

# Kingborough



## COUNCIL MEETING MINUTES

16 August 2021

*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 Paula Wriedt**



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



**Councillor Sue Bastone**



**Councillor Gideon Cordover**



**Councillor Flora Fox**



**Councillor Clare Glade-Wright**



**Councillor David Grace**



**Councillor Amanda Midgley**



**Councillor Christian Street**



**Councillor Steve Wass**

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MINUTES of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 16 August 2021 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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The Chairperson acknowledged the traditional custodians of this land, paid respects to elders past and present, and acknowledged today's Tasmanian Aboriginal community.

## 3 ATTENDEES

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### Councillors:

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

### Staff:

Acting General Manager	Mr Daniel Smee
Chief Financial Officer	Mr John Breen
Director Environment, Development & Community Services	Dr Katrena Stephenson
Manager Development Services	Ms Tasha Tyler-Moore
Compliance Coordinator	Mr Scott Basham
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

**C415/17-2021**

## 4 APOLOGIES

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Councillor D Grace

C416/17-2021

## 5 CONFIRMATION OF MINUTES

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Moved: Cr Flora Fox  
Seconded: Cr Sue Bastone

That the Minutes of the open session of the Council Meeting No. 15 held on 2 August 2021, and the Special Council Meeting No. 16 held on 11 August 2021 be confirmed as a true record.

**CARRIED**

## 6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

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9 August 2021 - Department of State Growth

## 7 DECLARATIONS OF INTEREST

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There were no declarations of interest.

C417/17-2021

## 8 TRANSFER OF AGENDA ITEMS

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Moved: Cr Steve Wass  
Seconded: Cr Amanda Midgley

That item 22 in closed session be moved into open session.

**CARRIED**

## 9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

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C418/17-2021

### 9.1 Climate Change

**Ms Rosalie Maynard** asked the following question without notice:

*In light of the recently released IPCC report and the climate change related emergencies happening around the world with increasingly severe floods and wildfires, my questions are:*

- 1. Given the new urgency from the IPCC report, will Kingborough Council take the lead in enacting ramped-up responses to Climate Change, rather than waiting for the State Government to decide their plans as has been previously advised?*
- 2. Which parts of Council's Climate Change plans and strategies will be under renewed consideration for more urgent actions?*

**Acting General Manager responds:**

We will take your questions on notice.

**C419/17-2021****9.2 Blackmans Bay Skyline**

**Ms Rosalie Maynard** asked the following question without notice:

*The thinning of the highly-valued Blackmans Bay tree-ed skyline, particularly in the Burwood Drive area, is becoming increasingly noticeable and of concern, despite assurances that changes in zoning from the new statewide planning scheme would not adversely impact these previous Environmental Living areas. Will the new statewide planning scheme remove previous protections on our skyline which have been in place?*

**Manager Development Services responds:**

The Tasmanian Planning Scheme when it comes into effect will mean that you can't apply what is currently called the Biodiversity Code, and will be called the Natural Areas Code in the new scheme, and you are not able to apply it to general residential, inner residential and low density residential zones, which Blackmans Bay is in that zoning. You are correct, the protection of that vegetation will be removed and further to that the A4 component under those zonings will also go and which include that trees of significance can be protected.

**Ms Maynard:**

Even if passed by the TPC, can the proposed Special Area Plan for the Burwood Drive area be over-ridden by the latest IPD4 planning directions and the statewide planning scheme?

**Manager Development Services:**

We could look to put a specific area plan on that area. At this point we don't have that. This would allow us to protect some vegetation through that, if it is approved by the Tasmanian Planning Commission. Because we haven't had any of them tested yet, we don't know how well they are going to receive it.

**Ms Maynard:**

Am I incorrect in thinking Council has proposed a Special Area Plan for the Burwood Drive area?

**Manager Development Services:**

I will take your question on notice.

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**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**C420/17-2021****10.1 Risk Management Strategy**

**Ms Tricia Ramsay** on behalf of the **Kingborough Ratepayers Association Inc** submitted the following question on notice:

*In the interest of transparency, could the current Risk Management Strategy be uploaded to Council's website in the immediate future? That is, prior to implementation of the new risk management webpage in December.*

**Officer's Response:**

Council and the Audit Panel are holding a risk workshop in September, which will be an opportunity to review all risk documents that are currently in use.

Once any changes have gone through approval processes, they will be loaded onto Council's website.

*John Breen, Chief Financial Officer*

**C421/17-2021****10.2 Sub-division Costs Borne by Ratepayers**

**Ms Tricia Ramsay** on behalf of the **Kingborough Ratepayers Association Inc** submitted the following question on notice:

*Infrastructure associated with subdivisions – roads, footpaths, stormwater, public space etc – are built by developers but subsequently acquired by Council to manage. As soon as Council acquires the assets, they are subject to depreciation: a cost born by ratepayers.*

*What is the:*

- a. *Book value of the initial recognition of infrastructure assets associated with Spring Farm and Whitewater Park subdivisions approved under the Final Plans to come into Council ownership?*
- b. *Book value of the initial recognition of infrastructure assets associated with the Spring Farm Link Road completed at cost to Council?*
- c. *Anticipated progressive annual rates revenue vs the annual depreciation costs associated with both subdivisions?*
- d. *Time-frame for rates revenue to offset costs of depreciation of the assets of both subdivisions?*
- e. *Anticipated cost of the proposed new playground at either the Spring Farm or Whitewater Park Estates?*

**Officer's Response:**

Kingborough is experiencing significant growth with new subdivisions bringing several hundred new allotments to the municipality. These developments bring exciting opportunities for the area that, long-term, will increase Council's rates revenue.

The requested information on rates revenue and depreciation for Spring Farm and Whitewater Park subdivisions is not readily available and will take Council officers considerable time to extract and filter the data to provide the requested information.

However, past studies have indicated that it takes a Council around four to eight years to break even on a subdivision depending on the size of the development, the amount of maintenance required and the success in selling the land and how quickly new buildings are erected.

