

# Kingborough



## COUNCIL MEETING MINUTES

14 December 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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Public Copy

MINUTES of an Ordinary Meeting of Council  
 Kingborough Civic Centre, 15 Channel Highway, Kingston  
 Monday, 14 December 2020 at 5.30pm

**1 AUDIO RECORDING**

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The Chairperson declared the meeting open, 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 received confirmation that the audio recording had commenced.

**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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Ms Sarah Wilcox provided the Welcome to Country.

**3 ATTENDEES**

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**Councillors:**

Mayor Councillor D Winter	✓
Deputy Mayor Councillor J Westwood	✓
Councillor S Bastone	✓ (arrived at 5.38pm)
Councillor G Cordover	✓
Councillor F Fox	✓
Councillor D Grace	x
Councillor A Midgley	✓
Councillor C Street	✓
Councillor P Wriedt	✓

**Staff:**

Acting General Manager	Mr Tony Ferrier
Chief Financial Officer	Mr John Breen
Executive Manager Engineering Services	Mr David Reeve
Executive Manager Governance & Community Services	Mr Daniel Smee
Manager Development Services	Ms Tasha Tyler-Moore
Coordinator Statutory Planning	Ms Melissa Stevenson
Communications & Engagement Advisor	Ms Sarah Wilcox
Executive Assistant	Mrs Amanda Morton

**C716/23-2020**

**4 APOLOGIES**

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Councillor S Wass (leave of absence)  
 Councillor D Grace (absent)

**C717/23-2020**

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

**5 CONFIRMATION OF MINUTES**

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Moved: Cr Paula Wriedt  
 Seconded: Cr Flora Fox

That the Minutes of the open session of the Council Meeting No.22 held on 23 November 2020 be confirmed as a true record.

**CARRIED**

**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

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- 30 November - Hobart City Deal – Southern Projects
- 7 December - Asset Management

**7 DECLARATIONS OF INTEREST**

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There were no declarations of interest.

**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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There were no questions on notice from the public.

**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**C718/23-2020**

*(commences at ± 11 minutes of audio recording)*

**11.1 Huntingfield Park and Ride**

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

*Have we heard any further communication from the Department of State Growth regarding the bus audits? If not, can we please write a letter and ask them for a time line?*

**Acting General Manager responds:**

I had a phone call on Friday from the Department of State Growth who are forming a working group of State Growth employees, Metro staff and Council staff. They will be looking at the audit as a whole. They have done a count of all the bus stops in the municipality and they have identified how many are DDA compliant and not. The vast majority are not DDA compliant, they have some issues that need to be dealt with. They have a basic level of information about the bus stops and what they will be doing now with this working group is creating a framework within which they will

do the audit and then they will move forward on that. They will identify which ones need to be designed and costed and then they will come up with a priority list of bus stops that they feel need to be worked on. There is about \$2 million of funding available for the job. They anticipate for the first six months of next year that that type of pre-planning work will take place and then the following twelve to eighteen months through to the end of 2022 will mean the actual work on ground will get done. We don't know yet how many bus stops will be dealt with until we go through that process but that's the timeframe.

**Cr Midgley:**

Thank you. So they will be looking at bus stops where there are no shelters as well to look at if they should build a bus stop?

**Acting General Manager:**

Yes, they will be looking at all bus stops in the municipality. The audit covers everything. The focus will be on DDA compliance but they will also be considering other things like shelter and seating and some of the amenity issues which are needed in some cases. They will also be looking at whether they are in the right locations and if they have to be shifted. Some bus stops could possibly be improved where they are located.

**C719/23-2020**

**11.2 Multi-Cultural Kingborough**

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

*Mayor, last week I noticed that you had held a conversation about a multi-cultural Kingborough and I was curious to know what were any outcomes or understanding from that?*

**Mayor responds:**

I will take your question partly on notice but broadly the conversation was me explaining a little bit about myself and I ran through some demographics that we got from Census that talked about how our population was changing. Then we listened to some of the ideas and thoughts and the concerns raised were from people who were just unable to find a job and were saying that it is really tough to get the level of support living in Kingborough and pointing to areas like Glenorchy with a higher multi-cultural population who were able to more readily get that support. Some said that they felt absolutely welcome in Kingborough and they love living here and some said that they had occasions where they haven't felt welcome or safe. And safety was another big theme. We took everyone's contact details and Julie Alderfox from our community services team and myself have got a list of actions to go through that we are going to sit down in the New Year and plan how we are going to resolve them.

