

Kingborough



COUNCIL MEETING MINUTES

27 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, 27 July 2020 at 5.30pm

1 AUDIO RECORDING

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.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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.

3 ATTENDEES

Councillors:

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

Staff:

General Manager	Mr Gary Arnold
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Finance	Mr Tim Jones
Manager Development Services	Ms Tasha Tyler-Moore
Communications & Engagement Advisor	Ms Sarah Wilcox
Customer Service Coordinator	Ms Kelly Nichols
IT Officer	Mr Aaron Theodore
Executive Assistant	Mrs Amanda Morton

C404/14-2020

4 APOLOGIES

Cr Grace

C405/14-2020

(commences at ± 3 minutes of audio recording)

5 CONFIRMATION OF MINUTES

Moved: Cr Paula Wriedt

Seconded: Cr Flora Fox

That the Minutes of the open session of the Council Meeting No.14 held on 13 July 2020 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Nil.

C406/14-2020

(commences at ± 3 minutes of audio recording)

7 DECLARATION

Cr Bastone declared an interest in the report "DA-2020-134 - Development Application for New Manufacturing Workshop, Office, Carparking, Showroom and Landscaping at 1686 Channel Highway, Margate".

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

There were no questions without notice from the public.

10 QUESTIONS ON NOTICE FROM THE PUBLIC

C407/14-2020

(commences at ± 5 minutes of audio recording)

10.1 Skyline Policy

Ms Rosalie Maynard (on behalf of the Blackmans Bay Community Association Inc) and **Ms Leslie Frost** (on behalf of the Howden Progress Association Inc) submitted the following question on notice:

Residents in both Blackmans Bay and Howden have long appreciated and highly valued the Tinderbox Hills bush and the tree-ed skyline it provides, visible from both neighbourhoods, and integral to the visual amenity and ecological values important to both communities.

Both associations are concerned at the potential future loss of the bush and tree-ed skyline, noting the wholesale clearing of vegetation that has already happened during development of lots in the Bluebush subdivision above Blackmans Bay and in other parts of Kingborough (e.g. Spring Farm).

- 1 Does Council have a skyline policy?
- 2 Does Council have a specific planning policy to protect the current bush areas on the Tinderbox peninsula?

Officer's Response:

- 1 There is no 'skyline policy' as such, however the Scenic Landscape Code of the *Kingborough Interim Planning Scheme 2015* restricts vegetation removal within landscape areas that are important for their scenic values. The code applies to specific areas in the municipality that are mapped by the planning scheme as a 'scenic landscape area' or 'scenic landscape corridor'. The provisions within the code aim to reduce the removal or disturbance of bushland to ensure that it does not unreasonably change the scenic landscape values. The code also regulates the impact of buildings, works and removal of exotic vegetation within the mapped scenic landscape areas.
- 2 There is no planning policy as such, however the Scenic Landscape Code of the *Kingborough Interim Planning Scheme 2015* provides protection to the elevated land within the Tinderbox peninsular, including the land behind the "Bluebush Crescent subdivision". An extract of the scenic landscape code mapping is provided below.



In addition, all of the current bush areas in Tinderbox are either zoned Environmental Living or Environmental Management that aims to protect biodiversity as well as landscape values.

Adriaan Stander, Strategic Planner

C408/14-2020**10.2 Council's Environment Fund**

Ms Rosalie Maynard (on behalf of the Blackmans Bay Community Association Inc) and **Ms Leslie Frost** (on behalf of the Howden Progress Association Inc) submitted the following question on notice:

The Tasmanian Land Conservancy has been working with the current landholders of approximately 65 ha of land on Tinderbox Hills (property address believed to be 290 Tinderbox Road) and has secured the property but need help to buy it and enable its permanent management.

The TLC describes this as vital habitat which would link existing reserves in the area, build a significant conservation area in a location that is rapidly becoming suburban, as well as providing connectivity to habitat on North Bruny Island for a host of woodland birds, including Swift Parrots.

The Tinderbox Hills environment is regarded as being highly significant to the critically-endangered Forty Spotted Pardalote.

Will Council be contributing money from their Environment Fund in support of the Tasmanian Land Conservancy's bid to purchase this property?

Officer's Response:

The Kingborough Environmental Fund Steering Committee have discussed providing a contribution to the conservation of a new reserve on Tinderbox Hills. The land provides habitat for a number of the threatened species that are being targeted by the Fund. At this point the Committee has not made a decision on the matter.