The Local Government sector appreciates that development, subdivision and land use intensification incrementally add pressure on the infrastructure it relies upon, from roads and water supply, to stormwater networks and water quality, as well as community facilities, parks and public open space. To keep pace with development, infrastructure management authorities such as councils must not only plan their infrastructure ahead of time but also find the finances to resource its delivery.

Tasmania is the only State jurisdiction that does not have some form of state-legislated infrastructure contributions system and many are still reviewing and improving them.

The Local Government Association of Tasmania (LGAT) has stated "Infrastructure contributions schemes allow infrastructure managers to levy the infrastructure costs of development at the time and place of infrastructure demand, rather than facing pressure to raise rates and slowly recoup these costs over the long term. Indeed, many jurisdictions continue to review and improve their contributions schemes and legislation, there are no known attempts or movements to roll back infrastructure contributions regimes due to their ability to mobilise infrastructure that supports development and growth. However, Tasmania lacks a comprehensive and consistent infrastructure contributions policy". Because of this, LGAT has sought the views of member councils, and Tas Water, on infrastructure contributions in a survey undertaken in early 2021, with a view to informing a sector position and advocacy on a state-wide infrastructure contributions regime in 2021-22.

Kingborough Council works to ensure intergenerational equity through its long-term financial planning, rating and borrowing policies

Intergenerational equity in a local government context is often considered in the context of whether payment for the cost of services is recovered over time broadly in accordance with the benefits enjoyed by service recipients.

*Dr Katrena Stephenson, Director Environment, Development, Community*

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## 11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

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### C422/17-2021

#### 11.1 Woodbridge Hall and Budgeted Costs

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

*In relation to my question at the last Council meeting regarding the installation of insulation bats being placed in the ceiling of Woodbridge Hall, it was stated there had been insufficient money to do this as the roofs cost budgeted for \$75,000, had in fact been over cost by \$2,000. How many jobs contracted in the last year have come in right on budget and what is the average overrun?*

**Mayor responds:**

We will take your question on notice.

**Cr Bastone:**

What are the options now for replacing the bats? Are they able to be done at the same time as the toilets are replaced or will there need to be a third area of work done on the hall?

**Acting General Manager:**

We have been able to resolve the installation of the insulation and this will take place within the next month.

**Cr Bastone:**

What are the time frames for the toilet replacements at the Woodbridge Hall bearing in mind Woodbridge is celebrating 175 years of white settlement on 22 March and there are many festivities being held that will be centred on the hall?

**Acting General Manager:**

We are waiting on a building permit to do the works. We have a builder lined up and we have funding in place. As soon as we receive our building permit we can commence work. We have a planning permit so it shouldn't be more than a month or so before we can commence work.

### C423/17-2021

#### 11.2 Toilet Block, Kettering

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

*When will work start on the new toilet block at Kettering?*

**Acting General Manager responds:**

The hold up has been the availability of a waste water designer. With the building industry the way it is at the moment, there are a very limited number of waste water designers and it's been extremely difficult obtaining the necessary report that we need to determine the condition of the existing waste disposal facility or whether we need to construct a new one and then this has an impact on the location of the new facility that we are going to construct. We have a new project manager on board now. He has taken carriage of this particular project and is putting the pressure

on the designer and if we don't get any luck we are going to have to find another one. We are very aware of the desire of the cricket club to have it done before the start of the season, but with the construction industry the way that it is, it's very difficult to find a range of consultants and contractors to do the work.

#### **C424/17-2021**

##### **11.3 Claiming Mileage**

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

*As Councillors are able to claim their mileage expenses as part of their work in the electorate, could we please be supplied with a log book to record this to make our claims easier?*

**Mayor responds:**

Mr Breen is nodding so yes, this will be made available.

#### **C425/17-2021**

##### **11.4 Howden interchange**

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

*I have concerns about the Howden interchange and the road safety concerns that were raised by the residents which actually led to the State Government doing the Channel Highway/Huntingfield to Margate Corridor Study and that corridor study has been completed but I understand that none of the actions highlighted in that study have been undertaken, particularly the reduction in speed of the Channel Highway between the golf course and Fehres Road which was recommended to go down to 80km/h from 90 and also vegetation removal to improve sight distances and they were the issues that originally triggered the study. I'm very concerned that with the increase of traffic on the Channel Highway and the high speeds on that road often exceeding 100kms/h, it's becoming nearly impossible to get out of Howden Road many times during the day, not just occasionally but most of the day. I think the waiting time was acknowledged as being excessive. What action will result from that study and where the department of main roads is at with that particular study?*

**Mayor responds:**

Unfortunately we don't have Mr Reeve with us here this evening so we will take your question on notice.

#### **C426/17-2021**

##### **11.5 Pedestrian Crossing, Beach Road**

**Cr Glade-Wright** asked the following question without notice:

There is a lot of chatter about a pedestrian crossing on Beach Road. Has this ever been considered and what was decided?

**Mayor responds:**

We will take your question on notice. We did have a discussion about it about 6 weeks ago and there were concerns that the Department of State Growth expressed about it having it near the corner but my personal view is that it could be further up, opposite the bus stop in Beach Road.

#### **C427/17-2021**

##### **11.6 Census**

**Cr Glade-Wright** asked the following question without notice:

*Do we receive any data from the census?*

**Mayor responds:**

We will but not for some time. It takes about a year for them to process it.

**C428/17-2021****11.7 Margate to Kingston Feasibility Study**

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

I note in the last State election the Liberal Government did promise some funding towards this study. Have we heard any more in regards to when this will happen and if there will be money available? I note in the budget that we have also put some money aside for this study as well.

**Mayor responds:**

We will take your question on notice.

**C429/17-2021****11.8 KWS Report**

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

*I note from the report that it says in general waste that there was more waste received than expected. Could I have a break down of what that 'more waste than expected' could be?*

**Mayor responds:**

We will take your question on notice.

**C430/17-2021****11.9 Infrastructure Report**

*Do we send these reports out to the Kingborough Consultative Forum at all?*

**Director Environment, Development and Community responds:**

No, because they are in the public agenda I don't tend to repeat what its already in the public domain. But if they wanted to, I can.