**C720/23-2020**

**11.3 Delegate Authority List in the Agenda**

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

*On page 140 of the Agenda, I notice that there seem to be an exceptionally high number of retrospective applications within this group. I wanted to check whether we can have an assurance whether all those retrospective applicants had paid the double fee as they were retrospective?*

**Manager Development Services responds:**

It is definitely common practice that they have to pay that double fee. Of course, there might be occasions where the fee is waived where someone has got a circumstance where they have recently purchased a property and there is evidence that the people before did the works. But yes, from memory all these applicants have paid their fees.

**Cr Wriedt:**

On page 142, DA-2020-591 indicates that there was a retaining wall and some stormwater works that were partially within the Council road reserve. Can you please provide some detail on that? Has the retaining wall encroached on that or is it the underneath works of the stormwater?

**Manager Development Services:**

The retaining wall was constructed without approval. It was brought to our attention and they had in fact built over our stormwater drain. It's protected under the *Urban Drainage Act* and the outcome was to re-align that drain at their cost because it was a liability.

**Cr Wriedt:**

So the wall hasn't moved, they've paid to rectify the issue with the stormwater drain?

**Manager Development Services responds:**

That's correct.

**C721/23-2020****11.4 General Manager's Diary**

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

*On page 143 of the Agenda, the General Manager met with Southern Cross Care regarding the future of Mary's Grange. Could the General Manager provide some advice on that meeting when he returns?*

**Mayor responds:**

We will take it on notice.

**C722/23-2020****11.5 General Manager's Diary**

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

*The General Manager attended the TCCI State Budget breakfast. How does the State Budget intersect with Council's finances and what's the relevance of the State Budget breakfast to Council?*

**Mayor responds:**

I wasn't there so we will take your question on notice.

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**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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**C723/23-2020**

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

**12.1 Tinderbox Kerbside Collection**

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

*How is Council progressing the Tinderbox Kerbside Collection resolution and what are the expected timelines?*

**Officer's Response:**

Consultation with the contractor identified that the following properties are suitable for the service and collection vehicle.

- Blackmans Bay end, along Tinderbox Road up to and including Fossil Cove Drive and Malwood Court.
- Howden end, along Tinderbox Road to the intersection of Morwong Street.

Tinderbox Road between the above two areas was not deemed suitable by the contractor for the collection vehicle or the kerbside service.

90 expression of interest consultation letters were posted to property owners within the expansion areas on 20 November with a return date of 4 December 2020.

*David Reeve, Executive Manager Engineering Services*

## **C724/23-2020**

### **12.2 Bruny Island Emergency Management**

At the Council meeting on 24 November 2020, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*In the event of a disaster on Bruny Island requiring large scale evacuation, is Council confident that an evacuation could take place in a managed, timely and co-ordinated way and how often are these mechanisms road tested?*

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

Emergency Management arrangements in Tasmania are set out in the Tasmanian Emergency Management Arrangements (TEMA). The TEMA outlines the 'who', 'what' and 'when' of emergency management arrangements and describes roles, responsibilities and agreed arrangements for the four phases of emergency management, of prevention (mitigation), preparedness, response; and recovery. THE TEMA and the detail contained within it are essential to ensure there is not confusion or duplication during an emergency event.

Responsibilities for evacuation during an emergency event lie with the Police. There is an Emergency Evacuation Framework which guides decisions relating to when to evacuate and warnings. Council would have a role only when directed by the relevant emergency service. This role may include assisting with road closures, opening an evacuation centre, or sharing emergency information. During an emergency event an Evacuation Planning Unit is set up to coordinate arrangements and these may include water based evacuation with knowledge of berthing points, vessel capacities etc.