Liz Quinn, NRM Coordinator

C409/14-2020**10.3 Alum Cliffs Track**

Ms Lindsay Roser submitted the following question on notice:

Is the Council currently considering or intending to consider allowing bikes to use the Alum Cliffs Track?

Officer's Response:

On 27 November 2017 (Minute ref C664/5-17) Council resolved to investigate the potential shared use of the Alum Cliffs Track via a trial to be undertaken in 2018.

At its meeting of 23 April 2018, Council resolved as follows (Minute C2498-18 refers):

That Council rescinds its decision of 27 November 2017 (Minute ref C664/5-17) in relation to an Alum Cliffs shared use trial and takes no further action in relation to additional uses for the track.

This remains Council's position in relation to this matter.

Daniel Smee, Executive Manager Governance & Community Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C410/14-2020

(commences at ± 5 minutes of audio recording)

11.1 Events Held at the Community Hub

Cr Bastone asked the following question without notice:

How many events were cancelled because of the repair works that were being done to the concrete around the Hub?

Executive Manager Governance & Community Services responds:

It's a difficult question to answer because there are probably a number of bookings that we didn't actually take because of the planned works. We were mindful of the fact that this work was planned so we probably didn't take bookings so I'm not aware that we actually had to cancel any bookings. But certainly, had Covid not eventuated, these works would have necessitated either us not taking bookings or having to cancel bookings, but to my knowledge we didn't actually have to cancel any.

C411/14-2020

11.2 Mayor's Communications

Cr Fox asked the following question without notice:

Can you please elaborate on the visit from Tobias Tenbenschel of the Kingborough & Huon Rural Youth asking for Council collaboration, on the basis that he visited me before speaking to you?

Mayor responds:

One of the issues that Tobias raised was around some signs that they were hoping to put up on road sides to increase understanding of their activities and as part of that I asked our head of planning to get in touch with the organisation about the signs so that they could better understand what the process was. I also talked about the fact that as a community organisation they could apply for the usual costs associated with putting a DA in to be waived. Of course, that would have to go to the General Manager. The second thing I did was to talk to him about how I thought Westwinds and his group could co-ordinate, given that Westwinds is in a regional location and the work they do increasingly with young people and I sent Tobias and a co-ordinator at Westwinds an e-mail and I'm hoping that as a result of that they will start collaborating. The third thing we discussed was how they could better interact with our Youth Services team and I've suggested to our Youth Services team that it would be a good idea to have a chat and the response I got from them was that they were enthusiastic about doing that so I also hope that's happened in the meantime as well.

C412/14-2020

11.3 Memorial Furniture in Public Open Space

Cr Fox asked the following question without notice:

Does Council have a policy on memorial furniture in public open space?

Executive Manager Governance & Community Services responds:

We don't have a policy. We do need a policy and our Urban Design Officer is working on that at the moment. He is keen to do some community engagement around what the parameters of that policy might look like and that is scheduled to commence shortly and then we will be bringing the policy to Council for consideration.

C413/14-2020**11.4 Green Waste Collection Service**

Cr Westwood asked the following question without notice:

I am aware that bins have been rolled out across the municipality over the last couple of weeks. Has Council had any notable number of residents ringing up to request that their bin not be delivered?

General Manager responds:

Yes, we have. In fact, we have had a number of residents both opt in and opt out. In the first week of the roll out we had about 170 opt out. That number is now around the 300 mark but in recent days the number of opt ins has been gradually increasing and that is currently sitting around the 80 mark.

Cr Westwood:

Do you expect that the \$64 fee for this financial year will still adequately cover the cost of Council providing that service?

General Manager:

At this stage we do. As you know, that \$64 fee is a pro rata fee given that the service won't actually commence until the first week of October, but we are encouraged by the trend in the last few days of more opt ins than opting out.

Cr Westwood:

Is there some communication planned to let residents know when they can actually start putting their bins out?

General Manager:

Yes. Currently the green waste roll out and information is available on our website, on the front page of our website. It is also being advertised on our Facebook page but I do know that my colleagues, Mr Baldwin and Mr Reeve and Sarah Wilcox are planning more consultation as we get closer to the commencement date.

C414/14-2020**11.5 Green Waste Bins**

Cr Wriedt asked the following question without notice:

I noticed on social media that there was talk about that people should check their rates notices because people who had opted out on the green waste bins still had a fee on there. I checked mine and the next day I then got an amended notice charging me for a bin that I had opted out of which then prompted me to ring and I was told that there had been quite significant errors in amended notices being sent out after bins had been delivered.