**C431/17-2021****11.10 Quarterly Summary Action Report**

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

*On page 352 of the Agenda, I note that the Youth Action Network is meeting again. Would it be possible at all to have a summary regarding some of the projects that they are working on or is the Youth Action Network aware of some of the community conversations that are occurring around activities, or lack thereof, for young people and I was wondering what their thoughts and ideas were in regards to that?*

**Director Environment, Development and Community responds:**

The Youth Action Network have undertaken a survey recently so I am intending to bring those results to Council along with a survey that the Youth Officer and other members of Community Services are doing with young people using the park so we will bring both those results to Council once they are complete.

**C432/17-2021****11.11 Public Art**

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

*I am aware last year there was some discussion around applying for a grant to do a mosaic project and from recollection regarding the Access and Advisory Committee visiting the space and needing some more colourful contrast and there was some discussion about doing some public art around the planter boxes and I wasn't sure where those ideas were?*

**Director Environment, Development and Community responds:**

While there was some conversation about seeking funding for a mosaic project I felt it was important that we looked holistically at our brand new architecturally designed hub and thought about art in a holistic way, rather than a piece meal way so that it's sympathetic to the new building. Part of Community Services there is to be able to see how the building is used and build an art program from that. It was very hard to do while the building had been vacant over the Covid period.

**C433/17-2021****11.12 Transform Kingston Workshop**

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

*I note next week we have a workshop regarding Transform Kingston. Will that provide us with an update in regards to some of the outcomes relating to the Placescore initiatives and projects?*

**Mayor responds:**

I am not aware of the content of the workshop but I am advised by the Acting General Manager that it will.

**C434/17-2021****11.13 Environmental Study on Beach at Dennes Point**

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

*Was an environmental study done on the beach at Dennes Point where Missionary Road comes into Dennes Point? There used to be a beach there which was a nesting habitat and the beach has been totally destroyed due to a new rock wall being placed. Has a study been done prior to the wall being rebuilt?*

**Mayor responds:**

We will take your question on notice.

**C435/17-2021****11.14 Noise Pollution Assessments**

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

Does Council have any intention of undertaking regular noise pollution assessments at Gunpowder Jetty noting the answer to my previous question on notice and, if not, why not?

**Mayor responds:**

Mr Doole is not here but I suspect it's because it's the domain of the EPA, unless Dr Stephenson would like to provide any further advice.

**Director Environment, Development and Community:**

I think the initial reply starts to indicate the issues. There are domain issues, there are resourcing issues so, no, we are not planning to undertake regular noise checks there.

**Cr Cordover:**

What would be the trigger at which point Council would undertake its responsibilities to check for noise?

**Director Environment, Development and Community:**

We have not received, as far as I am aware, any formal complaints and we need a formal complaint.

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**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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**C436/17-2021****12.1 Amendments to Regulations to Allow E-Scooters, E-Skateboards etc on Footpaths**

**Cr Glade-Wright** submitted the following question on notice:

*A newspaper article reported recently that the Tasmanian Government has identified amendments to regulations to allow for E-Scooters, E-Skateboards and Hoverboards to be used on footpaths, and will work with local government on their formalisation and adoption. I have received some emails expressing concerns about whether this is safe or not. What can we do to ease the concerns of our residents about this?*

**Officer's Response:**

The State Government is currently considering amending the road rules as relates to personal mobility devices (PMD's) using guidance from the National Transport Commission (NTC). The State Government have committed to continue to work with local government as to the applicability to each jurisdiction taking into account factors as the maximum allowable speed of PMD's on footpaths and areas where use of a PMD on a footpath may not be appropriate. Safety of all users of a footpath space will be an important consideration.

*David Reeve, Director Engineering Services*

**C437/17-2021****12.2 Security Cameras at the Hub**

**Cr Glade-Wright** submitted the following question on notice:

*Are the security cameras that were recently installed at The Hub in operation? And what is the protocol around accessing footage?*

**Officer's Response:**

12 new CCTV security cameras have recently been installed in the playground at Kingston Park. These feed directly to the Kingston Police station, where the surveillance network video recorder is located. An additional six cameras will be installed in Pardalote Parade as part of the construction of this infrastructure that is currently underway.

*Daniel Smee, Director Governance, Recreation & Property Services*

**C438/17-2021****12.3 Offshore Salmon Farm Noise Pollution**

At the Council meeting on 2 August 2021, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

1. *Is the Council undertaking regular noise pollution assessments at Gun Powder Jetty in Tinderbox in response to noise emissions from salmon farming operations and, more broadly, do we undertake regular noise pollution assessments at other locations where salmon farm operations can be heard from residential areas.*
2. *Has the Council received noise complaints from residents of North West Bay about salmon farming operations at Gun Powder Jetty and elsewhere?*
3. *What is the total number of complaints that Council has received about offshore salmon farming in the last several years, for as many years as data is available? And finally, does the Council have any visibility over the number of complaints being made from Kingborough residents to the Department of Primary Industries Parks Water and Environment Marine Farming branch or Marine and Safety Tasmania, and the thrust of that question is essentially, I believe there are probably complaints that, rather than going to the Council, they are going straight to MAST or DPIPWE. I'm interested to know whether Council has visibility over those complaints?*

**Officer's Response:**

1. Council staff are not undertaking noise monitoring at or adjacent to any salmon farming operational sites. Environmental regulation and complaint response for such sites is under the jurisdiction of the Environment Protection Authority (EPA).
2. Complaints were received about noise from operations at the Gun Powder jetty approximately 3 years ago and these were passed on to the EPA for follow up and response.
3. Council's Environmental Health staff indicate that approximately 5 complaints have been received in the past 5 years and these have been referred to the EPA for follow up and response. Council does not receive information about complaints received by other authorities.

*Jon Doole, Manager Environmental Services*

**C439/17-2021****12.4 Compostable Nappies in FOGO Bins**

At the Council meeting on 2 August 2021, **Cr Glade-Wright** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*Will compostable nappies be allowed in FOGO bins when that is implemented in October?*

**Officer's Response:**

Compostable products are allowed in a FOGO bin, however, it is important that the product is certified as compostable and adherence to this will be monitored over time, as it is noted that other councils have had issues with contaminated FOGO loads due to the disposal of non-compostable nappies.