Arrangements are tested frequently and systematically through various exercise arrangements. These can be anything from desk top exercise to a full scale response exercise by the emergency services. How an evacuation takes places would depend very much on the emergency event. The most likely event on Bruny would be bushfire related. Bruny has a number of community protection plans, identified nearby safer places (places of last resort) and arrangements are in place to open an evacuation centre on the island is required. Individuals also need to take responsibility for their own bushfire or emergency plans. By understanding warning systems, and knowing when to leave, where to go and by practicing their plans the need for last minute evacuations is minimised. Further information can be found on [www.fire.tas.gov.au](http://www.fire.tas.gov.au)

*Belinda Loxley, Emergency Management Coordinator*

**OPEN SESSION ADJOURNS**

## PLANNING AUTHORITY IN SESSION

Planning authority commenced at 5.49pm

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

**C725/23-2020**

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

**13.1 DAS-2020-18 - SUBDIVISION OF THREE (3) LOTS AT 28 MCDOWALL STREET, MIDDLETON**

Moved: Cr Flora Fox

Seconded: Cr Amanda Midgley

That the Planning Authority resolves that the development application for subdivision of three lots at 28 McDowall Street, Middleton for Southern Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2020-18 and Council Plan Reference No. P3 submitted on 5 October 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. To ensure future development of lots minimises weeds, minimises collision risk to swift parrots and retains and protects trees of high conservation value, prior to the permit coming in to effect the applicant must enter into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council to the effect that:
  - (a) any landscaping of the site will incorporate native species (preferably Tasmanian endemic species) and exclude declared weeds under the Weed Management Act 1999 and non-declared priority weeds listed in the Kingborough Weed Management Strategy;
  - (b) all proposed buildings must be designed to limit the likelihood of bird strike as far as possible and development is to be designed in accordance with "Minimising the swift parrot collision threat - Guidelines and recommendations for parrot-safe building design".

Buildings will be deemed to have been so designed and constructed to the satisfaction of the Kingborough Council if the glazed surfaces of the building meet any one of the following:

- (i) the glazed surface of the window does not have a total surface area of greater than 2m<sup>2</sup> and does not result in a sight line through the building from one window to another, such as corner windows;
- (ii) the glazed surface of a window is treated to include visual markers or muted reflections, the purpose of which is to give them the appearance of an impenetrable surface. Such surfaces may include any one of the following types of treatments: the use of low-reflectivity glass (0-10%); films; coatings; fritted glass; or screens; or

- (iii) the glazed surface of a window is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground.
- (c) no felling, lopping, ringbarking or otherwise injuring or destroying of eucalypt trees with a diameter >25 cm can take place without the prior written consent of Council;
- (d) development and works must be designed and located to avoid and mitigate impacts on trees identified for retention, including buildings, access, on-site wastewater, bushfire and stormwater.

Council will only approve impacts on these trees where:

- (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because the health and viability of the trees is such that they represent a danger; and
- (ii) loss of these trees is offset to the satisfaction of Council.

The Part 5 Agreement must also include a copy of the subdivision plan clearly showing the location of the trees to be retained and protected under this condition. This includes Trees 1 - 3, 9 and 36 - 42 as shown in Council Plan Reference P3, received on 5 October 2020.

All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with once executed.

*Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be signed and sealed prior to commencement of works. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

3. Prior to the permit coming into effect, the developer must enter in to a Part 5 Agreement with and to the satisfaction of Kingborough Council to the effect that the measures contained within the subdivision Bushfire Hazard Report (Nick Creese, Lark & Creese, 30 September 2020) and the associated subdivision Bushfire Hazard Management Plan (BHMP) (Nick Creese, Lark & Creese, 30 September 2020) must be implemented in relation to any future development on the lots, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas are contained within the lot boundaries, does not rely upon ongoing management of adjacent land and does not rely upon additional tree removal.

All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with once executed.

*Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore, the above Agreement must be signed and sealed prior to the Planning Permit coming into effect and commencement of works. A Part 5 Agreement template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

4. All individual trees identified for retention in Council Plan Reference P3, received on 5 October 2020 and identified as Trees 1 - 3, 9 and 36 - 42, 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.

Prior to commencement of any on-site works in accordance with AS 4970-2009 a Tree Root Protection zone must be established and maintained through the installation of temporary fencing between any authorised works and adjacent native vegetation 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 obtained prior to the commencement of any on-site works and made available to Council upon request.

