

Kingborough

PUBLIC MINUTES

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MINUTES

Special Meeting of Council

4 September 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

ORDER OF BUSINESS

Minute No's		Agenda Page No.	Minute Page No.
C443/19-17	Apologies	2	1
	Declarations of Interest	2	1
	Officers Reports to Council	3	2
C444/19-17	Petition to Amend Sealed Plan 23227 Affecting Properties at Nolan Crescent, Adelong Drive and Foley Road, Kingston for Emma Riley & Associates on Behalf of Davalon Developments Pty Ltd	3	2
C445/19-17	PSA-2016-3 - Planning Scheme Amendment Application for Amendment to the Kingborough Interim Planning Scheme 2015 for the Partial Rezoning from Environmental Living to Low Density Residential (Area A) and Amendment to Clause 14.5.1(P1) of the Ordinance to Include a Site Specific Minimum Lot Size Affecting the Land at 105 Ferry Road, Kettering for Mrs C Lindus obo Emma Riley & Associates	9	3
C446/19-17	DAS-2016-33 - Development Application for Subdivision of Two Lots at 105 Ferry Road, Ferry Road Reservation and Adjoining Crown Land, Kettering for C Lindus of Emma Riley & Associates	42	4

MINUTES of a Special Meeting of the Kingborough Council held at the Kingborough Civic Centre, Kingston on Monday, 4 September 2017 at 5.30pm.

	From	To	Time Occupied
Open Council	5.30pm	6:20pm	50 minutes
Planning Authority	6:20pm	6:26pm	6 minutes
Open Council	6:26pm	6:27pm	1 minutes
TOTAL TIME OCCUPIED			57 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 Dr G Bury	✓
Councillor P Chatterton	✓
Councillor F Fox	✓
Councillor M Percey	✓
Councillor D Winter	✓

Staff:

TITLE	NAME
General Manager	Mr Gary Arnold
Senior Planner	Mrs Melissa Stevenson
Manager, Governance & Property Services	Mr Daniel Smee

C443/19-17

APOLOGIES

Cr Sue Bastone
Cr David Grace

DECLARATIONS OF INTEREST

There were no declarations of interest.

OFFICERS REPORTS TO COUNCIL

C444/19-17

(Commences at 1 minute of audio recording)

PETITION TO AMEND SEALED PLAN 23227 AFFECTING PROPERTIES AT NOLAN CRESCENT, ADELONG DRIVE AND FOLEY ROAD, KINGSTON FOR EMMA RILEY & ASSOCIATES ON BEHALF OF DAVALON DEVELOPMENTS PTY LTD

MOVED Cr Chatterton
SECONDED Cr Bury

That Council consider the submissions made at the hearing and determine the proposed amendments.

FOR

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

Carried Unanimously

MOVED Cr Wriedt
SECONDED Cr Fox

That Council defer consideration of the submissions made at the hearing, pending a further report from Council staff.

FOR

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

Carried Unanimously

OPEN SESSION OF COUNCIL ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority Meeting commenced at 6.20pm

C445/19-17

(Commences at 49 minutes of audio recording)

PSA-2016-3 - PLANNING SCHEME AMENDMENT APPLICATION FOR AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 FOR THE PARTIAL REZONING FROM ENVIRONMENTAL LIVING TO LOW DENSITY RESIDENTIAL (AREA A) AND AMENDMENT TO CLAUSE 14.5.1(P1) OF THE ORDINANCE TO INCLUDE A SITE SPECIFIC MINIMUM LOT SIZE AFFECTING THE LAND AT 105 FERRY ROAD, KETTERING FOR MRS C LINDUS OBO EMMA RILEY & ASSOCIATES

MOVED Cr Chatterton
SECONDED Cr Percey

That the Planning Authority Committee resolves that the report of the Manager Development Services be received and that:

1. In accordance with section 34(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates draft amendment PSA-2016-3.
2. In accordance with section 35(1)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certifies draft amendment PSA-2016-3 as meeting the requirements of section 32 of the Act.
3. In accordance with section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council forwards a copy of the sealed Instrument of Certification and the draft amendment to the Tasmanian Planning Commission.
4. In accordance with section 56S of the *Water and Sewer Industry Act 2008*, Council refers draft amendment PSA-2016-3 to TasWater.
5. In accordance with section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council publicly exhibits the draft amendment PSA-2016-3 for a period of 28 days.

FOR

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

Carried Unanimously

DAS-2016-33 - DEVELOPMENT APPLICATION FOR SUBDIVISION OF TWO LOTS AT 105 FERRY ROAD, FERRY ROAD RESERVATION AND ADJOINING CROWN LAND, KETTERING FOR C LINDUS OF EMMA RILEY & ASSOCIATES

MOVED Cr Chatterton
SECONDED Cr Fox

That the Planning Authority resolves that the report of the Manager Development Services be received and that the development application for subdivision of two lots at 105 Ferry Road and Ferry Road reservation, Kettering for C Lindus 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. DAS-2016-33 and Council Plan Reference No. P2 submitted on 15 June 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. As no provision has been made for recreation space or improvements thereto, and having formed the opinion that such a provision should be made, Council invokes the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and requires security equivalent of 5% of the unimproved value of Lot 1. This should be in the form of a direct payment made before the sealing of the Final Plan, or alternatively, in the form of security provided under Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

The subdivider is to obtain a valuation from a registered Valuer for the purposes of determining the unimproved value of Lot 1.