*David Reeve, Director Engineering Services*

**C440/17-2021****12.5 Art Programs**

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

- 1 *What ideas do staff have for public art and community art projects at the Kingborough Hub?*
- 2 *Can we please have more information about the KiN art trail.*
- 3 *What is the process for expressions of interest or involvement in public art programs across Kingborough?*

**Officer's Response:**

- 1 As a relatively new, architecturally designed building, the main arts focus for the Hub has been use of the spaces which had been delayed in 2020 due to COVID 19 impacts.  
  
For example, in recent months there has been the Youth Arts Showcase and the Overwintering Art Exhibition. We are increasingly getting bookings from Arts Groups, for example the Kingborough Art Prize Exhibition will be in the Hub this year, as will the Handweavers Spinners and Dyers Guild of Tasmania Inc. Travellers Cloaks Exhibition. We have offered opportunities for musicians at the Hub through our Kingston Park opening events and the Youth Arts Showcase and recently a new hirer, Arts Screen Tasmania has commenced monthly films of International Music and Dance Productions. The Arts Officer has commenced a program of Art Works around the handball wall in the Youth space within Kingston Park and our Youth Officer and Arts Officer have worked with other parts of Council on the Stormwater to Sea Stencil Art Project. Moving forward, and with a good sense of the use of the Hub, we will examine how Art might be used to enhance the Hub, in keeping with its design and intent. The next Arts project to be delivered by Council is the Biennial Salvaged Arts Exhibition (September/October 2021). We are also working with St Aloysius regarding the showcase of their end of year art at the Hub and engaging with The Colour Circle on their annual art exhibition to be held in the Auditorium in November. In addition to visual arts, we will also be implementing a summer Friday night music program at the Hub and are planning for a COVID safe Live Loving Locally Event in March 2022 amongst other things.
- 2 We are nearing completion of the first KiN Art Trail brochure/map. This project is being rolled out in two phases. The first will concentrate on promoting freely available public arts and heritage throughout the municipality through a brochure and online map. Later this financial year we will be running an EOI for commercial arts and artisan producers to be featured on a complementary trail document.
- 3 The process will vary depending on the scale of the program, in line with our Code of Tendering. It is worth noting however, that Council also keeps an Arts Register and this is promoted through our website. The Kingborough Inspiration Network provides local artists, creative industry professionals and local businesses with an interest in the arts sector with opportunities to share and promote events and services – and to connect with each other. To register email [artsinfo@kingborough.tas.gov.au](mailto:artsinfo@kingborough.tas.gov.au)

*Dr Katrena Stephenson, Director Environment, Development & Community*

**OPEN SESSION ADJOURNS**

## PLANNING AUTHORITY IN SESSION

Planning authority commences at 5.55pm

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

#### C441/17-2021

#### 13.1 DEVELOPMENT APPLICATION FOR 36 MULTIPLE DWELLINGS AT 37-59 MARANOA ROAD AND ACCESS OVER 99 CHANNEL HIGHWAY, KINGSTON

Moved: Cr Jo Westwood  
Seconded: Cr Christian Street

That the Planning Authority resolves that the development application for 36 multiple dwellings at 37-59 Maranoa Road, and access over 99 Channel Highway, Kingston for Revelstoke Building Solutions Pty Ltd be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2021-47 and Council Plan Reference No. P4 submitted on 5 August 2021. 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. The development is to occur in 5 Stages in accordance with the endorsed plans:
  - (a) Stage 1 – Block A Units 1, 2, 3 and 4; Block B Units 13 and 14.
  - (b) Stage 2 – Block A Units 5 and 6; Block B Units 15 and 16.
  - (c) Stage 3 – Block A Units 7, 8, 9 and 10; Block B Units 17 and 18.
  - (d) Stage 4 – Block A Units 11 and 12; Block B Units 19, 20 and 21.
  - (e) Stage 5 – Block C Units 1-14.

Any changes to the staging will require the written approval of the Manager Development Services.

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

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

- (a) outline of the proposed buildings;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (d) earth shaping proposals, including retaining wall(s);
- (e) fencing, paths and paving (indicating materials and surface finish); and
- (f) the proposed maintenance program.

It is recommended that the consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

Once endorsed the Landscaping Plan will form part of the permit.

4. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and comply with:

- (i) Tasmanian Standard Drawings
- (ii) Austroads Standards and Australian Standards
- (iii) Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (i) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
  - (a) Longitudinal and cross sections of the driveway/access road
  - (b) Contours, finish levels and gradients of the driveway/access road
  - (c) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish
  - (d) Provision of passing bays
  - (e) Pavement construction
  - (f) Signage for visitor spaces or residential/commercial spaces if allocated
  - (g) No parking/keep clear signage for turning bay areas
  - (h) Wheel stops for open parking bays (as appropriate)
  - (i) Bollard lighting for parking and vehicle circulation roadways and pedestrian paths
  - (j) Surface treatment and stormwater drainage
- (ii) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - (i) Layout details.
  - (ii) A water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling. The stormwater discharge rate must be restricted to the pre-development runoff rate.
  - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow.
  - (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow.
  - (v) A new stormwater connection and cut-off drain to direct overland flow from the Kingston Town site into the Council stormwater main within the adjacent lot 85 Channel Highway.

Once endorsed the plans will form part of the permit.

5. 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.

6. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Director Engineering Services and include the following:
  - (a) 'No Parking'/'Keep Clear' signage must be installed for the turning bay;
  - (b) visitor carparking signs must be installed for the visitor carparking spaces;
  - (c) signage noting residential parking for each Unit must be installed for carparking spaces;
  - (d) wheel stops installed for parking bays;
  - (e) parking and vehicle circulation roadways and pedestrian paths must be provided with bollard lighting;
  - (f) on-site stormwater quality treatment and detention systems must be installed;
  - (g) stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure.
7. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
8. Prior to occupation of the new dwellings, landscaping in accordance with the endorsed plans must be provided to the satisfaction of the Council's Manager Development Services. The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose.
9. Prior to the occupation of Units 12 and 21, the permanently fixed screen(s) on the decks adjacent to the side east boundary, and the solid 'fin' wall located between each dwelling in the Row/Block A, as shown on the endorsed plans must be installed to the satisfaction of the Manager Development Services. The screens must have a minimum height of at least 1.7 m above the finished floor level of the deck with a uniform transparency of no more than 25% and must be maintained for the life of the development.
10. Prior to the occupation of any of the new dwellings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
  - (a) The parking areas (including signage and access);
  - (b) The garden and landscape areas;
  - (c) Drainage works undertaken and completed;
  - (d) Letterboxes installed.
11. At least nine (9) visitor parking spaces must be provided for the proposed development. This visitor parking space must be appropriately signposted and kept available for visitor parking at all times. Any future application for strata title in respect of the property must ensure that the visitor parking space is included within the common property on the strata plan and be accessible through the common property from all units.
12. The applicant must make provision for a private waste service agreement to enable the development to be serviced with waste and recycling collection. This agreement is to ensure these services are provided on site adjacent to the proposed garbage bay facility as indicated on the submitted plans. Council waste services will not be provided to service the development.
13. The conditions as determined by Tas Water, and set out in the attached Appendix A, form part of this permit.

**ADVICE**

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

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

- C. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- D. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.

In Favour: Crs Paula Wriedt, Jo Westwood, Sue Bastone, Flora Fox, Clare Glade-Wright, Amanda Midgley, Christian Street and Steve Wass

Against: Cr Gideon Cordover

**CARRIED 8/1**



### Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA2021-47	<b>Council notice date</b>	18/02/2021
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2021/00250-KIN	<b>Date of response</b>	02/03/2021
<b>TasWater Contact</b>	Phil Papps	<b>Phone No.</b>	0474 931 272
<b>Response issued to</b>			
<b>Council name</b>	KINGBOROUGH COUNCIL		
<b>Contact details</b>	kc@kingborough.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	U 1/37 - 59 MARANOVA RD, KINGSTON	<b>Property ID (PID)</b>	9024681
<b>Description of development</b>	Multiple Dwellings x36 (CT 126707/0) - Staged		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/ document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
Matt Kennedy Drafting	Location Plan / A1.0	0	20/01/2021
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CERTIFICATE OF TITLE for SUBDIVISION</b></p> <ol style="list-style-type: none"> <li>Prior to the issue of a Certificate of Water and Sewerage Compliance for any stage the developer must provide to TasWater a copy of the Certificate of Title for the new lots created by subdivision application DAS 2020-16.</li> </ol> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater’s satisfaction and be in accordance with any other conditions in this permit.</li> <li>The water property connection and associated private water infrastructure where located within adjoining land must be contained within a private service easement benefitting the subject land and burdening the adjoining land.</li> <li>Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer’s cost.</li> <li>Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>56W CONSENT</b></p> <ol style="list-style-type: none"> <li>Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in the event that any part of the development is built within two metres of TasWater infrastructure.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p>			



7. The applicant or landowner as the case may be, must pay a development assessment fee of \$675.71 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

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

**Advice**

**General**

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

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

**Service Locations**

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

TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies.

**56W Consent**

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater’s infrastructure, and to TasWater’s satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater’s pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (a) Existing pipe size, depth, location and proposed finished surface levels over the pipe relative to the footings;
- (b) Footings must be outside of easements and no closer than 1.0m from the pipe wall of the TasWater infrastructure;
- (c) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (d) A note on the plan indicating how the pipe location and depth were ascertained.

**Declaration**

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

**Authorised by**

**Jason Taylor**  
Development Assessment Manager

**TasWater Contact Details**

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

**C442/17-2021****13.2 DEVELOPMENT APPLICATION FOR 55 MULTIPLE DWELLINGS AND DEMOLITION OF EXISTING DWELLING, INCLUDING STORMWATER AND SEWER INFRASTRUCTURE**

Moved: Cr Christian Street

Seconded: Cr Jo Westwood

That the Planning Authority resolves that the development application for 51 multiple dwellings and demolition of existing dwelling, including stormwater and sewer infrastructure at 70 Channel Highway and 6 Breeza Court, Kingston for All Urban Planning Pty Ltd be approved subject to the following conditions:

1. Before the approved development and/or use commences, amended plans to the satisfaction and approval of the Manager Development Services must be submitted 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 Council Plan Reference P4 dated 6 August 2021 and prepared by Prime Design but modified to show Trees T610, T611 and T612 and their associated tree protection zones (TPZ) and identify these trees for retention. Specifically, the following plans require amending to show these details: the Site Plans (Drawings PD20144-03, PD20144-04 and PD20144-05) and the Site Landscaping Plans (Drawings PD20144-06 and PD20144-07).

Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with the endorsed plans.

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. The development is to occur in 11 Stages in accordance with the endorsed Staging Plan (Ref: Staging Plan, Pd Prime Design, Drawing No. PD20144-02 Rev 17 dated 04/08/2021). Any changes to the staging will require the written approval of the Manager Development Services.
3. No more than fifty (50) trees with a diameter >25cm (including twenty-three (23) trees of high conservation value) and 0.3 ha of Eucalyptus ovata forest and woodland are approved for removal in accordance with the endorsed amended Landscape and Site Plans required under Condition 1.

This vegetation must not be removed prior to the issue of a Building Permit and 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.

4. Prior to the permit coming into effect and the removal of any vegetation on site, the landowner must enter into a Part 5 Agreement under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to retain and protect Trees T610, T611, T612 and T656. This Agreement must:
  - (a) specify that, unless otherwise approved by Council in writing:
    - (i) no felling, lopping, ringbarking or otherwise injuring or destroying of eucalypt trees with a diameter >25 cm can take place;
    - (ii) the existing soil level must not altered be around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
    - (iii) the Tree Protection Zone is free from the storage of fill, contaminates or other materials;

- (iv) machinery and vehicles are excluded from accessing the Tree Protection Zone; and
  - (v) development and works, including but not limited to buildings, structures, fences, landscaping and works, are not permitted;
- (b) specify that Council will only approve impacts on these trees, including development and works within the tree protection zone and pruning, where it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the impacts are tolerable, the trees are capable of retention within the context of the development and works and the development and works will not compromise the long-term viability or expected life of the tree(s);
- (c) specify that Council will only approve removal of a protected tree 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 tree is unable to be retained because the health and viability of the trees is such that they represent a danger, irrespective of the development;
  - (ii) the written consent of the landowner has been obtained;
  - (iii) loss of the trees is offset to the satisfaction of Council; and
  - (iv) all other planning scheme and Council Policy requirements are satisfied.
- (d) include a tree plan clearly showing the location and species of the trees to be retained and protected under this condition.

