



# COUNCIL MEETING MINUTES

Monday, 13 July 2020

*These Minutes are provided for the assistance and information of members of the public, and are a draft until confirmed as a true record at the next Ordinary Meeting of Council.*

# Kingborough Councillors 2018 - 2022



**Mayor**  
**Councillor Dean Winter**



**Deputy Mayor**  
**Councillor Jo Westwood**



**Councillor Sue Bastone**



**Councillor Gideon Cordover**



**Councillor Flora Fox**



**Councillor David Grace**



**Councillor Amanda Midgley**



**Councillor Christian Street**



**Councillor Steve Wass**



**Councillor Paula Wriedt**

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**MINUTES of an Ordinary Meeting of Council**  
**Kingborough Civic Centre, 15 Channel Highway, Kingston**  
**Monday, 13 July 2020 at 5.30pm**

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**1 AUDIO RECORDING**

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The Mayor declared the meeting open at 5.30pm, welcomed all in attendance and advised that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson requested confirmation that the audio recording had commenced.

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**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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The Mayor paid his respect and Council's respect to the traditional and original owners of this land, the muwinina people. The Mayor acknowledged the contemporary Tasmania aboriginal community who have survived invasion and dispossession and continue to maintain and fight for their identity, their culture and indigenous rights.

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**3 ATTENDEES**

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**Councillors:**

Mayor Councillor D Winter	✓
Deputy Mayor Councillor J Westwood	✓
Councillor S Bastone	✓
Councillor G Cordover	✓
Councillor F Fox	✓
Councillor D Grace	✓
Councillor A Midgley	✓
Councillor C Street	✓
Councillor S Wass	✓
Councillor P Wriedt	✓

**Staff:**

General Manager	Mr Gary Arnold
Deputy General Manager	Mr Tony Ferrier
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Development Services	Ms Tasha Tyler-Moore
Communications & Engagement Advisor	Ms Sarah Wilcox
Executive Assistant	Mrs Amanda Morton

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**4 APOLOGIES**

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There were no apologies.

**C377/13-2020**

*(commences at ± 3 minutes of Part 1 of audio recording)*

## **5 CONFIRMATION OF MINUTES**

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Moved: Cr Flora Fox  
Seconded: Cr Jo Westwood

That:

- a) The Minutes of the Special Council Meeting No. 11 held on 15 June 2020 be confirmed as a true record.
- b) the Minutes of the open session of the Council Meeting No.12 held on 22 June 2020 be confirmed as a true record.

**CARRIED**

## **6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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6 July - Transform Kingston Project

**C378/13-2020**

*(commences at ± 4 minutes of Part 1 of audio recording)*

## **7 DECLARATIONS OF INTEREST**

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**Cr Westwood** declared an interest in the Notice of Motion headed 'Poker Machines'.

**Cr Bastone** declared an interest in the planning report headed 'DAS-2019-9 - Application for Subdivision of One Lot and Balance at 31 Gourlay Street, Blackmans Bay for PDA Surveyors'

## **8 TRANSFER OF AGENDA ITEMS**

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There were no agenda items transferred.

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

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There were no questions without notice from the public.

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

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At the time the Minutes was compiled there were no Questions on Notice from the Public.

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## 11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

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**C379/13-2020**

*(commences at ± 6 minutes of Part 1 of audio recording)*

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

### 11.1 Delegated Authority Report

*There are two retrospective development applications in this report, one is in Kingston Beach and the other in Allens Rivulet. Can you please explain why they are retrospective and provide some detail about each of those cases?*

**Mayor responds:**

Ms Tyler-Moore are you able to provide that information or would you like to take it on notice.

**Manager Development Services responds:**

If I can have a little bit of time I can provide the answer?

**Cr Cordover:**

I have another question.

**C380/13-2020**

### 11.2 Weed Control

Members of the community have been raising Council's use of broad spectrum herbicide Glyphosate in Council's weeding operations. Hobart City Council has embarked on trials of non-chemical interventions for weed control such as steam treatment and there are alternative weed control methods available such as heat foam available on the market. Is Kingborough planning on running an alternative weed control trial program?

**General Manager:**

We have previously trialled alternative methods including steam treatment but, to the best of my knowledge, we have not trialled any alternative methods in the last 12 months.

**Cr Cordover:**

Has Kingborough gained additional learnings from other municipalities such as Hobart City Council with alternative method trials?

**General Manager:**

I'll take that question on notice.

**Cr Cordover:**

Will Council be considering a phase out of the use of Glyphosate or minimising the use of it like in Byron Shire Council?

**General Manager:**

I will take that question on notice.

**C381/13-2020****11.3 Withdrawal of Reports from Council Agendas**

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

*This afternoon we were advised that the applicants in relation to agenda item 17.1 were requesting that the report be withdrawn and that that would occur. What power do the applicants have to actually request that that occur?*

**General Manager:**

I'm not necessarily sure without doing some research that the use of the term 'power' is actually enshrined in legislation, but what I can say to answer your question is that Council's practice has been that when an applicant seeks an item to be withdrawn in writing we have accepted and approved that request.

**Cr Street:**

Would that usually be in relation to development applications, the distinction being that this is a matter where a hearing has been held and while I understand that it has been deferred previously, I'm now questioning the reasoning of the first deferral as well.

**General Manager:**

I can't off the top of my head comment on the first amendment hearing and any deferral, but what I can say is that the Council practice has not necessarily differentiated between a planning matter, a sealed plan matter or a Council report in the general section of the Council agenda.

**Cr Street:**

Am I correct in saying therefore that the matter has been withdrawn from the agenda?

**General Manager:**

Yes and my understanding is that Council's Manager of Development Services has advised the applicant in writing this afternoon.

**Cr Street:**

Are you able to make enquiries of the Local Government Division as to whether that process is usual?

**General Manager:**

I'm happy to do that.

