Facilitate a forum with key waste & recycle stakeholders (Veolia, SKM etc) with LG members, to explore ways of improving waste management across the State.
2. To determine issues, impediments, opportunities and strategic actions to advance / improve both waste and recycling across the State.
3. Report findings to LG members.
4. Facilitate a forum with the Environmental Protection Authority, Minister for the Environment and LG members.

FOR

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

Carried Unanimously

**Mayor, Cr Wass, resumed the chair**

C426/18-17

(Commences at 1 hour, 16 minutes of audio recording)

**Osborne Esplanade, Kingston Beach Traffic Trial**

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

MOVED            Cr Percey  
SECONDED       Cr Chatterton

A report will be provided to Council which assesses the feasibility of trialling one way vehicle traffic on Osborne Esplanade (north of Beach Road only).

The report will include expected costs, possible timing for the trial, potential risks and any other issues deemed relevant.

FOR

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

AGAINST

Cr Wass	Cr Grace		
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Carried

**Council Meeting Records**

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

MOVED           Cr Winter  
SECONDED       Cr Fox

Council will make all public agendas, minutes and audio recordings from Council General Meetings conducted since the 2014 Local Government Election available on its website indefinitely.

It will do the same with Council Annual General Meeting records, Annual Reports and any other important records deemed appropriate by staff.

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**

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A report in response to the petition headed, "Petition – Waste Collection for Kettering" can be found at page 83 of the Agenda.

## **PETITIONS RECEIVED IN LAST PERIOD**

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No petitions had been received.

<b>OPEN SESSION OF COUNCIL ADJOURNS</b>
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## PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 7:15pm

### OFFICERS REPORTS TO PLANNING AUTHORITY

C428/18-17

(Commences at 1 hour, 46 minutes of audio recording)

#### **DELEGATED AUTHORITY FOR THE PERIOD 2 AUGUST 2017 TO 15 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

C429/18-17

(Commences at 1 hour, 50 minutes of audio recording)

#### **DA-2017-202 - DEVELOPMENT APPLICATION FOR EXTENSION TO EXISTING DWELLING AND WORKS IN THE COMMON PROPERTY AT UNIT 5/78 DAVIES ROAD, LOWER SNUG FOR TAURUS CONSTRUCTION**

MOVED            Cr Grace  
SECONDED       Cr Percey

**Cr Atkinson** left the room at 7:20pm

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for extension to existing dwelling at Unit 5/78 Davies Road and associated common property, Lower Snug for Taurus Construction be approved subject to the following conditions:

1. A drainage design plan in accordance with the Director of Building Control Specified List, Schedule 2, at a scale of 1:200, designed by a qualified hydraulic engineer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
2. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2017-202 and Council Plan Reference No. P1 submitted on 12 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.
3. No felling, lopping, ringbarking or otherwise injuring or destroying of native trees >25cm trunk diameter, and no clearing of native understory beyond the dwelling extension footprint 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.

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 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.
4. The stormwater runoff from all roofed, 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.
  5. The construction works must be undertaken generally in accordance with the submitted application proposal plans P1. Works must be to the satisfaction and approval of the Executive Manager - Engineering Services and include the following:
    - (a) Extension of internal gravel driveway and parking area for two vehicle parking spaces and vehicular manoeuvring and associated drainage;
    - (b) All access to the construction area must be from the property access to 178 Davies Road only;
    - (c) Temporary construction safety fencing must be placed along the boundary of 76 Davies Road adjacent to the works area prior to construction works commencement on site.
  6. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management 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 application does not constitute building approval. An application is to be lodged with council to the satisfaction of Manager – Building and Plumbing Services.

FOR

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

Carried Unanimously

C430/18-17

(Commences at 1 hour, 52 minutes of audio recording)

### **DA-2017-281 - DEVELOPMENT APPLICATION FOR A DWELLING AT 11 ADMIRAL COURT BLACKMANS BAY FOR SMEEKES DRAFTING PTY LTD**

MOVED            Cr Grace  
SECONDED       Cr Wriedt

*Cr Atkinson returned to the meeting at 7:22pm*

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for dwelling at 11 Admiral Court Blackmans Bay for Smeekes Drafting Pty Ltd 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-2017-281 and Council Plan Reference No. P1 submitted on 27 June 2017 and No. P2 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. A drainage design plan in accordance with the Director of Building Control Specified List, Schedule 2, at a scale of 1:200, designed by a qualified hydraulic designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
3. The stormwater runoff from all new impervious areas must be disposed of by gravity to Council's reticulated stormwater system to the satisfaction and approval of the Executive Manager – Engineering Services.