3. The Bushfire Hazard Management Plan prepared by Brooks, Lark and Carrick Surveyors (Drawing No. COORO01 9842-01 and dated 18/08/2017) forms part of this Permit and the measures contained within the Plan must be implemented in relation to any future development on the lots.
4. The Final Plan of Survey must include an endorsement that on-site wastewater disposal for Lot 1 is to be via an Aerobic Wastewater Treatment System (AWTS) only.
5. Prior to the commencement of works, detailed engineering drawings submitted for approval for the access must:
 - (a) identify the location, diameter at chest height and species of all trees with a DBH >25cm or height >10m within and directly adjacent to the access works;
 - (b) show the location of these trees relative to access and associated infrastructure, including but not limited to, stormwater/drainage, telecommunications and power;
 - (c) clearly identify which trees are to be removed and which are to be retained;
 - (d) demonstrate that the proposed development and associated infrastructure is located to avoid the removal of trees to the extent practicable;

- (e) identify reasonable mitigation and/or protection measures to be implemented to minimise the impacts of the development on the health of the trees being retained and avoid their loss within the scope of the approved development;
- (f) be in accordance with Australian Standard 4970-2009 for the protection of trees on development sites; and
- (g) be to the satisfaction of the Manager Development Services.

Only those trees identified for removal in the endorsed tree plan may be removed as part of the proposed development unless otherwise approved by Council in writing.

6. To meet the requirements of Clause 14.5.1 (P1) of the Kingborough Interim Planning Scheme 2015 and offset the loss of at least one *Eucalyptus ovata* tree for the purposes of access and 0.08ha of *Eucalyptus ovata* forest and woodland (DOV) for the purposes of on-site wastewater disposal, prior to the permit coming in to effect and the removal of any vegetation on site, the applicant must enter into a Part 5 Agreement under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to retain and protect the vegetation and habitat values on Lot 2. This Part 5 Agreement must:
- (a) verify the extent of the conservation zone, which is to encompass all native vegetation communities on Lot 2;
 - (b) provide for the protection for all native vegetation and habitat values within the conservation zone; and
 - (c) identify management prescriptions including, but not limited to, a weed management plan, to ensure that environmental values are managed for their long term survival. These management prescriptions are to be drafted by a suitably qualified environmental consultant and include timeframes and details for each action.

All costs associated with drafting and registering this Part 5 Agreement on the title are to be borne by the applicant.

ADVICE: planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be signed and sealed, and proof of lodgement of the Agreement with the Land Titles Office for registration on the property title provided to Council, prior to the issue of a start of works notice. A template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

7. Ongoing management of the site must be in accordance with the Part 5 Agreement and all management prescriptions must be satisfactorily implemented.

In addition, prior to Sealing of the Final Plan of Survey, a bond must be paid to Council equivalent to the cost of implementing any outstanding management prescriptions identified in the Part 5 Agreement. This bond must include the cost of monitoring and reporting these prescriptions by a suitably qualified consultant not less than once annually for a minimum period of five (5) years from completion of primary works. The bond will be repaid to the payer in stages on an annual basis once each annual report is received, in accordance with the cost schedule identified in the Agreement.

8. Due to the presence of environmental weeds, prior to the commencement of on-site works, a Weed Management Plan developed by a suitably qualified consultant and to the satisfaction Council's Manager Development Services must be submitted. This Plan needs to include:

- (a) timeframes and methods of primary and follow up treatment for all declared and environmental weeds on Lot 1;
- (b) weed hygiene measures required to ensure the risk of the spread of weeds from the site during construction is minimised;
- (c) a fully costed implementation, monitoring and reporting plan for a minimum of five (5) years (including actions and timeframes).

Primary treatment of all weeds is required in accordance with this Plan and to the satisfaction of the Manager Development Services prior to the sealing of the Final Plan of Survey.

In addition, a weed management bond equivalent to the costs of implementing, monitoring and reporting on outstanding actions in the Weed Management Plan is to be bonded to Council prior to the sealing of the Final Plan of Survey.

Reporting on the progress with respect to the Weed Management Plan outcomes for the site is to be to Council no less than once a year for a minimum of five (5) years.

The bond will be repaid to the payer in stages on an annual basis upon completion of the plan to the satisfaction of Council's Manager Development Services and receipt of the annual report, in accordance with the cost schedule identified in the Agreement.