**C382/13-2020****11.4 Huntingfield Development**

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

*Mayor, as you will be aware, you wrote to the Minister for Housing, Roger Jaensch a couple of weeks ago in relation to the proposed Huntingfield Development and in response to his offer to come and brief the Council and quite correctly your response said that we would be*



*happy to do that however, we would do it in a community forum to be held at the Community Hub and that Council would take responsibility for making sure that it could be held in a safe manner given the circumstances still of Covid-19. I understand that we haven't had a response from the Minister to date. I'm wondering if the Mayor would like to comment on that because I am sure that residents of Huntingfield would be interested to know of any updates.*

**Mayor responds:**

You are right, Minister Roger Jaensch has made representations to Council requesting a meeting with elected members about the Huntingfield proposal before his department lodges a development application for the site. But what proceeds that is that in October last year, the Minister committed to me in writing that he would hold a public forum during the consultation process. We all understood the reason why he couldn't hold a public forum during March, April and May this year because of the Covid-19 outbreak. But now that restrictions have been lifted I am advised that we could fit a number in the 100's into our Community Hub and we would obviously make that facility available to the Minister. It means that we could hold a public forum, it means that we could live stream it and the Minister would get the chance to get that feeling that a lot of us got at the last public meeting. At this stage we haven't heard back from the Minister but it would be my expectation that he would take up the offer given that he has made the offer in writing not so long ago.

***Response from the Manager Development Services to Cr Cordover's question at item 11.1:***

The Kingston Beach development was a garage that had approval and then they took it upon themselves to fit it out with a kitchen and rooms and converted that use, so they were required to make retrospective application for that. The Allens Rivulet one related to use of a garage. There is no reason in the report as to how this came to our attention, whether it was a dob in or otherwise or whether it was an outstanding building permit that then needed to be rectified as planning.

**Cr Cordover:**

Can you please remind us what disincentives exist, what mechanisms of enforcement exist to mitigate the risk of that happening in future, particularly with the change of use to visitor accommodation?

**Manager Development Services:**

It depends on the nature of the offence. We have the ability to do enforcement under LUPAA which can include enforcement orders, it can go as far as proceedings in the Magistrate's Court and does include an infringement. It appears that these two didn't get infringements. Their penalty when they do their application is a double fee, which is in our fees and schedules as well and in some instances we may do a infringement penalty which would be 50 penalty units as well as the double fees.

**C383/13-2020**

**11.5 Pedestrian Access to the Twin Ovals from Spring Farm**

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

*I had another question following on from my question at the last Council meeting. It states that "the internal pedestrian pathways are yet to be constructed and are proposed as part of the implementation of the endorsed Future Directions Plan for the Kingborough Sports Precinct". As we sit around and talk about congestion busting and active transport options and encouraging our greater community to get out of our cars and to walk and cycle, do we have any plans for a timeline regarding the construction of these pedestrian pathways? In*

*relation to pedestrian access from Spring Farm and Whitewater to the track that connects to Kingston, I'm interested to know where that will be place.*

**Executive Manager Governance & Community Services responds:**

The construction of pedestrian paths within the sports centre precinct, there is no timeframe for that. It's part of our desired future plan for the area but, to be honest, we haven't got design plans done as yet. There are a number of existing informal paths that exist, some of which do connect to Spring Farm, but in terms of formalising them, we don't have a current timeframe. In terms of Whitewater Creek, we received notification today that the two parcels of land that we are seeking to obtain from State Government are close to be transferred. That will then enable the completion of the link through from Spring Farm and we are continuing our negotiations with the Spring Farm developer with respect to the development of the walking trail that Council would recall was approved to be funded through the public open space contributions. All of those process are still bubbling away but they are ongoing and underway.

**C384/13-2020**

**11.6 Replacement of Concrete Slabs at the Community Hub**

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

*On page 208 of the agenda in the Kingston Park Implementation Report, the highlighted text talks about the rectification works that are going to be occurring at the Community Hub in the next few months. It refers to some large concrete slabs being replaced. Can we have some information in relation to which areas that involves and why they are being replace?*

**Deputy General Manager responds:**

They are the large concrete slabs in the main town square area of the Community Hub and they are being replaced because there are some large cracks in the concrete. They weren't installed correctly and it's something that we have been negotiating with the builder for the last 12 months to go back in there to replace them. It's all being done at their cost, it's their fault. It's taken longer than we would have liked to get them back on site to do that work but it will all be done by early September. The cracks were widening and they were getting worse. They weren't repairable in themselves so the concrete had to come up. It just wasn't laid correctly so there was no alternative but to do this and in fact it's been a reasonably good time in the sense that it hasn't been open to the public during this period so it's worked out well from that perspective.

**Cr Wriedt:**

In addition to that, I don't see listed in the implementation report any ongoing advice about the works that needed to be undertaken to provide appropriately full accessible conditions to the Hub and you may recall that there was a list of items that had been identified by the Access Committee and quite a number of those have not been acted upon as yet. The committee is meeting again in the next couple of weeks and I'm sure they will be interested in an update on that.

**Deputy General Manager responds:**

We can take that on notice and the Project Manager will have some information ready for the Access Committee and Council.

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## 12 QUESTIONS ON NOTICE FROM COUNCILLORS

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**C385/13-2020**

(commences at ± 20 minutes of Part 1 of audio recording)

### 12.1 Watsons Road, Kettering

At the Council meeting on 22 June 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*This is a narrow dirt road with very deep gutters and several blind corners. Would it be possible to have signage similar to what exists on Manuka Road, reminding drivers that this is an area used the community. Kettering walkers use this road often and there is always people riding horses along there. Perhaps we can also have a slow down down to dusk as there is a lot of road kill on the road. Would this be possible?*

**Officer's Response:**

This matter will be further investigated and if appropriate additional signage can be provided.

*David Reeve, Executive Manager Engineering Services*

**C386/13-2020**

### 12.2 Trees Being Felled in Margate

At the Council meeting on 22 June 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*There is a large number of trees being felled in the area behind the Margate Oval and the Margate Men's Shed. I believe this is Council land and I'm wondering why this last corridor of vegetation is being cleared?*

**Officer's Response:**

The development being referred to is Council approved Planning Permit (DA2016-541) for 32 Units (one existing), a community building, associated carparking and infrastructure at 32 Van Morey Road, Margate. The approved planning permit allows for the removal of the majority of vegetation on site, however there are a number of trees shown to be retained. Under a separate approval by Council, vegetation removal from the tramway reserve is permitted to achieve the bushfire management requirements, however that vegetation has not yet been removed. In response to concerns raised by the public site inspections have been undertaken to ensure the vegetation removal is in accordance with the approval.

*Tasha Tyler-Moore, Manager Development Services*

**C387/13-2020****12.3 Outstanding Building Permits**

**Cr Grace** submitted the following question on notice:

*How many notices were sent regarding the expiry of current building permits associated with changes to the Building Act 2016?*

*As at 30 June 2020, how many of those notices have subsequently been resolved and how many are still outstanding?*

**Officer's Response:**

A total of 1662 notification letters were sent to customers with incomplete building and plumbing permits. In total, 887 of the notifications sent out were for old building permits (private and Council certified permits) and 775 of the notifications were for plumbing permits.