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.

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

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

- (a) outline of the proposed buildings;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (d) earth shaping proposals, including retaining wall(s);
- (e) fencing, paths and paving (indicating materials and surface finish); and
- (f) the proposed maintenance program.

It is recommended that the consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

Once endorsed the Landscaping Plan will form part of the permit.

6. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and comply with:

- Tasmanian Standard Drawings
- Austroads Standards and Australian Standards
- Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
  - (i) Longitudinal and cross sections of the driveway/access road
  - (ii) Contours, finish levels and gradients of the driveway/access road
  - (iii) Provision of vehicle access (crossovers)
  - (iv) Pavement construction
  - (v) Footpath extension link to Channel Highway and pedestrian refuge as detailed within the submitted Traffic Impact Assessment.
  - (vi) Signage for visitor spaces or resident spaces if allocated
  - (vii) No parking/keep clear signage for turning bay areas
  - (viii) Wheel stops for open parking bays (as appropriate)
  - (ix) Lighting for parking and vehicle circulation roadways and pedestrian paths
  - (x) Surface treatment and stormwater drainage
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - (i) Layout details.
  - (ii) A water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling. The stormwater discharge rate must be restricted to the pre-development runoff rate.
  - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow.
  - (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow.
- (c) A Tree Plan developed in consultation with and endorsed by a suitably qualified arborist which:
  - (i) identifies the location of Trees T610, T611, T612, T656 and NT4 as shown in Council Plan Reference P4 submitted on 6 August 2021 and their associated tree root protection zones (TPZ);
  - (ii) demonstrates that the engineering infrastructure and associated works are designed and located to avoid encroachment into the TPZ of T656 to the extent feasible. Where it can be demonstrated that encroachment is unavoidable, any encroachment must be minimised, mitigated and not compromise the health or viability of the tree;
  - (iii) demonstrates that the engineering infrastructure and associated works are designed and located entirely outside the TPZ of T610, T611, T612 and NT4; and
  - (iv) identifies tree protection and mitigation measures to be implemented during engineering works.

Once endorsed the plans will form part of the permit.

7. Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
8. Due to the presence of environmental weeds, prior to the commencement of on-site works, a Weed Management Plan developed by a suitably qualified consultant and to the satisfaction Council's Manager Development Services must be submitted. When endorsed, this plan forms part of the permit. This Plan must include:
  - (a) timeframes and methods of primary and follow up treatment for all declared and environmental weeds on site; and
  - (b) weed hygiene measures required to ensure the risk of the spread of weeds from the site during clearing and construction is minimised.

Primary treatment of all weeds is required in accordance with this Plan prior to commencement of on-site works and to the satisfaction of the Manager Development Services. Ongoing management of the site must be in accordance with this plan.
9. Prior to works commencing on-site, a detailed design for the acoustic barrier fencing must be submitted to Council. The design must be aesthetically pleasing and must be endorsed by a suitably qualified acoustic consultant and show the fence wholly contained within the site and not within any part of the Southern Outlet road reservation. Once endorsed, these plans will form part of the Permit.
10. The loss of 0.3 hectares of Eucalyptus ovata forest with Chaostola skipper habitat must be offset by a financial contribution totalling \$21,600 paid to Council's Environmental Fund prior to the removal of the vegetation and the commencement of works on the site. This contribution must be used solely for the protection and management of Eucalyptus ovata forest and Chaostola skipper habitat in the vicinity of Kingston/Blackmans Bay.
11. To offset the loss of thirteen (13) trees of high conservation value and three (3) trees of very high conservation value located outside the DOV, an offset of \$250-\$500/tree and totalling \$4750, must be paid into Council's Environmental Fund. This offset must be used to manage and conserve the habitat of the swift parrot in the vicinity of Kingston. This \$4750 offset must be paid prior to the removal of the vegetation and the commencement of works on the site.
12. Prior to the commencement of any on-site works (including any tree removal, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all remaining trees identified for retention in the amended plans endorsed under Condition 1 must be retained and appropriately protected during construction, including but not limited to:
  - (i) implementation of tree protection and mitigation measures identified in the endorsed engineering drawings; and
  - (ii) the installation of temporary fencing between any on-site works and adjacent native vegetation 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).

Tree protection and mitigation measures must be inspected by a suitably qualified arborist and evidence of satisfactory installation of these measures provided to the Manager Development Services prior to the commencement of any on-site works.

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

- (i) the existing soil level must not be altered around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
  - (ii) the Tree 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 Protection Zone; and
  - (iv) development and associated works are not permitted unless otherwise approved by Council in writing.
13. Plans submitted for building approval must demonstrate that the BAL construction requirements and separation distances for the units are consistent with the Bushfire Hazard Report (Enviro-dynamics, 29 March 2021, v3.0) and accompanying Bushfire Hazard Management Plan (Enviro-dynamics, 16 February 2021).
14. Prior to commencement of works, the applicant must obtain all necessary permits from the Department of State Growth. The permits will relate to the stormwater extension within Kingston Bypass reserve, and the footpath link incorporating a pedestrian refuge within the Channel Highway and traffic management approvals.
15. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Director Engineering Services and include the following:
- (a) 'No Parking'/'Keep Clear' signage must be installed for the turning bay;
  - (b) visitor carparking signs must be installed for the visitor carparking spaces;
  - (c) signage noting residential parking for each Unit must be installed for carparking spaces;
  - (d) wheel stops installed for parking bays;
  - (e) parking and vehicle circulation roadways and pedestrian paths must be provided with lighting;
  - (f) on-site stormwater quality treatment and detention systems must be installed;
  - (g) stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure; and
  - (h) permanent tree protection barriers to ensure no vehicle or machinery access from roadways to the TPZs of Trees T610, T611, T612 and T656.

16. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
17. Prior to the occupation of the dwellings:
  - (a) The Acoustic barrier fencing must be installed in accordance with a design endorsed by a suitably qualified acoustic consultant and Council. The subject wall is to be wholly contained within the site and not encroach on the Southern Outlet road reservation.
  - (b) Written certification from a suitably qualified acoustic consultant must be provided to Council demonstrating that the completed and continuous acoustic barrier fence has been installed in a manner that ensures ongoing compliance with the Department of State Growth – Tasmanian State Road Traffic Noise Management Guidelines November 2011 (the Guidelines).
  - (c) The developer must enter into a Part 5 Agreement pursuant to section 71 of the Land Use and Planning Approvals Act 1993 to ensure that future owners of site are aware of their ongoing obligations regarding maintenance and retention of the acoustic barrier fence. The wording of this Part 5 Agreement must be to the satisfaction of the Manager Development Services. The applicant must arrange for the drafting of the agreement and is to cover all costs associated with the preparation and registration of the agreement with the Recorder of Titles. The Part 5 Agreement must be executed prior to the Permit coming into effect.
18. Prior to the occupation of the dwellings all the permanently fixed screen(s) as required in Clauses 10.4.6 A1 and A3 of the Development Standards of the General Residential Zone in the Kingborough Interim Planning Scheme 2015 must be installed to the satisfaction of the Manager Development Services. This will include, where windows do not achieve a sill height of 1.7m or are not obscure glazing, the following:
  - Units 14, 15, 16, 17, 19, 20, 27-37, 38-42 and 52-55.The screens must have a minimum height of at least 1.7 m above the finished floor level of the deck with a uniform transparency of no more than 25% and must be maintained for the life of the development.
19. Prior to occupation of the new dwellings, landscaping in accordance with the endorsed plans must be provided to the satisfaction of the Council's Manager Development Services. The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose.
20. Prior to the occupancy of the dwellings, the applicant must make provision for a private waste service agreement to enable the development to be serviced with waste and recycling collection. This agreement is to ensure these services are provided on site adjacent to the proposed garbage bay facility as indicated on the submitted plans. Council waste services will not be provided to service the development.
21. Prior to the occupation of any of the new dwellings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
  - (a) The parking areas (including signage and access);
  - (b) The garden and landscape areas;
  - (c) Drainage works undertaken and completed;
  - (d) Letterboxes installed.
22. At least thirteen (13) visitor parking spaces must be provided for the proposed development. This visitor parking space must be appropriately signposted and kept available for visitor parking at all times. Any future application for strata title in respect of

- the property must ensure that the visitor parking space is included within the common property on the strata plan and be accessible through the common property from all units.
23. The conditions as determined by Tas Water, and set out in the attached Appendix A, form part of this permit.

#### ADVICE

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

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

- C. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- D. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
- E. Advice on Fencing:

It is noted that the proposal does not include a frontage fence with the exception of the Acoustic Barrier to the Southern Outlet. Any front fence provided in the future, that does not meet the requirements of Table 5.6 Miscellaneous Exemptions, Clause 5.6.3 (fences within 4.5m of a frontage in the General Residential Zone or Inner Residential Zone) of the Kingborough Interim Planning Scheme 2015, must comply with Clause 10.4.7- Frontage fences for all dwellings - in the General Residential Zone.

In Favour: Crs Paula Wriedt, Jo Westwood, Sue Bastone, Flora Fox, Clare Glade-Wright, Amanda Midgley, Christian Street and Steve Wass

Against: Cr Gideon Cordover

**CARRIED 8/1**



### Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA2021-80	<b>Council notice date</b>	2/03/2021
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2021/00329-KIN	<b>Date of response</b>	10/03/2021
<b>TasWater Contact</b>	Phil Papps	<b>Phone No.</b>	0474 931 272
<b>Response issued to</b>			
<b>Council name</b>	KINGBOROUGH COUNCIL		
<b>Contact details</b>	kc@kingborough.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	70 CHANNEL HWY, KINGSTON	<b>Property ID (PID)</b>	5731339
<b>Description of development</b>	Demolition of Existing Dwelling & Multiple Dwelling x 55 - Staged		
<b>Schedule of drawings/documents</b>			
	<b>Prepared by</b>	<b>Drawing/ document No.</b>	<b>Revision No.</b>
	Prime Design	Staging Plan / PD20144-02	13
	Prime Design	Site Plan / PD20144-03	13
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater’s satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer’s cost.</li> <li>3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol>			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
<ol style="list-style-type: none"> <li>4. The applicant or landowner as the case may be, must pay a development assessment fee of \$1,139.79 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.  The payment is required within 30 days of the issue of an invoice by TasWater.</li> </ol>			
<b>Advice</b>			
<b>General</b>			
For information on TasWater development standards, please visit <a href="http://www.taswater.com.au/Development/Development-Standards">http://www.taswater.com.au/Development/Development-Standards</a>			
For application forms please visit <a href="http://www.taswater.com.au/Development/Forms">http://www.taswater.com.au/Development/Forms</a>			
<b>Service Locations</b>			



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

- (a) A permit is required to work within TasWater’s easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies
- (c) TasWater will locate residential water stop taps free of charge
- (d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

**Declaration**

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

**Authorised by**



**Jason Taylor**  
Development Assessment Manager

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

Public Copy

**PLANNING AUTHORITY SESSION ADJOURNS**

## OPEN SESSION RESUMES

Open Session resumed at 6.57pm

*Meeting adjourned at 6.57pm*

*Meeting resumed at 7.19pm*

### 14 NOTICES OF MOTION

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#### 14.1 Health and Environmental Services By-law

Motion withdrawn.