General Manager responds:

Yes, I was aware that there had been a hiccup as often happens in any rollout. Similarly, we have also had a situation where in the first week of the rollout a number of the people that had actually opted out notified us again that they were opting out and that initially didn't attract too much of our attention except that we then noticed the trend that you have just identified. I'm not too sure in terms of how significant that has been in terms of numbers but I'm happy to take that on notice.

C415/14-2020**11.6 Huntingfield Masterplan**

Cr Midgley asked the following question without notice:

Do we have any further updates regarding Huntingfield?

Mayor responds:

The update that I have at the last Council meeting two weeks ago is the same situation that we are in now which is that on 2 July I wrote to the Minister accepting his request to meet with Councillors but reminding him that he had committed in writing to a public meeting and that Covid-19 restrictions would now allow us to do a public meeting, but as of today we haven't received a response to that letter. We are still unsure what the Minister's commitment to public meetings are at this stage.

C416/14-2020**11.7 Review of By-Laws**

Cr Midgley asked the following question without notice:

Are we reviewing all of the By-Laws?

Executive Manager Governance & Community Services responds:

Yes, we are reviewing all of our By-Laws with the exception of the recently adopted Cat By-Law. We have four By-Laws that are all due to expire early next year and that review process is well underway and we will be having a Councillor workshop to go through the major proposed changes to those By-Laws in a few weeks time.

C417/14-2020**11.8 Governance & Community Services Activities Report**

Cr Midgley asked the following question without notice:

In this report on page 81 of this agenda, it notes that there is a discussion with landowners walking track from Brightwater Road to Mt Louis Road. Is that the one that links to the Tinderbox Hills Track?

Executive Manager Governance & Community Services responds:

That is correct.

C418/14-2020**11.9 Co-Working Space at the Community Hub**

Cr Midgley asked the following question without notice:

Recently I visited a co-working space in Hobart and people working there stated that they had looked at the Kingborough Hub but that it didn't actually meet their requirements and was lacking quite a few facilities. I wonder if Council staff have looked at other models of co-working hubs to improve and make Kingborough more attractive?

Executive Manager Governance & Community Services responds:

Yes, the down time that has presented us due to Covid has provided us that opportunity to review the operations of our co-working space. We are aware that there has been a new one recently opened in Kingborough and we have looked at the other models to see what works best, what works best in the current environment and how we could improve our own co-working space going forward.

C419/14-2020

11.10 Events and Bookings at the Community Hub

Cr Midgley asked the following question without notice:

Is the Hub open for business and how are we promoting that to the community?

Executive Manager Governance & Community Services responds:

We are not currently open for business. That's in part due to Covid restrictions but primarily due to the repairs to the concrete works that are happening directly outside the Hub. Those works are ongoing for at least another month and again we have taken the opportunity in this down time to look at our marketing plan for the Hub and we need to start to implement that as soon as we are able to re-open.

C420/14-2020

11.11 School Buses

Cr Wass asked the following question without notice:

Are school buses permitted to stop on Metro bus stops at present?

General Manager responds:

I will take your question on notice and make sure a written response is provided.

C421/14-2020

11.12 Community Grants Program

Cr Street asked the following question without notice:

When is it planned for applications to open for Round 1 of that program this year and when we would be planning on having those applications finalised?

Executive Manager Governance & Community Services responds:

They are normally open early in August which is not far off and then we normally have them finalised well before the calendar year. I've not spoken to our community development staff specifically about it recently but certainly that's the normal practice and I don't see any reason why it wouldn't be different.

C422/14-2020

11.13 Delegated Authority

Cr Cordover asked the following question without notice:

On page 79 of this agenda, I notice that there are two more retrospective approvals. Can I have a little more detail and an indication of whether or not the proponents just didn't understand that they needed Council approval and is that an indication that more education is required around that issue?

Manager Development Services responds:

If I could have a few moments to look this up as I didn't have anything prepared?

Mayor:

If anyone has any other questions we will come back to Ms Tyler-Moore,

C423/14-2020**11.14 Speed Limits and Signage**

Cr Bastone asked the following question without notice:

Several times I have asked questions about speed limits and speed limit signs and the answer has been that they will look at it and nothing has come back. Is it my responsibility to go and check whether these signs have been put up, considering one of them is on Bruny Island or is it something that we should have our Council officers getting back to us?

General Manager responds:

There should be a closing of the loop at the very least so if you have locations, you have mentioned Bruny Island, that I can follow up on I will make sure that loop is closed.