Council records indicate that since the commencement of notifications 155 old building permits have been completed and 210 old plumbing permits have been completed. It is estimated that approximately 1,200 of the remaining permits have been either extended, cancelled or finalised as low risk building work (due to the change in categorisation of building work under the new *Building Act 2016*). It is estimated that approximately 100 remain outstanding.

In response to the impacts associated with the COVID-19 pandemic the State Government extended the expiry date for all current permits (including old permits) to 1 January 2021. This provides landowners with incomplete old permits with additional time to finalise their permits.

*Andy D'Crus, Building and Plumbing Coordinator*

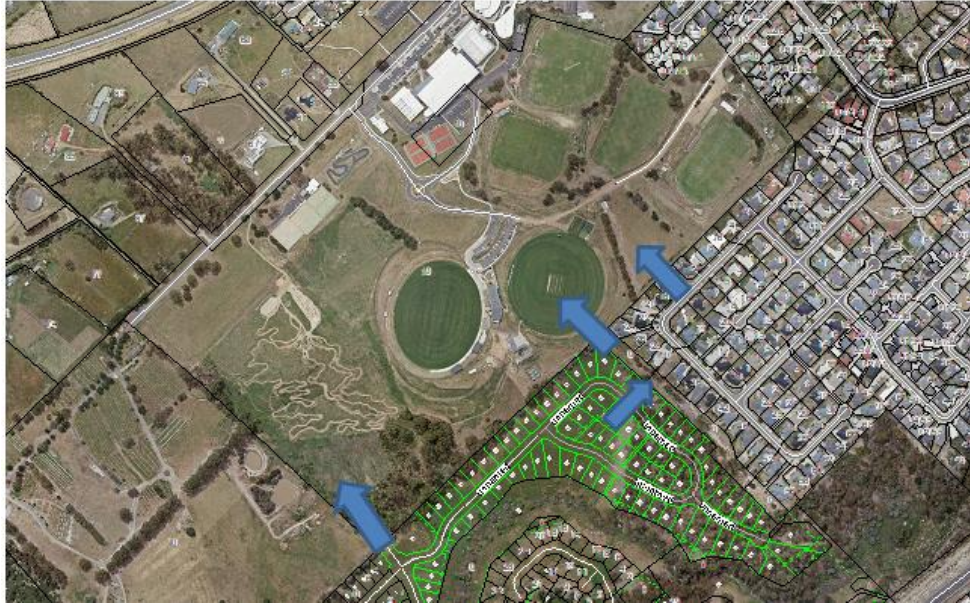
**C388/13-2020****12.4 Pedestrian Access to the Twin Ovals from Spring Farm**

At the Council meeting on 22 June 2020, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*Will there be pedestrian access points through to the Twin Ovals and the sports precinct and, if so, can Councillors please be provided with a map for this?*

**Officer's Response:**

The plan below shows the pedestrian access points from the south to the Twin Ovals and Kingborough Sports Precinct. The internal pedestrian pathways are yet to be constructed and are proposed as part of the implementation of the endorsed Future Directions Plan for the Kingborough Sports Precinct.



Tony Ferrier, Deputy General Manager

**C389/13-2020**

## 12.5 Dog Ownership in Kingborough

**Cr Westwood** submitted the following question on notice:

- 1 *How many dogs are registered in Kingborough as at June 2020 (or latest available data)?*
- 2 *How many dogs were registered in Kingborough as at June 2019 (or similar comparable period)?*
- 3 *Has Council noticed an increasing trend in the number of households owning dogs during Covid-19?*
- 4 *Has there been any impact on Council activities relating to dog ownership as a result of Covid-19? ie, demand for poo bags; number of users at dog parks and dog beaches; number of lost and found dogs.*
- 5 *What percentage of households own dogs in Kingborough?*

### **Officer's Response:**

1. 6215 dogs were registered as of June 2020.
2. 6227 dogs were registered as of June 2019. 6251 dogs were registered as of June 2018.
3. Fewer dogs have been registered during Covid-19 than previous years for the comparable period. Refer below figures:
  - Dogs registered from 1 March 2020 to 15 June 2020 (**Covid-19**) – 140 dogs
  - Dogs registered from 1 March 2019 to 15 June 2019 – 184 dogs
  - Dogs registered from 1 March 2018 to 15 June 2018 – 173 dogs

Section 8(1) of the *Dog Control Act 2000* states; *The owner of a dog that is over the age of 6 months must register the dog.* As there is no requirement to register a dog under six months, if there has been a rise in dog ownership over the Covid-19 period, this may not be reflected in Council's dog registration until late 2020.

4. Council has previously used smart technology to bench mark the use of recreational facilities, but this has not occurred for dog parks or beaches over the Covid-19 period. Anecdotal evidence from Council Officers suggest that there has been an increased use of dog facilities, tracks and trails. The following are comparisons of specific customer requests from 2018-2020.

**Customer Requests received from 1 March to 15 June 2018, 2019 and 2020:**

- Dogs on beach/reserve
    - 1 March 2018 to 15 June 2018 – 3
    - 1 March 2019 to 15 June 2019 – 10
    - 1 March 2020 to 15 June 2020 – 6
  - Dog at large/roaming dog
    - 1 March 2018 to 15 June 2018 – 63
    - 1 March 2019 to 15 June 2019 – 65
    - 1 March 2020 to 15 June 2020 – 34
  - Lost dogs
    - 1 March 2018 to 15 June 2018 – 35
    - 1 March 2019 to 15 June 2019 – 37
    - 1 March 2020 to 15 June 2020 – 24
  - Found dogs:
    - 1 March 2018 to 15 June 2018 – 80
    - 1 March 2019 to 15 June 2019 – 60
    - 1 March 2020 to 15 June 2020 – 45
  - Informal barking complaint (nuisance):
    - 1 March 2018 to 15 June 2018 – 30
    - 1 March 2019 to 15 June 2019 – 43
    - 1 March 2020 to 15 June 2020 – 26
5. Based on a Property ID search of the Annual Dog Registration Report for 2019/20, it has been ascertained that approximately 4,700 individual properties have a dog/s registered to them. Given that there are approximately 15,500 non-vacant residential/commercial properties, the percentage of households owning a dog/s is approximately 30%.