9. Prior to the commencement of works, engineering design drawings must be submitted to Council for approval. Plans must be to satisfaction of the Executive Manager - Engineering Services and comply with the following:
 - (a) incorporate the details required in condition 5 relating to vegetation impacts;
 - (b) be in accordance with the Tasmanian Standard construction drawings;
 - (c) include, but not be limited to, adequately detailed internal vehicular and pedestrian access, carparking, manoeuvring areas, water reticulation and drainage services;
 - (d) the driveway/access road design must detail the following:
 - long and cross sections of the driveway/access road;
 - cut and fill batters and any stabilisation works required;
 - contours, finish levels and gradients of the driveway/access road;
 - drainage and scour protection;
 - sealed pavement construction for the first 75m of the driveway; and
 - the provision of passing bays;
 - (e) a 'Y' shape turning head must be constructed at the end of the Council maintained section of Ferry Road and incorporating the land contained within CT 12828/100,
 - (f) long section details must be provided for the proposed stormwater infrastructure and supporting documentation and associated hydraulic calculations must be submitted;
 - (g) drainage easements must be provided within the subject property boundaries and the stormwater main must be located centrally within the easement;

The engineering plans and specifications must be prepared and certified by a professional Civil Engineer approved by the Executive Manager - Engineering Services. The engineer must supervise the construction works.

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

10. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Executive Manager - Engineering Services and include the following:
 - (a) The stormwater runoff from all concrete, paved, or otherwise sealed areas must be collected and contained within the property or discharged by gravity to a Council approved discharge point;
 - (b) The vehicular access must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO3, TSD-RO4, TSD-E01 and TSD-RF01) and be sealed to match the existing road surface from the edge of the carriageway to the lot boundary. A permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation;
 - (c) Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
11. A Council fee of 2% of the estimated value of the civil engineering construction works (including GST, provisional items and contingencies) for the development or the current minimum fee, whichever is the greater, must be paid at the time of submission of the engineering design plans for approval. The actual amounts payable shall be based on the rates adopted by Council and prevailing at the time of payment.
12. Any services to become Council infrastructure assets must be constructed in accordance with the Council approved engineering design drawings. All such works must be inspected by Council.

Upon completion "As Constructed" drawings certified by a professional Civil Engineer with the checklist signed by a Registered Land Surveyor must be submitted to Council as per Kingborough Council's "Survey Brief for Subdivisions and Development Works".
13. The applicant must arrange for the transfer of the Road Lot at the end of Ferry Road (CT 12828/100) to Kingborough Council at the time of lodgement of the Final Plan of Survey for sealing. All costs associated with the transfer must be at the developer's cost.
14. All existing and proposed water, sewer and stormwater pipelines shall be provided with all necessary drainage easements and shown on the Final Plan of Survey lodged for sealing.

Specific easements as required by other authorities shall also be provided and shown on the Final Plan of Survey lodged for sealing.
15. The provision of power to each lot must be in accordance with the requirements of TasNetworks.
16. The provision of telecommunications services to each lot must be in accordance with the requirements of relevant telecommunication agencies.

17. No works shall commence on site, or within a Council roadway, without a 'Start of Works Subdivisions' and 'Development Application' notice being lodged with, and accepted by the Executive Manager - Engineering Services.

A least 5 working days notice of intention shall be given:

- To commence works.
 - To resume works after works on site has ceased for a period of six (6) working days or more.
18. All works associated with this subdivision are to be completed to the satisfaction of the Executive Manager – Engineering Services prior to the sealing of the Final Plan of Survey by Council.
19. A re-peg survey is to be undertaken by a registered surveyor upon completion of subdivision construction works. A copy of the re-peg survey notes are to be lodged with Council, together with evidence that they have been registered at the Land Titles Office. In cases where a Bond and Bank Guarantee are lodged, the cost of the re-peg survey is to be included in the Bond and Bank Guarantee.
20. The satisfactory completion of all public infrastructure shall be considered achieved when:
- A Certificate of Practical Completion has been issued;
 - Minor defects and any defective works have been satisfactorily rectified at the completion of the statutory 26 week maintenance period;
 - A further 26 week maintenance period may be applied to the defective works after rectification;
 - Council shall be entitled to call upon the bond and bank guarantee funds to complete or rectify any outstanding defective works after the expiry of the maintenance period;
 - At the end of the statutory 26 week maintenance period, the supervising Engineer shall request a joint on site inspection with the Council's authorised representative to confirm that all outstanding practical completion minor defects and defective works have been satisfactorily rectified;
 - Upon satisfactory completion of all outstanding practical completion, minor defects and defective works;
 - Council will issue a notice of satisfactory 'Final Inspection' and all of the works shall be the sole responsibility of Council;
 - The effective date of the Certificate of Final Inspection shall be the latest on site inspection date; and
 - After take over of the works, it shall be the responsibility of the supervising engineer or applicant to request Council to release all Bond and Bank Guarantee monies.

ADVICE

- A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council’s fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- 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. The Developer should not allocate any property address numbers for the proposed lots.

New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	105A Ferry Road, Kettering
2	105 Ferry Road, Kettering (existing dwelling)

FOR

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

Carried Unanimously

OPEN SESSION OF COUNCIL RESUMES

Open Session of Council resumed at 6:26pm

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 6:27pm

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(Confirmed)

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(Date)