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);
- (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 are not permitted unless otherwise approved by Council in writing.

5. To offset the loss of five (5) trees of high conservation value (*Eucalyptus obliqua* trees with a DBH >70cm) an offset of \$500/tree must be paid into Council's Environmental Fund, to be used to manage and conserve hollow dwelling habitat in the vicinity of the Channel.

This \$2500 offset must be paid prior to the commencement of on-site works and removal of the trees.

6. Prior to the commencement of any on-site works, including vegetation removal or modification, demolition, construction, excavations, placement of fill, delivery of construction materials and/or temporary buildings, a "start works" notice must be lodged with Council.

This notice must be lodged a minimum of 14 days prior to commencement of on-site works and works must not commence until this notice has been approved by the Manager Development Services.

7. Thirty-one (31) trees are approved for removal as shown in Council Plan Reference P3, received on 5 October 2020 and identified as Trees 4 - 8 and 10 – 35 (inclusive), including:
  - (a) four (4) exotic trees; and
  - (b) 27 native trees, five (5) of which are of high conservation value.

No native vegetation is to be removed prior to endorsement of Start of Works.

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.

8. Prior to the issue of a start of works, Engineering design drawings must be submitted to Council for approval. Plans must be to satisfaction of the Executive Manager - Engineering Services and comply with the following:
  - (a) be in accordance with the Tasmanian Standard construction drawings;
  - (b) stormwater lot infrastructure connections 150mm to service each proposed lot. The lot connections are required to connect to McDowall Street table drain with a concrete headwall.

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.

9. 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.
10. The construction works must be undertaken generally in accordance with the approved engineering design drawings to the satisfaction and approval of the Executive Manager Engineering Services and in accordance with:
  - (a) IPWEA Tasmanian subdivision guidelines;
  - (b) Kingborough Council's standard testing methods and procedures.

The works must be supervised by a professional Civil Engineer in accordance with Council's inspections schedule. All enquiries and matters pertaining to the works during the construction and maintenance stages shall be directed to the applicant or applicant's representative in the first instance, until the works have successfully undergone the requisite 52 week maintenance period and have been taken over by Council.

11. The vehicular access to each lot must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO3, TSD-RO4, TSD-E01 and TSD-RF01) and be sealed to match the existing road surface from the edge of the carriageway to the lot boundary. A permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.

12. 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.

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 from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

14. The applicant/developer must lodge a maintenance bond and bank guarantee of 10% of the total contract sum including GST to cover the satisfactory rectification of all defects and defective works during the statutory 52 weeks maintenance period prior to the issue of Certificate of Practical Completion for each approved stage of the subdivision.

15. The satisfactory completion of all public infrastructure for each stage of the subdivision works will be considered achieved when:

- (a) A Certificate of Practical Completion has been issued;
- (b) All defects and any defective works have been satisfactorily rectified at the completion of the 52 week maintenance period;
- (c) Council will be entitled to call upon the bond and bank guarantee funds to complete or rectify any outstanding defective works after the expiry of the maintenance period;
- (d) At the end of the statutory 52 week maintenance period, the supervising Engineer must request a joint onsite inspection with the Council's authorised representative to confirm that all outstanding defects and defective works have been satisfactorily completed;
- (e) Upon satisfactory completion of all outstanding defects and defective works Council will issue a notice of satisfactory 'Final Inspection' and the public assets will be taken over by Council;
- (f) After takeover of the works, it will be the responsibility of the supervising engineer or applicant to request Council to release all Bond and Bank Guarantee monies.