*Scott Basham, Manager Compliance & Community Development*

**C390/13-2020****12.6 Stormwater Investigations**

**Cr Westwood** submitted the following question on notice:

*How many sewer or stormwater spills and blockages have been identified since Kingborough employed a Stormwater Investigations Officer last year?*

*How many of these instances have been resolved and how has this impacted water quality at Blackmans Bay Beach?*

**Officer's Response:**

Since the commencement of the Stormwater Investigation Officer's employment with Council in November 2019, a close relationship has been developed with TasWater and the following identified:

- 3 x Domestic cross connections
- 14 x Infrastructure failures
- 29 x Sewer spills

42 out of the 46 have been rectified or fixed, leaving 2 infrastructure failures (Kingston Beach & Blackmans Bay) which TasWater are still investigating and 1 potential domestic cross connection (Blackmans Bay) which Council is still investigating.

*David Reeve, Executive Manager Engineering Services*

**C391/13-2020****12.7 Low Flow Diversions**

**Cr Westwood** submitted the following question on notice:

*Will Council be installing additional low flow diversions and if so, where will these be installed?*

**Officer's Response:**

It would be desirable to install further low flow stormwater diversions to sewer on other major stormwater outlets discharging to Kingston Beach and Blackmans Bay, however, this will be dependent on TasWater approval. The process of evaluating the performance of the trial low flow diversions in place is occurring currently and will form part of a submission to TasWater requesting further rollout of diversions.

*David Reeve, Executive Manager Engineering Services*

**C392/13-2020****12.8 Huntingfield Housing Development Update**

**Cr Midgley** submitted the following question on notice:

*What is Council's understanding of the State Government's planned process for developing Huntingfield, specifically:*

- a) What is the Government's planned steps towards being granted a planning permit?*
- b) Will public submissions to the Master Plan be made available on a website?*
- c) Will the government address the community submissions and if noting particular concerns or a high number of comments regarding certain issues, how will Government address these?*
- d) What is the timeline for this to come to Council?*
- e) Will there be any public meetings in the future?*
- f) Will the Council be providing any further information to the Kingborough community about the process?*

**Officer's Response:**

- a) Council officers have requested a meeting with Communities Tasmania to discuss and get more clarity on the process going forward. It is assumed that Communities Tas will be submitting their final master plan, together with supporting information, for Council's endorsement. Following this (or as part of the request to endorse the Masterplan), Communities Tas will be submitting a development application for the land subdivision in accordance with the normal statutory processes.
- b) This is a decision for Communities Tas to make and Council is not aware that the submissions will be made available.
- c) This again is a matter for Communities Tas. An explanation as to how the issues raised within the submissions is expected to be part of the documentation that would be supplied with the final Master Plan. It is also noted that the Minister of Housing requested a meeting with Councillors to provide a summary of the feedback received and how the Government has responded to the issues raised. This invite has been accepted.
- d) Council is not aware of any particular timing for the submission of the Master Plan.
- e) There are no planned public meetings.
- f) Information about the process has already been widely circulated and this will be updated as soon as more information becomes available.

*Tony Ferrier, Deputy General Manager*

**OPEN SESSION ADJOURNS**



## PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 5.51pm

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

**C393/13-2020**

*(commences at ± 22 minutes of Part 1 of audio recording)*

**13.1 DA-2019-603 - DEVELOPMENT APPLICATION FOR VISITOR ACCOMMODATION (6 TENTS), CARETAKER'S RESIDENCE AND OUTBUILDING (AMENITIES) AT 14 MULCAHYS ROAD, APOLLO BAY**

Moved: Cr Flora Fox  
Seconded: Cr Gideon Cordover

That the development application for visitor accommodation including caretaker's residence, sanitary pod, six (6) bell tents and associated infrastructure at 14 Mulcahys Road, Apollo Bay be refused on the following grounds:

1. The proposed development fails to satisfy the Performance Criteria P1 of Planning Directive No 6 Visitor Accommodation as it is not compatible with the character and use of the area and will cause an unreasonable loss of residential amenity having regards to the following:
  - (a) the privacy of adjoining properties;
  - (b) any likely increase in noise to adjoining properties;
  - (c) the scale of the use and its compatibility with the surrounding character and uses within the area;
  - (d) retaining the primary residential function of an area.
2. The proposed development fails to satisfy Clause 14.4.2(P2), specifically the setback distance from the western boundary, which is not considered sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots through loss of privacy and visual impact through use.
3. The proposed development fails to satisfy Clause 14.4.3(P1), specifically relating to the extent of clearing being the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.
4. The scale and density of the proposed development does not comply with the requirements of the existing Part 5 Agreement, the intent of which is to protect the environmental values of the site.

In Favour: Crs Gideon Cordover, Flora Fox, Amanda Midgley and Paula Wriedt

Against: Crs Dean Winter, Jo Westwood, Sue Bastone, David Grace, Christian Street and Steve Wass

**LOST 4/6**

**Foreshadowed Motion:**

Moved: Cr Christian Street  
Seconded: Cr David Grace

*Meeting adjourned at 6.25pm*

*Meeting resumed at 6.33pm*

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA2019-603 and Council Plan Reference No. P5 submitted on 14 May 2020. 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. Prior to the issue of a building permit for the development, a landscaping plan must be prepared by a suitably qualified person to the satisfaction of the Council. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
  - a) Landscaping to western boundary adjacent to the development. The landscaping is intended to serve the purpose of natural screening of the development.
  - b) A schedule of all proposed native trees, shrubs/small trees, grasses and ground cover endemic to Apollo Bay. The proposed vegetation must include a variety of species;
  - c) The location of each species to be planted and the location of all areas to be covered by grass, or other surface material; and
  - d) Fence design details.

Any landscaping associated with and in the vicinity of the approved development must be with native species local to the area. No weeds listed under the Weed Management Act 1999 or/and identified as non-declared priority weeds in the Kingborough Weed Management Strategy are to be planted on the property.

3. The landscaping shown on the endorsed plan must be completed to the satisfaction of the Council.
4. The visitor accommodation must not be used for long stay residential purposes. Maximum period of stay on any one occasion is limited to 3 months, unless otherwise approved in writing by the Responsible Authority.
5. The shed and caravan must be removed from the site within fourteen days of the issue of a Completion Certificate (Building) for the visitor accommodation (caretaker's residence and sanitary pod).

This permit does not include approval for the existing outbuilding (shed) and caravan located within the site and shown on Drawing DA-03 A submitted on 14 May 2020.