C424/14-2020**11.15 Fish Farming**

Cr Cordover asked the following question without notice:

On the weekend I was having a chat to community members and the issue of fish farming in the channel came up on a couple of occasions. Has there been an influx of concern being raised with Council particularly since the new whale boat has arrived?

General Manager responds:

I'm not aware of any heightened activity in that area. I will follow up with Mr Doole to see whether there is something that I'm not aware of that certainly hasn't passed my desk.

Response from the Manager Development Services to Cr Cordover's question at item 11.3:

The retrospective approval at the Sandfly Road address suggests that it was re-advertised as the applicant wanted to include an unauthorised outbuilding that had been constructed. What happens occasionally is when officers visit sites to do site inspections find other buildings or other works that are unauthorised and I would say that is what has happened in this instance. I would say that the Cemetery Road one is also similar that it was identified by officers that it was a building without approval. So they can then add it in to their planning application.

Cr Cordover:

Is there the feeling that there is need for more education maybe on rates notices or something like that so that this doesn't happen or if it's not a big issue then it's not a big issue.

Manager Development Services:

It's our intentions through our enforcement to proactively promote compliance and we can do that by illustrating some examples of non-compliance. Resourcing limits our opportunity to do those extra things and we also have details on planning permits that are issued saying that you cannot make changes to your plans and if you want to make changes then you have to come back for an amendment. We can also include things on our website but again resourcing limitations makes it hard to get to all those other projects that we would like to do and promote but I think probably the rates notice isn't the right place. It would just be a general media release.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

C425/14-2020*(commences at ± 24 minutes of audio recording)*

12.1 Withdrawal of Reports from a Council Agenda

At the Council meeting on 13 July 2020, **Cr Street** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Are you able to make enquiries of the Local Government Division as to whether the process by which reports, particularly planning reports, are withdrawn from Council Agendas is usual?

Officer's Response:

Advice was sought from the Local Government Division regarding Council's long held practice of agreeing to a written request from the applicant to withdraw a report that is on the Council meeting agenda. The Local Government Division researched the matter and made enquiries with the Planning Policy Unit in the Department of Justice and has confirmed as follows:

- the *Local Government (Building and Miscellaneous Provisions) Act 1993* is silent on the matter.
- the *Local Government (Meeting Procedures) Regulations 2015* is silent on the matter.
- our approach is considered usual practice and is reasonable under the circumstances.

Gary Arnold, General Manager

C426/14-2020

12.2 Weed Control

At the Council meeting on 13 July 2020, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

- 1 *Has Kingborough gained additional learnings from other municipalities such as Hobart City Council with alternative method trials, such as non-chemical interventions?*
- 2 *Will Council be considering a phase out of the use of Glysophate or minimising the use of it like in Byron Shire Council?*

Officer's Response:

- 1 Kingborough council staff are networking with other council both in Tasmania and interstate as well as other agencies regarding alternatives to weed management across the municipality. The knowledge sharing has given us some good information to base our best practises solutions on.
- 2 A comprehensive scientific assessment by expert scientists at the APVMA recently concluded that glyphosate products are safe to use, provided they are used in accordance with the label instructions. Whilst the product remains safe to use in Tasmania and is still considered to be the most cost effective and safest way to control weeds, council will not be phasing out the use of Glysophate. Kingborough Council staff are always looking at trying to minimise the use of herbicides. Council's specialist weeds officers most frequently use a selective herbicide (rather than a glyphosate product) to spot spray particular weeds (for example boneseed or gorse). These selective herbicides will be site specific (mostly used in bushland reserves) and registered for use on the target weed.

Darren Johnson, Manager Works

PLANNING AUTHORITY IN SESSION

Planning Authority commences at 5.54pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C427/14-2020

(commences at ± 25 minutes of audio recording)

13.1 PSA-2020-2 - AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 TO FORMALLY INCORPORATE SUPPLEMENTARY DOCUMENTS

Moved: Cr Flora Fox
Seconded: Cr Gideon Cordover

That:

- a) Council notes the representation received from TasWater.
- b) Pursuant to section 39(2)(a) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council forward a copy of this report to the Tasmanian Planning Commission.