16. At practical completion and the satisfactory completion of all mandatory audit inspections for each approved stage of the subdivision works the supervising engineer must:

- (a) Request a joint on site practical completion inspection with the Council's authorised representative;
- (b) Provide written confirmation that the works have been substantially completed in accordance with the Council approved plans and specifications and that the appropriate levels of quality and workmanship have been achieved;
- (c) Provide supervising engineer's certification that site filling exceeding 300mm has been placed in accordance with AS 3798 (guidelines on earthworks for commercial and residential developments). Fill areas must be shown on the 'As Constructed' drawings;

- (d) Provide a signed checklist for 'As Constructed' drawings;
- (e) Submit A1 size 'As Constructed' drawings in accordance with Council's Survey Brief, at a scale of 1:200 or 1:500 as appropriate, unless approved otherwise, certified as correct by a registered land surveyor in accordance with Council's Survey requirements for subdivisions, developments and capital works projects;

Council will issue a Certificate of Practical Completion including a minor defects list, upon the successful completion of:

- (a) All mandatory audit inspections;
  - (b) Provision of acceptable documentation;
  - (c) Practical completion inspection;
  - (d) Provision of Bond and Bank guarantees.
17. All works associated with each approved stage of the subdivision must be completed to the satisfaction of the Executive Manager – Engineering Services prior to the sealing of the Final Plan of Survey by Council for the respective stage. Quality assured contractors may lodge a notice of intent to Council requesting assessment and approval that security be accepted to cover the completion of any outstanding works to enable the sealing of the Final Plan of Survey. The assessment must be in accordance with Council's policy at the time, is subject to an onsite inspection and report by Council's officers. The follow must be confirmed in writing:
- (a) That all sewer, stormwater, water mains and associated house connections are constructed and capable of satisfactory operation.

Acceptable "As Constructed" drawings must be provided.

18. Site filling that exceeds a depth of 300mm must be placed in accordance with AS3798 guidelines for commercial and residential developments 1996. Upon completion of the works, the supervising engineer must confirm in writing that the works have been carried out in accordance with AS 3798. The location of fill areas must be shown on the "as constructed drawings" and Final Plan of Survey submitted for sealing.
19. Prior to the Sealing of the Final Plan of Survey for Stage 1, the following bushfire mitigation measures must be satisfactorily implemented in accordance with the subdivision Bushfire Hazard Report (Nick Creese, Lark & Creese, 30 September 2020) and the associated subdivision Bushfire Hazard Management Plan (BHMP) (Nick Creese, Lark & Creese, 30 September 2020):
- (a) installation of a compliant static water supply within the balance lot;
  - (b) establishment of the hazard management area for Lot 3; and
  - (c) establishment of a compliant cross-over to Lot 3.
20. Prior to the Sealing of the Final Plan of Survey for Stage 2, the following bushfire mitigation measures must be satisfactorily implemented in accordance with the subdivision Bushfire Hazard Report (Nick Creese, Lark & Creese, 30 September 2020) and the associated subdivision Bushfire Hazard Management Plan (BHMP) (Nick Creese, Lark & Creese, 30 September 2020):
- (a) installation of a static water supply within Lot 1; and
  - (b) establishment of a compliant access and turning area for Lot 1.

21. The Final Plan of Survey for each stage must incorporate designated building areas for Lot 2 and 3, to be shown as a “Building Area” on the plan. These building areas must be generally consistent with the proposed building areas as shown in Council Plan Reference P3, received on 5 October 2020.

The final “Building Areas” must be to the satisfaction of the Manager Development Services.

The Schedule of Easements must include a covenant requiring that all habitable buildings be contained entirely within the Building Area unless otherwise approved by Council writing. Approval will only be given where it can be demonstrated that the buildings will not:

- (a) impact upon trees identified for retention in the Part 5 Agreement; or
  - (b) result in the bushfire hazard management areas extending beyond the property boundary.
22. Prior to the sealing of the Final Plan of Survey, the overflow from the existing water tank on Lot 1 and any downpipes, that are not connected to a water tank, must be run inside the new property boundary down to Council’s roadside stormwater drain.
23. A dedication of public land for road widening of 9 metres from the centreline of the existing constructed McDowall Street as indicated on the submitted plans, must be shown on the Final Plan of Survey submitted for sealing.
24. The road reservation shall be widened for future widening as required and shall be created as a separate lot and shown as "Road" on the Final Plan of Survey. The applicant shall arrange for the necessary transfer of the road reservation(s) to Council at the time of lodgement of the Plan of Survey for sealing.

**ADVICE**

- A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council’s fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- B. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- C. The Developer should not allocate any property address numbers for the proposed lots.