6. Prior to the commencement of onsite works, the landowner must prepare and submit an Operational Management Plan to the satisfaction of Kingborough Council detailing the management prescriptions for the Visitor Accommodation. The operational management plan must:

- (a) Provide for the protection for all native vegetation and habitat values within the conservation zone including measures to minimise environmental impacts in the Conservation Zone in accordance with the requirements of the Part 5 Agreement appended to CT 148689/2;
- (b) Outline measures to control noise from within the site onto adjoining properties;
- (c) Outline measures to ensure that visitors to the site are aware of the fire risk associated with open fire pits and collection of firewood;
- (d) Prepare risk management and evacuation plans in the event of an emergency including bushfire.

When endorsed, this Plan will form part of the Permit.

The Operational Management Plan must be implemented by the landowner/manager and the ongoing management of the site must be in accordance with this Plan unless otherwise approved in writing by Council.

- 7. The vehicle access road and parking area construction works must be undertaken in accordance with the submitted Bushfire Hazard Management Report August 2019 by Geo-environmental Solutions and the approved drawings.
- 8. The use and development must be managed so that the amenity of the area is not detrimentally impacted upon through any of the following:
  - a) Appearance of any building, works or materials;
  - b) Emission of noise, artificial light, vibration, smell, fumes, smoke wastewater or rubbish;
  - c) Parked vehicles
- 9. At all times, guests are to park within designated parking areas shown on the endorsed plans within the site boundaries and are not to obstruct other access and parking.
- 10. External lighting must be turned off between 11:00 pm and 6:00 am, except for security lighting. Security lighting must be baffled to ensure light is not emitted outside the site.
- 11. The external building materials of all buildings applying to this development must have a light reflectance value of no greater than forty percent. Unpainted metal surfaces will not be approved. Plans submitted for building approval must indicate the proposed colour and type of the external building materials.
- 12. Prior to the removal of any vegetation and approval of "Start of Works", a tree plan must be submitted to and endorsed by Council identifying the individual trees requiring removal and those to be retained for the purpose of locating the development and including for the establishment of the hazard management area, up grading the access and installation of the under-ground power infrastructure. When endorsed, this plan forms part of the permit. This plan must be developed in collaboration with a suitably qualified bushfire assessor and:
  - (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 proposed works;
  - (b) show the location of these trees relative to the proposed development and associated infrastructure, including but not limited to, bushfire protection zones, access upgrades, and services including wastewater 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 are located to avoid the removal of trees where 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.
13. Only *Eucalyptus pulchella* dry forest and woodland may be removed or disturbed for the purpose of the proposal, to the minimum extent required to achieve a BAL 29, in accordance with the Bushfire Management Plan in the Bushfire Hazard Report (GES, August 2019) and the endorsed Tree Removal Plan submitted in accordance with Condition 12.

No native vegetation is to be removed prior to the issue of a Building Permit for the dwelling.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Kingborough Interim Planning Scheme 2015 or otherwise in accordance with law.

14. All remaining native vegetation, including individual trees identified for retention in the endorsed Tree Removal Plan must be retained and appropriately protected during and after construction to ensure that no damage is inflicted that may impact upon the health of the trees or cause them to die. This includes establishing and maintaining a Tree Root Protection zone through the installation of temporary fencing between any authorised works and adjacent native vegetation prior to commencement of construction in accordance with AS 4970-2009 to exclude:
- (a) Machine excavation including trenching;
  - (b) Excavation for silt fencing;
  - (c) Cultivation;
  - (d) Storage;
  - (e) Preparation of chemicals, including preparation of cement products;
  - (f) Parking of vehicles and plant;
  - (g) Refuelling;
  - (h) Dumping of waste;
  - (i) Wash down and cleaning of equipment;
  - (j) Placement of fill;
  - (k) Lighting of fires;
  - (l) Soil level changes;
  - (m) Temporary or permanent installation of utilities and signs; and
  - (n) Physical damage to the tree(s).

Evidence of satisfactory installation of this fencing must be provided to Council prior to the commencement of any on-site 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:

- (i) 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
  - (ii) the Tree Root Protection Zone must be free from the storage of fill, contaminants or other materials;
  - (iii) machinery and vehicles are not permitted to access the Tree Root Protection Zone; and
  - (iv) development and associated works is not permitted unless otherwise approved by Council in writing.
15. 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 to minimise introduction of new weeds and pathogens to the area.

16. Prior to the commencement of works, a plan must be submitted to the Manager Development Services for approval showing the location and design of fencing to delineate and protect the Conservation Zone adjacent to the hazard management area.

Evidence of satisfactory installation of this fencing must be provided to Council prior to the commencement of the use of the site.

17. Prior to the commencement of onsite works a fill disposal plan must be submitted to Council for approval. This plan must specify the location for the disposal of fill and demonstrate this site is either a certified landfill facility for Level 1 fill or a site that has been approved for the disposal or use of Level 1 fill under a development use permit issued by Council.

#### ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice

should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- C. A drainage design plan 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.
- D. Food must not be sold/served/provided to guests unless prior approval is granted by Council.
- E. The proposed development requires onsite disposal of wastewater. Prior to Council issuing a Plumbing Permit, the developer must submit all documents specified in Schedule 2 of the Director's Specified List for an onsite wastewater management system.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, David Grace, Christian Street and Steve Wass

Against: Crs Gideon Cordover, Flora Fox, Amanda Midgley and Paula Wriedt

**CARRIED 6/4**

*Cr Bastone left the room at 6.49pm*

**C394/13-2020**

*(commences at ± 1 hour, 19 minutes of Part 1 of audio recording)*

**13.2 DAS-2019-9 - APPLICATION FOR SUBDIVISION OF ONE LOT AND BALANCE AT 31 GOURLAY STREET, BLACKMANS BAY FOR PDA SURVEYORS**

Moved: Cr Flora Fox  
Seconded: Cr Gideon Cordover

That the Planning Authority resolves that the development application demolition and construction of dwelling at 31 Gourlay Street, Blackmans Bay for PDA Surveyors be refused for the following reasons:

1. The proposal fails to demonstrate compliance with Clause 10.6.1(P2)(a) of the Kingborough Interim Planning Scheme 2015 in that due to the design and location of the new lot, it would not be reasonably capable of accommodating residential use and development consistent with the purpose statements of the General Residential zone and the Local Area Objectives for Blackmans Bay and the development standards of the General Residential zone.

**PARTICULARS**

The size and shape of Lot 1 will likely result in unreasonable impacts on the amenity and privacy of future residents of a dwelling on Lot 1 and residents of existing dwellings on the Balance Lot and adjoining properties due to reduced setbacks to boundaries and minimal separation between buildings.