CARRIED



Submission to Planning Authority Notice

Council Planning Permit No.	PSA-2020-2	Council notice date	25/06/2020
TasWater details			
TasWater Reference No.	TWDA 2020/00887-KIN	Date of response	03/07/2020
TasWater Contact	Sam Bryant	Phone No.	0474 933 294
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	15 CHANNEL HWY, KINGSTON		
Description of development	Formally Incorporate a list of Supplementary Documents in the Kingborough Interim Planning Scheme 2015		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Kingborough Council	Kingborough Interim Planning Scheme 2015 PSA 2020-2	-	09/06/2020
Conditions			
SUBMISSION TO PLANNING AUTHORITY NOTICE OF DRAFT AMENDMENT TO PLANNING SCHEME REFERRAL			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56S(2) TasWater makes the following submission(s):			
1. TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.			
Advice			
Nil			
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			

Issue Date: August 2015

Uncontrolled when printed

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C428/14-2020*(commences at ± 26 minutes of audio recording)***13.2 DA-2020-134 - DEVELOPMENT APPLICATION FOR NEW MANUFACTURING WORKSHOP, OFFICE, CARPARKING, SHOWROOM AND LANDSCAPING AT 1686 CHANNEL HIGHWAY, MARGATE**

Moved: Cr Flora Fox

Seconded: Cr Amanda Midgley

That the development application for a new manufacturing workshop, office, carparking, showroom and landscaping at 1686 Channel Highway, Margate be refused on the following grounds:

1. The application to extend a non-conforming 'manufacturing and processing' use on the site fails to satisfy the limitations of Clause 9.1.1 of the Kingborough Interim Planning Scheme 2015 in that:
 - (a) there will be detrimental impact on the adjoining uses;
 - (b) there will be detrimental impact on the amenity; and
 - (c) the proposal will result in substantial intensification of the land, the buildings and works.
2. The proposal to maintain and intensify the prohibited 'manufacturing and processing' use is contrary to and conflicts with the Zone Purpose Statements of the Local Business zone in which it is situated as contained within Clause 20.1.1.
3. The proposal fails to satisfy the performance criteria of Clause 20.4.2(P2) – Setback of the Kingborough Interim Planning Scheme 2015 in that it will result in unreasonable adverse impacts on residential amenity of adjoining use and development through overshadowing, overlooking and visual impacts.
4. The proposal fails to satisfy the performance criteria of Clause 20.4.8(P1) – Environmental Values of the Kingborough Interim Planning Scheme 2015 as it does not avoid impacts to an existing tree of high conservation value, where such impacts could have been avoided in a redesign of the development.
5. The proposal fails to satisfy the performance criteria of Clause E6.7.12(A1) – Siting of carparking of the Kingborough Interim Planning Scheme 2015 as parking has been provided forward of the building line in an instance when it is not the only feasible possibility.
6. The proposal fails to satisfy the performance criteria of Clause E24.6.1(P1) – Lopping, pruning, removal or destruction of significant trees of the Kingborough Interim Planning Scheme 2015 as there are feasible alternative proposal designs which could be implemented to avoid impacting on the Pin Oak tree at the front of the site.

Moved: Cr Paula Wriedt

Seconded: Cr Sue Bastone

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

CARRIED

The motion was then put.

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

Against: Crs Dean Winter, Jo Westwood, Sue Bastone, Christian Street, Steve Wass and Paula Wriedt

LOST 3/6

Foreshadowed Motion:

Moved: Cr Christian Street

Seconded: Cr Sue Bastone

That the Planning Authority resolves that the development application for new manufacturing workshop, office, carparking, showroom and landscaping at 1686 Channel Highway, Margate for Mr G Corney 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 approved plans required by permit conditions contained in this permit.

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. Before the approved development and/or use commences, amended plans to the satisfaction and approval of the Manager Development Services must be submitted to and approved. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans dated 2 June 2020 and prepared by Graeme Corney Architect but modified to show:
 - (a) Accurate surveyed location of the Pin Oak (Tree No. 1 – drg 7B) to be retained at the front of the site demonstrating the extent of encroachment into the tree root protection zone and lopping of the canopy required is no greater than specified in the arborist assessments (Element Tree Services, 5 March 2020 and 15 May 2020).
 - (b) Notation of the proposed building's footing requirements to protect the Pin Oak (Tree No. 1 – drg 7B) as outlined in Condition 6 of this permit.
 - (c) Landscaping as required by Condition 11 of this Permit.
 - (d) Engineering Design drawings as required by Condition 12 of this Permit, including:
 - i. All carparking and manoeuvring areas relocated to behind the building line; and
 - ii. The provision of two (2) bicycle parking spaces of medium security level (Clause E6.0).
 - (e) A schedule of external materials, colours and finishes demonstrating all buildings applying to this development have a light reflectance value of no greater than forty percent. Unpainted metal surfaces will not be approved.