New property addresses have been allocated as follows:

<b>Lot No.</b>	<b>Allocated Property Address</b>
1	28 McDowall Street, Middleton (existing dwelling)
2	26 McDowall Street, Middleton
3	24 McDowall Street, Middleton

**Amendment:**

Moved: Cr Christian Street  
 Seconded: Cr Paula Wriedt

To amend condition 12 as follows:

12. 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 Lots 2 and 3. 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 Lots 2 and 3.

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

Against: Crs Gideon Cordover and Flora Fox

**CARRIED 6/2**

Moved: Cr Christian Street  
 Seconded: Cr Paula Wriedt

That Cr Cordover be allocated a further 3 minutes to complete his contribution.

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

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

**LOST 3/5**

The substantive motion was then put.

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

Against: Cr Gideon Cordover

**CARRIED 7/1**

**PLANNING AUTHORITY ADJOURNED**

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## OPEN SESSION

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Open session resumed at 6.55pm

### 14 NOTICES OF MOTION

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There were no Notices of Motion received.

### 15 PETITIONS STILL BEING ACTIONED

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There are no petitions still being actioned.

### 16 PETITIONS RECEIVED IN LAST PERIOD

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At the time the Minutes was compiled no Petitions had been received.

### 17 OFFICERS REPORTS TO COUNCIL

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**C726/23-2020**

*(commences at ± 1 hour, 27 minutes of audio recording)*

#### 17.1 ANNUAL BUDGET MID-YEAR REVIEW

Moved: Cr Jo Westwood

Seconded: Cr Flora Fox

That Council:

- (a) Notes the progress on the operational budget for 2020/21;
- (b) Notes the savings identified to deliver the efficiency dividend for 2020/21;
- (c) Notes the progress made with the delivery of the Capital Program; and
- (d) Endorse the reallocation of approximately \$1M of identified savings and project deferrals to the following projects:
  - Missionary Road coastal works, \$300K
  - Groombridge Road sealing, \$270K
  - Bishop Davies Road to Kingston Green stormwater link, \$120K
  - Rural culvert works, \$60K
  - Suncoast track protection works investigation, \$30K
  - Flinders Avenue stormwater extension, \$40K
  - Leslie Road stormwater works near house number 48, \$40K
  - Leslie Road stormwater works near house number 140, \$50K

- Shared path Conningham to Snug feasibility, \$40K
- Park furniture upgrade, \$40K

**CARRIED**

**Amendment:**

Moved Cr Amanda Midgley  
 Seconded Cr Gideon Cordover

To add a further dot point to (d) as follows:

- Sports Centre Precinct to Spring Farm linkage

**CARRIED**

*Cr Midgley left the room at 7.47pm  
 Cr Midgley returned at 7.48pm*

The substantive motion was then put.

**CARRIED**

*Meeting adjourned at 7.53pm  
 Meeting resumed at 8.05pm*

**C727/23-2020**

*(commences at ± 2 hours, 24 minutes of audio recording)*

**17.2 RISK MANAGEMENT POLICY**

Moved: Cr Gideon Cordover  
 Seconded: Cr Amanda Midgley

That Council approve the updated Risk Management Policy 3.10.

**CARRIED**

**C728/23-2020**

*(commences at ± 2 hours, 32 minutes of audio recording)*

**17.3 LAND USE PLANNING AND APPROVALS ACT 1993 - DELEGATED AUTHORITY POLICY (POLICY 1.1A)**

Moved: Cr Christian Street  
 Seconded: Cr Jo Westwood

That Council endorse the revised Land Use Planning and Approvals Act 1993 - Delegated Authority Policy (Policy 1.1A), as attached to this report and as renamed as 'Planning Authority – Delegated Authority Policy' (Policy No.1.1A), and the next review date to be 31 May 2021.

**CARRIED**

**C729/23-2020**

*(commences at ± 2 hours, 45 minutes of audio recording)*

**17.4 DELEGATED AUTHORITY POLICY (POLICY NO. 1.1)**

Moved: Cr Christian Street  
 Seconded: Cr Amanda Midgley

That Council endorse the revised Delegated Authority Policy (Policy No. 1.1) as attached to this report.