2. The proposal fails to demonstrate compliance with Clause 10.6.1(P2)(b) of the Kingborough Interim Planning Scheme 2015 in that the proposal fails to meet the applicable standards in Code E6.0 Parking and Access.

## PARTICULARS

The proposal does not provide for passing bays along the access to create a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists in accordance with the requirements of Clause E6.7.3.

3. The proposal fails to demonstrate compliance with Clause 10.6.1(P2)(c) of the Kingborough Interim Planning Scheme 2015 in that due to the design, location and orientation of the new lot, the building area on Lot 1 cannot achieve the required orientation to achieve maximum solar access for any future dwelling on the Lot.
4. The proposal fails to demonstrate compliance with Clause 10.6.1(P4)(e) of the Kingborough Interim Planning Scheme 2015 in that due to the design, size and location of the new lot, the amenity of neighbouring land is likely to be unreasonably affected by subsequent development and use.

## PARTICULARS

The size and shape of Lot 1 will likely result in unreasonable impacts on the amenity and privacy of future residents of a dwelling on Lot 1 and residents of existing dwellings on the Balance Lot and adjoining properties due to reduced setbacks to boundaries and minimal separation between buildings.

5. The proposal fails to demonstrate compliance with Clause 10.6.1(P4)(g) of the Kingborough Interim Planning Scheme 2015 in that the proposal fails to include passing bays to service the future use of Lot 1.

In Favour: Crs Gideon Cordover, Flora Fox, Amanda Midgley and Paula Wriedt

Against: Crs Dean Winter, Jo Westwood, David Grace, Christian Street and Steve Wass

**LOST 4/5**

*Meeting adjourned at 7.25pm*

*Meeting resumed at 7.33pm*

*(commences at ± 1 minute of Part 2 of audio recording)*

**Foreshadowed Motion:**

Moved: Cr Jo Westwood

Seconded: Cr David Grace

That the Planning Authority resolves that the report of the Manager Development Services be received and that the subdivision application for one lot and balance at 31 Gourlay Street, Blackmans Bay for PDA Surveyors 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. DAS2019-9 and Council Plan Reference No. P3 submitted on 11 May 2020. 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 the gross area of the subdivision. 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 the gross area of the subdivision.

3. Prior to the commencement of work, engineering design drawings must be submitted to Council for approval. Plans must be to satisfaction of the Executive Manager - Engineering Services and demonstrate that vehicle access and stormwater connections comply with the Tasmanian Standard construction drawings.

Furthermore, the engineering design drawings must detail the following:

- (a) the driveway/access road design in longitudinal and cross sections.
- (b) passing bays incorporated at the access crossover and at the end of the access strip to the balance lot proper.
- (c) the 150mm diameter or equivalent stormwater lot connections for the proposed Lot.

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

4. 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) Stormwater lot connection point must be provided to each lot as approved. All works must be inspected by Council during the relevant times to ensure works comply with Tasmanian Standard Drawings (TSD) and relevant Standards.
  - (b) The vehicular accesses for all lots must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO3 & R04) in standard grey concrete with a broomed non-slip finish from the kerb crossing layback 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.
5. 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.
6. All existing sewer, water, stormwater, Tas Networks and telecommunication authorities supply infrastructure traversing newly created lots, must be removed and/or replaced as necessary so that they are contained wholly within the boundaries of the specific lot which they service with all associated costs borne by the applicant. The requirements of the relevant service authorities must be strictly complied with by the applicant. All



internal sewerage and stormwater works must be undertaken in accordance with the requirements of Building and Plumbing permits issued prior to the commencement of any works.

7. 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.
8. 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. Council will not accept a Bond and Bank Guarantee for outstanding works to enable titles to be issued.
  9. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Executive Manager – Engineering Services.
  10. 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.

11. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

#### **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 approval in this permit is under the Land Use Planning and Approvals Act 1993 and does not provide any approvals under other Acts including, but not limited to Building Act 2016, Urban Drainage Act 2013, Food Act 2003 or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the Building Act 2016. Change of use, including visitor accommodation, may also require approval under the Building Act 2016. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- D. 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
Balance	31 Gourlay Street, Blackmans Bay
1	29 Gourlay Street, Blackmans Bay

In Favour: Crs Dean Winter, Jo Westwood, David Grace, Amanda Midgley, Christian Street and Steve Wass

Against: Crs Gideon Cordover, Flora Fox and Paula Wriedt

**CARRIED 6/3**



## Submission to Planning Authority Notice

Council Planning Permit No.	DAS2019-9		Council notice date	19/03/2019
<b>TasWater details</b>				
TasWater Reference No.	TWDA 2019/00372-KIN		Date of response	21/03/2019
TasWater Contact	Anthony Cengia	Phone No.	(03) 6237 8243	
<b>Response issued to</b>				
Council name	KINGBOROUGH COUNCIL			
Contact details	kc@kingborough.tas.gov.au			
<b>Development details</b>				
Address	31 GOURLAY ST, BLACKMANS BAY		Property ID (PID)	5739680
Description of development	Subdivision - 1 Lot + Balance			
<b>Schedule of drawings/documents</b>				
Prepared by	Drawing/document No.	Revision No.	Date of Issue	
PDA	Plan of Subdivision		14/03/2019	
<b>Conditions</b>				
<p><b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b></p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections / sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>FINAL PLANS, EASEMENTS &amp; ENDORSEMENTS</b></p> <ol style="list-style-type: none"> <li>4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made. <i>Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i></li> <li>5. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>6. The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater, as approved by the Economic Regulator and the fees</li> </ol>				



will be indexed, until the date they are paid to TasWater, as follows:

- a. \$211.63 for development assessment; and
- b. \$149.20 for Consent to Register a Legal Document

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

#### Advice

##### General

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

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

#### Declaration

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

#### Authorised by

**Jason Taylor**  
 Development Assessment Manager

#### TasWater Contact Details

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

*Cr Bastone returned at 7.48pm*

**C395/13-2020**

*(commences at ± 15 minutes of Part 2 of audio recording)*

**13.3 DA-2020-51 - DEVELOPMENT APPLICATION FOR TWO MULTIPLE DWELLINGS AND AN OUTBUILDING (DETACHED GARAGE) AT 36 JENKINS STREET, TAROONA**

Moved: Cr David Grace  
Seconded: Cr Jo Westwood

That the Planning Authority resolves that the development application for two multiple dwellings and an outbuilding (detached garage) at 36 Jenkins Street, Taroona for Next 50 Architects 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-2020-51 and Council Plan Reference No. P5 (excluding references to front fencing) submitted on 2 July 2020. 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. Prior to the issue of a Building Permit, revised plans must be submitted to Council for approval. The plans must generally be in accordance with the advertised plans but must be amended to show that the front fence is either in accordance with the Acceptable Solution of Clause 12.4.7 of the Kingborough Interim Planning Scheme 2015, or if varied, limited to the extent immediately adjacent to the proposed 36B, to the satisfaction of the Manager Development Services. Any boundary fencing within 2m of either side of the driveway accesses must not exceed the height of 1.2m, to allow for sightlines for vehicles exiting the site.