- (f) Screening of the upper level deck and office windows on the northern elevation to prevent overlooking to the neighbouring residential properties by:
 - i. Deck: Installing permanently fixed screens along the outer length of the deck on the northern façade to a height of at least 1.7 m above the finished floor level of the deck and with a uniform transparency of no more than 25%;
 - ii. Windows: by choosing either sill heights of at least 1.7m above the floor level or fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or by having a permanently fixed external screen for the full length of the window, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.
3. This permit cannot be acted upon until and unless the strata plan is either cancelled or amended to ensure that the proposal is wholly located within one lot and clear of the common property on the strata.
4. Only trees 5-10 identified for removal on drg 7B (applicants reference) are approved for removal to accommodate the proposed development. No trees are to be removed prior to the issue of a Building Permit and payment for the offset and bond.

No further felling, lopping, ringbarking or otherwise injuring or destroying of 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.
5. Prior to the issue of a Building Permit and the removal of high-conservation Tree No. 5 (Eucalyptus ovata) (plan drg 7B - applicants reference) an offset of \$500 must be paid into Council's Environmental Fund, to be used to manage and conserve the habitat of the swift parrot in the vicinity of Margate.
6. The registered Pin Oak (Tree No. 1: plan drg 7B (applicants reference) & Significant Tree ref: 2012-1) is approved for encroachment, pruning, lopping and canopy maintenance to accommodate the proposed development in accordance with the arborist assessments (Element Tree Services, 5 March 2020 and 15 May 2020), conditional on the following requirements:
 - (a) utilising post and beam footings for the footing design;
 - (b) undertaking excavation for the footings using a vacuum truck;
 - (c) if the selected footing location encounters roots greater than 80mm diameter, finding an alternate location for the footing to avoid critical damage where possible;
 - (d) pruning to inner laterals that will provide a more compact crown with a reduced potential to be damaged during strong wind events; and
 - (e) removing some of the mass that has developed on the eastern side of the crown and the removal of defective and dysfunctional wood throughout.

All pruning, lopping and canopy maintenance work must be completed by a qualified arborist holding an AQF Level 3 certificate or higher in Arboriculture and be under the supervision of a qualified arborist holding an AQF Level 5 certificate or higher in Arboriculture.

The extent of encroachment into the tree root protection zone and the extent of pruning, lopping and canopy maintenance work must be no greater than specified in the arborist assessments (Element Tree Services, 5 March 2020 and 15 May 2020).

No encroachment, pruning, lopping and/or canopy maintenance can occur prior to the issue of a Building Permit for the development.

No further pruning, lopping, ringbarking or otherwise injuring or destroying of the Pin Oak 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.

7. Prior to the issue of a Building Permit or commencement of works, a \$2500 bond must be paid to ensure the encroachment, pruning, lopping and canopy maintenance of the Pin Oak (Tree No. 1: plan drg 7B (applicants reference) is undertaken in accordance with the permit conditions and the arborist assessments (Element Tree Services, 5 March 2020 and 15 May 2020).

This bond will be refunded at the completion of all construction works, upon submission of an assessment by a suitably qualified arborist verifying that the encroachment, pruning, lopping and canopy maintenance is consistent with the arborist assessments (Element Tree Services, 5 March 2020 and 15 May 2020).

8. Plans submitted for building approval for the development must:
 - (a) demonstrate the recommendations made in the Element Tree Services reports (5 March 2020 and 15 May 2020) submitted with the application are incorporated, including:
 - (i) that the footing design will utilise post and beam footings within the tree root protection zone of the Pin Oak (Tree No. 1: plan drg 7B (applicants reference);
 - (ii) specify that excavation for the footings will be undertaken with a vacuum truck;
 - (iii) if the selected footing location encounters roots greater than 80mm diameter, finding an alternate location for the footing to avoid critical damage where possible; and
 - (iv) demonstrate that the extent of encroachment into the tree root protection zone and lopping of the canopy required is no greater than specified in the arborist assessments (Element Tree Services, 5 March 2020 and 15 May 2020).
 - (b) Screening to north facing windows and deck in accordance with condition 2 of this permit.
9. Plans submitted for plumbing approval for the development must demonstrate that:
 - (a) the sewer connection is located outside the tree root protection zone of the Pin Oak; and
 - (b) the extent of encroachment into the tree root protection zone and lopping of the canopy required is no greater than specified in the arborist assessments (Element Tree Services, 5 March 2020 and 15 May 2020).
10. During and after construction the Pin Oak (Tree No. 1: plan drg 7B (applicants reference) must be appropriately protected in accordance with all the recommendations in the arborist

assessments (Element Tree Services, 5 March 2020 and 15 May 2020) to ensure that no damage is inflicted that may impact upon the health of the tree or cause it to die.