**CARRIED**

**C730/23-2020**

*(commences at ± 2 hours, 47 minutes of audio recording)*

**17.5 DONATIONS POLICY 3.3**

Moved: Cr Paula Wriedt  
 Seconded: Cr Amanda Midgley

That Council approve the updated Donations Policy 3.3.

**CARRIED**

**Amendment:**

Moved Cr Flora Fox  
 Seconded Cr Gideon Cordover

At 3.2 of the policy add the words “academic and artistic”.

**CARRIED**

**Amendment:**

Moved Cr Christian Street  
 Seconded Cr Sue Bastone

At 3.2 of the policy add the words “and cultural”

**CARRIED**

The substantive motion was then put.

**CARRIED**

**C731/23-2020**

*(commences at ± 2 hours, 58 minutes of audio recording)*

**17.6 KINGBOROUGH ACCESS POLICY & CHANGE OF NAME**

Moved: Cr Paula Wriedt  
 Seconded: Cr Flora Fox

- a) That Council endorse the revised Disability Access Inclusion Policy as attached to this report.
- b) That Council endorse to modify the ‘Access Advisory Committee’ to be known as the ‘Kingborough Disability Inclusion and Access Advisory Committee’.

**CARRIED**

**C732/23-2020**

*(commences at ± 3 hours of audio recording)*

**17.7 KINGBOROUGH YOUTH POLICY**

Moved: Cr Amanda Midgley

Seconded: Cr Gideon Cordover

That Council endorse the revised Kingborough Youth Policy as attached to this report.

**CARRIED**

**C733/23-2020**

*(commences at ± 3 hours, 9 minutes of audio recording)*

**17.8 DEVELOPMENT SERVICES QUARTERLY REPORT**

Moved: Cr Gideon Cordover

Seconded: Cr Amanda Midgley

That the Development Services Quarterly report be noted.

**CARRIED**

**C734/23-2020**

*(commences at ± 3 hours, 37 minutes of audio recording)*

**17.9 APPOINTMENT TO COUNCIL SPECIAL COMMITTEES**

Moved: Cr Gideon Cordover

Seconded: Cr Jo Westwood

- |   |   |
|---|---|
| a) Local Government Association of Tasmania                       | Mayor, Cr Winter<br>Deputy Mayor, Cr Westwood (proxy) |
| b) TasWater   | Mayor, Cr Winter<br>General Manager (proxy)           |
| c) Copping Refuse Site Joint Disposal Authority & Copping C Cell  | Mayor, Cr Winter<br>Cr Midgley (proxy)                |
| d) Kingborough Disability Inclusion and Access Advisory Committee | Cr Wriedt   |
| e) Kingborough Bicycle Advisory Committee                         | Cr Midgley  |
| f) Channel Heritage Museum  | Cr Bastone  |
| g) Cycling South  | Cr Midgley  |
| h) Huon Valley Kingborough Tourism Reference Group                | Cr Wass   |
| i) Kingborough Community Enterprise Centre                        | No nomination required                                |
| j) Kingborough Community Safety Committee                         | Cr Westwood   |
| k) Audit Panel  | Cr Street<br>Cr Fox                                   |
| l) Tasmanian Polar Network  | Cr Cordover   |

**CARRIED**

Moved Cr Flora Fox  
Seconded Cr Jo Westwood

That the ballot papers be destroyed.

**CARRIED**

### **C735/23-2020**

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

Moved: Cr Jo Westwood  
Seconded: Cr Flora Fox

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*

### **Purchase of section of Mt Louis Road, Tinderbox**

Regulation 15 (2)(f) *proposals for the council to acquire land or an interest in the land or for the disposal of land.*

### **General Manager's Annual Performance Review**

Regulation 15 (2)(a) *personnel matters, including complaints against an employee of the council and industrial relations matters.*

**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 9.30pm

**OPEN SESSION ADJOURNED**

**OPEN SESSION RESUMES**

Open Session of Council resumed at 9.56pm

**C736/23-2020**

Moved: Cr Flora Fox  
 Seconded: Cr Sue Bastone

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
Purchase of section of Mt Louis Road, Tinderbox	Purchase authorised
General Manager's Annual Performance Review	Endorsed

**CARRIED**

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 9.57pm

.....  
 (Confirmed)

.....  
 (Date)