Once endorsed the amended plans will form part of this permit.

3. Prior to the issue of a Building Permit, engineering design drawings must be submitted to Council for approval. Plans must be to satisfaction of the Executive Manager - Engineering Services and demonstrate the following:
  - (a) Complies with the Tasmanian Standard construction drawings;
  - (b) The car parking and vehicle manoeuvring areas would be of a sealed construction (concrete or asphalt) and comply with Australian Standard AS2890.1:2004 (Off street car parking);
  - (c) Parking layouts comply with Australian Standard AS2890.1:2004 (Off street car parking) Section 2 and installed with wheel stops if appropriate;
  - (d) Signage noting residential parking for each unit would be installed for the car parking spaces, prior to occupation of the new dwelling;
  - (e) Parking and vehicle circulation roadways and pedestrian paths would be provided with lighting, prior to occupation of the new dwellings;
  - (f) Stormwater discharge from all new impervious areas would be disposed of by gravity to public stormwater infrastructure.

The engineering plans must also include, but not be limited to, detailed internal vehicular and pedestrian access, car parking, manoeuvring areas, and drainage

services layouts. Furthermore, the driveway/access road design must detail the following:

- (a) Long and cross sections of the driveway/access road;
- (b) Cut and fill batters and any stabilisation works required;
- (c) Contours, finish levels and gradients of the driveway/access road;
- (d) Drainage and scour protection; and
- (e) Pavement construction / cross section.

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

4. Building plans submitted for the development must incorporate the construction recommendations in the Geotechnical Risk Assessment prepared by GES, dated December 2019, including:

- (a) that all stormwater should be immediately directed to disposal areas upon the construction of hard surfaces to minimise any possible water accumulation and excess flows onto the steep slopes below;
- (b) that recommendations of the Australian Geomechanics Practice note guidelines for Landslide Risk Management 2007 some guidelines for hill side construction be followed;
- (c) that any site cutting is appropriately retained or battered in accordance with engineering design recommendations (max soil batter 1:3 or retained);
- (d) that careful attention to be paid to foundation design, with all foundations placed into weathered boulder deposits to further eliminate the potential for foundation movement; and
- (e) that all earthworks on site must comply with AS3798-2007 and a sediment and erosion control plan should be implemented on site during and after construction.

All mitigation measures identified in the approved building plans must be satisfactorily implemented.

5. Before the approved development commences, landscaping plans must be submitted for approval by Council's Manager Development Services.

The landscape plan must be prepared by a suitably qualified person and be at a suitable scale, and indicate the following:

- a) landscaping in the northern portion of the site along the Jenkins Road frontage, private open space areas and driveways.
- b) outline of the proposed buildings;
- c) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- d) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;

- e) earth shaping proposals, including retaining wall(s);
- f) fencing, paths and paving (indicating materials and surface finish)

Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

6. Prior to commencement of any on site works (excluding demolition), a weed action plan must be submitted, to the satisfaction of the Manager Development Services. This plan must include a site plan showing known locations of declared and environmental weeds and identify the timeframes and methods of primary and follow up treatment for all infestations of this weed in accordance with best practice. When endorsed, this plan forms part of the permit.

Prior to occupation, implementation of primary control of weeds on site must be undertaken in accordance with this plan and to the satisfaction of the Manager Development Services.

Ongoing management of the site must be in accordance with this Plan, unless otherwise approved in writing by Council.

In addition, to ensure these weeds are not spread from the site:

- (a) Declared weed plant material or soil containing their seed must not be removed from the site, unless undertaken in accordance with that weed's Statutory Weed Management Plan where such a plan exists;
  - (b) Weed plant material and topsoil containing their seed must not be stored or moved into areas containing weed-free native vegetation;
  - (c) Appropriate hygiene measures must be undertaken prior to any machinery 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;
  - (d) 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.
7. 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.
  8. 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) signage noting residential parking must be installed for the residential carparking spaces prior to the occupation of the new dwelling;

- (b) parking and vehicle circulation roadways and pedestrian paths must be provided with bollard lighting prior to the occupation of the new dwelling;
  - (c) stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure.
9. The vehicular access must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO9, TSD-E01 and TSD-RF01) in standard grey concrete with a broomed non-slip finish from the kerb crossing layback 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.
  10. All development must be in accordance with the recommendations of the submitted Geotechnical Site Assessment by Geo-Environmental Solutions, 36 Jenkins St, Tarooma dated December 2019.
  11. Works must be undertaken generally in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003).
  12. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is approved as part of this planning permit.
  13. 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.
14. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
  15. Prior to the occupation of any of the new dwellings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
    - i. The parking areas (including signage and access);
    - ii. The garden and landscape areas;
    - iii. Drainage works undertaken and completed;
    - iv. Letterboxes installed
    - v. The Weed Management Plan has been implemented.
  16. The existing dwelling and outbuildings must be demolished or otherwise removed from the subject land within three (3) months of the occupation of the new dwelling.
  17. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.



**ADVICE**

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the Land Use Planning and Approvals Act 1993 and does not provide any approvals under other Acts including, but not limited to Building Act 2016, Urban Drainage Act 2013, Food Act 2003 or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the Building Act 2016. Change of use, including visitor accommodation, may also require approval under the Building Act 2016. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

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

New property addresses have been allocated as follows:

Unit No.	Allocated Property Address
1	36A Jenkins Street, Taroona
2	36B Jenkins Street, Taroona (existing dwelling)
3	36C Jenkins Street, Taroona

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

- D. A drainage design plan 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.
- E. A "start works" notice must be lodged with Council fourteen (14) days prior to the commencement of any on-site works and works must not commence until this notice has been approved by the Manager Development Services.
- F. Any future application for strata title in respect of the property must ensure that at least one (1) visitor parking space is included within the common property on the strata plan.