Prior to commencement of construction, a Tree Root Protection zone must be established by installing and maintaining temporary fencing between any authorised works and the Pin Oak (Tree No. 1: plan drg 7B (applicants reference) 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).

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

- (o) 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
- (p) the Tree Root Protection Zone must be free from the storage of fill, contaminants or other materials; and
- (q) machinery and vehicles are not permitted to access the Tree Root Protection Zone.

11. 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 the boundary with the Channel Highway and the northern and western boundaries of the site and surrounding the 12 carparking spaces;
- (b) Trees to be retained and those to be removed in accordance with approvals granted in this Permit (numbering from plan drg 7B (applicants reference) should be reflected in all plans;

- (c) A schedule of all proposed trees, shrubs/small trees, grasses and ground cover. The proposed vegetation must include a variety of species with varying heights to create diversity, interest and amenity;
- (d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material; and
- (e) Any fence design details.

Prior to the occupation of the building, the landscaping shown on the endorsed plan must be completed to the satisfaction of the Manager Development Services.

12. 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 that:

- (a) The design of any infrastructure is not contrary to the recommendations of Element Tree Services, 5 March 2020 and 15 May 2020 and works/services do not encroach in to the tree protection zone of the Pin Oak.
- (b) Vehicle access must comply with the Tasmanian Standard construction drawings;
- (c) The car parking and vehicle manoeuvring areas must be located behind the building line of proposed buildings on the site as required in Clause E6.7.7 A1 of the Kingborough Interim Planning Scheme 2015;
- (d) The car parking and vehicle manoeuvring areas must be of a sealed construction (concrete or asphalt) and comply with Australian Standard AS2890.1:2004 (Off street car parking);
- (e) Access car parking marking and bollard must be installed for the access car parking spaces;
- (f) Parking and vehicle circulation roadways and pedestrian paths must be provided with lighting as required in Clause E6.7.7 A1 of the Kingborough Interim Planning Scheme 2015;
- (g) The development must include two (2) bicycle parking spaces of medium security level in accordance with Table E6.2 Bicycle Parking Spaces of the Kingborough Interim Planning Scheme 2015;
- (h) Water sensitive urban design systems must be incorporated to achieve the acceptable stormwater quality targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015. Supporting documentation with associated hydraulic calculations and MUSIC modelling must be submitted; and
- (i) On-site stormwater detention systems must be incorporated to achieve the acceptable stormwater discharge rates required in Clause E7.7.1 of the Kingborough Interim Planning Scheme 2015. Long section details must be provided for the proposed stormwater infrastructure and supporting documentation and associated hydraulic calculations must be submitted.

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 designs must detail the following:

- long and cross sections of the driveway/access road;
- contours, finish levels and gradients of the driveway/access road;
- pavement construction; and
- the provision of parking and turning bays.

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.

13. 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.
14. 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.
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. The existing shipping container located on the site must be removed within 30 days of the issue of an Occupancy Permit for the new building.
17. The demolition of the existing workshop building (shown on Floor Plan Drawing 2 June 2020) must be completed within 30 days of the issue of an Occupancy Permit for the new building.
18. Unless with the prior written consent of the Manager Development Services, the showroom may only operate between the following hours:

Monday – Friday: 7.00am – 5.00pm
 Saturday: 8.00am – 4.00pm
 Sunday: nil

Unless with the prior written consent of the Manager Development Services, the manufacturing workshop may only operate between the following hours:

Monday – Friday: 8.00am – 5.00pm
 Saturday: 9.00am – 4.00pm
 Sunday: nil
 Public Holidays: nil