4. Erosion/siltation infiltration control measures must 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.
5. A landscaping plan 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) incorporation of native species (preferably Tasmanian endemic species) or non-invasive exotics;
  - d) exclusion of declared weeds listed under the Weed Management Act 1999 and environmental weeds listed in Annexure A of the Part 5 Agreement;
  - e) earth shaping proposals, including the retaining wall(s) and details on how the soil profile for areas containing fill will be created to ensure the plants are able to be successfully established;
  - f) fencing, paths and paving (indicating materials and surface finish); and
  - g) the relationship of the landscaping to the proposed height of the buildings
  - h) proposed maintenance program.
6. Landscaping shown on the approved plan must be planted prior to occupation of the dwelling, to the satisfaction of the Manager of Development Services.

#### **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.

FOR

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

Carried Unanimously

**DA-2017-299 - DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM RESTAURANT/BAR TO TWO APARTMENTS AND ASSOCIATED CARPORTS AT 'TAROONA HOTEL', 178 CHANNEL HIGHWAY, TAROONA FOR JSA CONSULTING ENGINEERS**

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Item withdrawn prior to meeting.



## OPEN SESSION OF COUNCIL RESUMES

Open session of Council resumed at 7:26pm

### OFFICERS REPORTS TO COUNCIL

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C431/18-17

*(Commences at 1 hour, 57 minutes of audio recording)*

#### PETITION – WASTE COLLECTION FOR KETTERING

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MOVED           Cr Bury  
SECONDED       Cr Bastone

The organisers of the petition are notified that the provision of a waste and recycling service to Kettering will be dependent on:

- a) this forming one of the recommendations in the final Waste Management Strategy; and
- b) the majority support of affected owners.

FOR

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

Carried Unanimously

C432/18-17

*(Commences at 2 hours, 4 minutes of audio recording)*

#### CAPITAL BUDGET ADJUSTMENTS

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MOVED           Cr Fox  
SECONDED       Cr Percey

That Council defer Brightwater Road renewal (\$495K) and up to \$250K of road resealing projects to allow Beach Road, Margate and the rationalisation of water connections for the Kingborough Sports precinct to form part of the 2017/18 capital works program.

FOR

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

Carried Unanimously

## **SUSTAINABLE INDUSTRY GROWTH PLAN FOR THE SALMON INDUSTRY**

MOVED Cr Percey  
 SECONDED Cr Chatterton

**Cr Grace** left the meeting at 7:40pm

That Council notes the draft Sustainable Industry Growth Plan for the Salmon Industry and does not make a submission on its contents.

FOR

Cr Bastone	Cr Chatterton	Cr Percey	Cr Wass
Cr Winter	Cr Wriedt		

AGAINST

Cr Atkinson	Cr Bury	Cr Fox	
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Carried

## **PROPOSED KINGSTON PARK DEVELOPMENT**

MOVED Cr Chatterton  
 SECONDED Cr Bastone

**Cr Percey** left the meeting at 7:48pm

**Cr Percey** returned at 7:49pm

That:

- (a) the report on the current progress of the Kingston Park site development project be noted;
- (b) the Kingston Park Implementation Report be placed on Council's website for public perusal and that this be updated every three months in order that current relevant information is available on the project; and
- (c) the Kingston Park Communications and Community Engagement Strategy also be made publicly available on Council's website.

FOR

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

Carried Unanimously

**Cr Winter** left the meeting at 8:00pm.

C435/18-17

(Commences at 2 hours, 31 minutes of audio recording)

## **INFORMATION REPORTS**

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MOVED            Cr Percey  
SECONDED       Cr Fox

That the following information reports be noted:

1. Mayor's Communications 17 July 2017 to 19 August 2017
2. Kingborough Council Audit Panel Independent Chairman's Report to Council August 2017
3. July 2017 Financial Report
4. KSRC Minutes 25 July 2017
5. DST Summit 2017

FOR

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

Carried Unanimously

C436/18-17

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

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MOVED            Cr Percey  
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)
Taroona Fire Station Lease	15(2)(f)

FOR

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

Carried Unanimously

**CLOSED SESSION**

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MOVED            Cr Chatterton  
SECONDED       Cr Percey

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 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 8:12pm

<p><b>OPEN SESSION OF COUNCIL ADJOURNS</b></p>
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## OPEN SESSION OF COUNCIL RESUMES

Open Session of Council resumed at 8:20pm

C442/18-17

MOVED            Cr Chatterton  
SECONDED       Cr Percey

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	Approved
Taroona Fire Station Lease	Approved

FOR

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

Carried Unanimously

### **CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 8:20pm

.....  
(Confirmed)

.....  
(Date)