**CARRIED**



## Submission to Planning Authority Notice

Council Planning Permit No.	DA-2020-51	Council notice date	7/02/2020
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2020/00159-KIN	Date of response	20/05/2020
TasWater Contact	Daria Rech	Phone No.	(03) 6237 8222
<b>Response issued to</b>			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
<b>Development details</b>			
Address	36 JENKINS ST, TAROONA	Property ID (PID)	5716403
Description of development	Multiple dwellings x 2 & garage		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Next 50 Architects	Proposed Site Plan / 27019_102	B	27/04/2020
Next 50 Architects	Proposed Roof Plan / 27019_103	B	27/04/2020
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections / sewerage system and connections to each dwelling unit of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing construction of the development, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> <li>4. Water meters located in vehicle manoeuvring areas must be housed in a trafficable meter box with trafficable lid to AS/NZS 3996 and must be constructed to TasWater's satisfaction.</li> </ol>			
<b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b>			
<ol style="list-style-type: none"> <li>5. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains. <ol style="list-style-type: none"> <li>a. The existing DN150mm concrete sewer main must be replaced as DN150mm PVC-U SN8 between sewer maintenance hole Asset ID A657658 and sewer maintenance hole Asset ID A657653.</li> </ol> </li> <li>6. Prior to applying for a Permit to Construct to construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a</li> </ol>			



suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.

7. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
8. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
9. Prior to the issue of a Certificate of Water and Sewerage Compliance (Building and/or Plumbing) all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, generally as shown on the concept servicing plan as per the schedule of drawings above, are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
10. After testing, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
11. At practical completion of the water and sewerage works and prior to applying to TasWater for a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
  - d. As constructed drawings must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
12. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
13. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
14. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
15. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.



#### FINAL PLANS & EASEMENTS

16. Prior to the issue of a Certificate of Practical Completion / Certificate of Water & Sewerage Compliance (Building and/or Plumbing) pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.

It is understood that any easements will be created by way of Transfer in accordance with Section 58 of the Land Titles Act 1980.

#### 56W CONSENT

17. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the Water and Sewerage Industry Act 2008 for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.
18. The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings and/or piers of proposed buildings located over or within 2.0m from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans must also include a cross sectional view through the footings which clearly shows;
- Existing pipe location & depth and proposed finished surface levels over the pipe;
  - Minimum horizontal clearance of 1.0m from the outside wall of the TasWater sewer pipe(s);
  - The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
  - A note on the plan indicating how the pipe location and depth were ascertained.
19. The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show a vertical clearance of any structures located adjacent to or over sewer pipelines of a minimum 2.3 metres in height.

#### DEVELOPMENT ASSESSMENT FEES

20. The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

The payment is required by the due date as noted on the statement when issued by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/Development/Technical-Standards>

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

##### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- A permit is required to work within TasWater's easements or in the vicinity of its infrastructure.



Further information can be obtained from TasWater

- TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies
- TasWater will locate residential water stop taps free of charge
- Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

#### Declaration

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

#### Authorised by

A handwritten signature in black ink, appearing to read "J. Taylor".

**Jason Taylor**  
Development Assessment Manager

#### TasWater Contact Details

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

**PLANNING AUTHORITY SESSION ADJOURNS**



## OPEN SESSION RESUMES

Open session resumes at 7.52pm

*Cr Westwood left the room at 7.52pm*

### 14 NOTICES OF MOTION

**C396/13-2020**

*(commences at ± 20 minutes of Part 2 of audio recording)*

#### 14.1 Poker Machines

Moved: Cr Gideon Cordover  
Seconded: Cr Flora Fox

That Council staff will conduct an engagement to understand the Kingborough community's stance on poker machines.

Moved: Cr Christian Street  
Seconded: Cr Flora Fox

That Cr Cordover be allowed to speak for a further 3 minutes.

In Favour: Crs Dean Winter, Gideon Cordover, Flora Fox, Amanda Midgley, Christian Street, Steve Wass and Paula Wriedt

Against: Crs Sue Bastone and David Grace

**CARRIED 7/2**

The motion was then put.

In Favour: Crs Gideon Cordover, Flora Fox, Amanda Midgley and Paula Wriedt

Against: Crs Dean Winter, Sue Bastone, David Grace, Christian Street and Steve Wass

**LOST 4/5**

*Cr Westwood returned at 8.33pm*

*Cr Grace left the room at 8.33pm*

### 15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

### 16 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received in the last period.

## 17 OFFICERS REPORTS TO COUNCIL

### 17.1 PETITION TO AMEND SEALED PLAN NO. 171047 AFFECTING LAND AT 361 REDWOOD ROAD, KINGSTON FOR PDA SURVEYORS ON BEHALF OF ON HORIZONS PTY LTD

This item was withdrawn from the Agenda.

**C397/13-2020**

*(commences at ± 1 hour, 1 minute of Part 2 of audio recording)*

### 17.2 HOBART CITY DEAL AND IMPLEMENTING THE KINGSTON PLACE STRATEGY

Moved: Cr Christian Street  
Seconded: Cr Gideon Cordover

*Cr Grace returned at 8.35pm*

That Council:

- (a) approve the use of Hobart City Deal funds for the purpose of implementing the first stage of the Kingston Place Strategy;
- (b) approve that the Grant Deed for \$7,900,000 be signed by the General Manager on Council's behalf; and
- (c) that the proposed work plan, as required by the Grant Deed, be submitted to Council for further consideration prior to submitting it to the Department of State Growth.

**CARRIED**

**C398/13-2020**

*(commences at ± 1 hour, 37 minutes of Part 2 of audio recording)*

### 17.3 SISTER CITY RELATIONSHIP

Moved: Cr Flora Fox  
Seconded: Cr Amanda Midgley

That Council:

- a) Maintain a youth art link with its Sister City via email and social media which introduces each municipality to the work being produced; and
- b) That the success of this reciprocal art exchange be monitored so that joint creative projects could be introduced.

**CARRIED**

C399/13-2020

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

Moved: Cr Amanda Midgley  
Seconded: Cr Jo Westwood

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

### Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

### Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence.*

**CARRIED**

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 9.17pm

**OPEN SESSION ADJOURNS**



## OPEN SESSION RESUMES

Open Session of Council resumed at 9.19pm

### C400/13-2020

Moved: Cr Paula Wriedt  
Seconded: Cr Jo Westwood

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil

**CARRIED**

### CLOSURE

There being no further business, the Chairperson declared the meeting closed at 9.20pm.

.....  
(Confirmed)

.....  
(Date)