19. Noise emissions measured at the boundary of the site must not exceed the following:
 - 55 dB(A) (LAeq) between the hours of 7.00 am to 5.00 pm;
 - 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 5.00 pm to 7.00 am;
 - 65dB(A) (LAmix) at any time.
20. External lighting must comply with all of the following:
 - be turned off between 6:00 pm and 7:00 am, except for security lighting;
 - security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.
21. Commercial vehicle movements (including loading and unloading and garbage removal) to or from the site must comply with all of the following:
 - 7.00 am to 5.00 pm Mondays to Fridays inclusive;
 - 9.00 am to 5.00 pm Saturdays.
22. Delivery vehicles must park within the site boundaries and must not under any circumstances block vehicular access along any road or adjoining property access.
23. Goods, materials or equipment must not be stored outside the building so as to be visible from any public road or thoroughfare or neighbouring property, to the satisfaction of the Manager Development Services. The premises/land must be maintained in a neat and tidy condition at all times.
24. Adequate provision must be made for the storage and collection of garbage and other solid wastes within the curtilage of the site. This area shall be properly graded and drained and screened from public view to the satisfaction of the Manager Development Services.
25. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - (a) The activity on the site;
 - (b) Transport of materials, goods or commodities to or from the site;
 - (c) Appearance of any building, works or materials, including storage; and
 - (d) Emissions from the premises.
26. A double width (6.0m) 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. The existing redundant vehicular access must be removed and the kerb and channel reconstructed in accordance with the Tasmanian Standard Drawings to the satisfaction and approval of the Executive Manager – Engineering Services. A Permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.
27. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The developer should ensure all necessary consents from the Body Corporate of Strata Plan No. 141725 are obtained prior to commencement of construction.
- 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. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- E. This permit does not include approval for any signage to be erected on site. Further approval may be required for the erection of signage on the site.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Amanda Midgley, Christian Street, Steve Wass and Paula Wriedt

Against: Crs Gideon Cordover and Flora Fox

CARRIED 7/2

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open session resumes at 6.45pm

14 NOTICES OF MOTION

C429/14-2020

(commences at ± 1 hour, 15 minutes of audio recording)

14.1 FUNDING FOR PUBLIC INFRASTRUCTURE REQUIRED TO SUPPORT LARGE SUB-DIVISIONS

Moved: Cr Jo Westwood

Seconded: Cr Amanda Midgley

That a report be provided to Council regarding options to assist in funding the provision of public infrastructure to support large new subdivisions and rezones.

The report should include, but not be limited to:

- analysis of the infrastructure requirements created by recent large residential subdivisions;
- financial analysis, including estimated revenue versus costs and time taken to achieve a return on investment to Council from recent major residential subdivisions;
- potential policy solutions to address funding of public infrastructure necessitated by large subdivisions;
- options currently available within existing legislation to implement changes to the way Council funds and delivers infrastructure, including land value capture options, infrastructure impact fees and public private partnerships; and
- what legislative or other changes are required to enable Council to undertake value capture arrangements from large residential subdivisions by re-allocating at least part of the burden of funding for public infrastructure requirements.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Amanda Midgley, Christian Street and Paula Wriedt

Against: Cr Steve Wass

CARRIED 8/1

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

16 PETITIONS RECEIVED IN LAST PERIOD

C430/14-2020

(commences at ± 1 hour, 30 minutes of audio recording)

16.1 ROAD SAFETY IN CONINGHAM AND LOWER SNUG

Moved: Cr Flora Fox

Seconded: Cr Steve Wass

That the petition containing 40 signatures be received and referred to the appropriate Department for a report to Council.

CARRIED

17 OFFICERS REPORTS TO COUNCIL

C431/14-2020*(commences at ± 1 hour, 30 minutes of audio recording)***17.1 DISASTER RELIEF DONATIONS POLICY**

Moved: Cr Flora Fox

Seconded: Cr Jo Westwood

That Council does not renew policy 3.33 Disaster Relief Donations Policy, as attached to this report.

In Favour: Crs Dean Winter, Jo Westwood, Sue Bastone, Flora Fox, Amanda Midgley, Christian Street, Steve Wass and Paula Wriedt

Against: Cr Gideon Cordover

CARRIED 8/1**C432/14-2020***(commences at ± 1 hour, 38 minutes of audio recording)***17.2 POLICY 4.9 - ARTS COLLECTION**

Moved: Cr Amanda Midgley

Seconded: Cr Sue Bastone

That Council endorse the revised Arts Collection Policy as attached to this report.

CARRIED**C433/14-2020**

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Flora Fox

Seconded: Cr Amanda Midgley

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 UNANIMOUSLY AND BY ABSOLUTE MAJORITY

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 7.16pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7.19pm

C434/14-2020

Moved: Cr Jo Westwood

Seconded: Cr Paula Wriedt

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	Approved

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.20pm.

.....
(Confirmed)

.....
(Date)