#### C443/17-2021

#### 14.2 Writing to the Minister regarding the Health and Environmental Services By-Law

Moved: Cr Gideon Cordover

Seconded: Cr Amanda Midgley

That:

1. Council recognises that Part 7, Clause 25 *Removal of trees on private property* of the current Health and Environmental Services By-Law (By-Law):
  - a) provides additional protection to trees on private property than that provided under the Kingborough Interim Planning Scheme 2015 (KIPS);
  - b) provides clarity to council officers when determining if tree removal or modification is permissible, better enabling them to perform their work efficiently;
  - c) has been an effective instrument to date;
  - d) is only proposed to be revoked due to an apparent legal conflict with Table 5.4 Vegetation exemptions of the Interim Planning Directive No. 4. Exemptions, Application Requirements, Special Provisions and Zone Provisions (IPD No. 4) which came into effect on 22 February 2021;
  - e) is strongly supported by the Kingborough community as demonstrated in the responses to recent public consultation;
2. Council write to the Minister within two weeks of this resolution to convey this position and request a solution that is both legal and aligns with community expectation.

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

Against: Crs Clare Glade-Wright, Christian Street and Steve Wass

**CARRIED 6/3**

### 15 PETITIONS STILL BEING ACTIONED

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A report on the petition headed "Public Furniture, Tinderbox" will be provided at a future Council meeting.

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**16 PETITIONS RECEIVED IN LAST PERIOD**

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No Petitions had been received.

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**17 OFFICERS REPORTS TO COUNCIL**

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**C444/17-2021****17.1 MAKING OF BY-LAWS**

Moved: Cr Christian Street  
Seconded: Cr Jo Westwood

That Council:

- (a) In accordance with the *Local Government Act 1993*, make, certify and commence the following By-laws as annexed to this report:
  - (i) Marine Facilities By-law No.1 of 2021;
  - (ii) Health and Environmental Services By-Law No.2 of 2021;
  - (iii) Parks, Recreation and Natural Areas By-law No.3 of 2021; and
  - (iv) Roads and Parking By-law No.4 of 2021
- (b) Seek advice from senior counsel questioning if c.25 of the *Health and Environmental Services By-Law, By-Law 3 of 2011* is contrary to law or is in conflict with any planning scheme in the municipality, and if the advice confirms that c.25 is not contrary to law or in conflict with any planning scheme in the municipality, that Council officers immediately commence the process to develop a Tree By-law, to be brought back to Council for the passing of a resolution pursuant to s.156 of the Act.
- (c) Resolve that if senior counsel determines that c.25 is contrary to law or is in conflict with any planning scheme in the municipality, seek alternatives regarding the regulation of vegetation removal that is exempt or NPR under the Scheme from senior counsel.
- (d) Will use the new legal advice to consider tree provisions such as a Tree By-law or seek alternative solutions to the regulation of vegetation removal that is exempt or No Permit Required under the Planning Scheme within 12 months of this motion passing.

**CARRIED**

**C445/17-2021****17.2 REQUEST FOR CONSENT TO BUILD OUTSIDE A BUILDING ENVELOPE ON SEALED PLAN NO. 151796 AT 290 KAOOTA ROAD, KAOOTA**

Moved: Cr Christian Street  
Seconded: Cr Flora Fox

That Council:

- (a) determine to grant consent under the covenant on Sealed Plan No. 151796 to allow a development application, under the provisions of the *Land Use Planning and Approvals Act 1993* and the Kingborough Interim Planning Scheme 2015, to be considered for the buildings and other structures outside the building envelope on Lot 2. The final location

and design of any proposed buildings and structures will be subject to a full assessment against the planning scheme requirements and the degree of encroachment outside the building envelope should be minimised.

- (b) note that this consent does not imply approval for the development or vegetation removal which will be subject to an assessment of the application under the above Act and planning scheme.

**CARRIED**

#### **C446/17-2021**

##### **17.3 KINGBOROUGH AQUATIC FACILITY FEASIBILITY REPORT**

Moved: Cr Jo Westwood  
Seconded: Cr Amanda Midgley

That Council:

- (a) Uses the C Leisure Feasibility Study for an Aquatic Centre within the Kingborough Sports Precinct as the basis for future planning for such a facility; and
- (b) Pursues opportunities with the State Government to address the provision of aquatic facilities within the context of a regional strategic approach.
- (c) Acknowledge that Council is unable to construct an aquatic facility of this size within its existing budget and resolves to lobby the State and Federal Governments for financial support towards such a project.

**CARRIED**

#### **C447/17-2021**

##### **17.4 LEASING AND LICENCING POLICY**

Moved: Cr Amanda Midgley  
Seconded: Cr Flora Fox

That Council's Leasing and Licencing Policy 3.21, as attached to this report, be adopted for a further five years.

**CARRIED**

#### **C448/17-2021**

##### **17.5 FINANCIAL REPORT - JULY 2021**

Moved: Cr Jo Westwood  
Seconded: Cr Amanda Midgley

That Council endorses the attached Financial Report at 31 July 2021.

**CARRIED**

*It was resolved at the beginning of the meeting that the following report be moved from closed session into open session.*

**C449/17-2021****17.6 RATES DELEGATED AUTHORITY APRIL - JUNE 2021**

Moved: Cr Steve Wass

Seconded: Cr Flora Fox

That the report be noted.

**CARRIED**

**C450/17-2021****18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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Moved: Cr Jo Westwood

Seconded: Cr Sue Bastone

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 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 8.48pm

**OPEN SESSION ADJOURNS**

## CLOSED SESSION

### 19 AUDIO RECORDING

*The Chairperson advised that the closed session of Council meetings are recorded. In accordance with Council's policy the Chairperson requested confirmation that the audio recording had commenced.*

**C451/17-2021**

### 20 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox  
Seconded: Cr Sue Bastone

That the Minutes of the closed session of the Council Meeting No.15 held on 2 August 2021, and the Special Council Meeting No.16 held on 11 August 2021 be confirmed as a true record.

**CARRIED**

### 21 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence.

**C452/17-2021**

### 22 CONFIRMATION OF RELEASE OF CLOSED SESSION DECISIONS

Moved: Cr Amanda Midgley  
Seconded: Cr Flora Fox

That Council, pursuant to Regulation 15(9) of the *Local Government (Meeting Procedures) Regulations 2015* and having considered privacy and confidential issues, authorises the release to the public of the following discussions, decisions, reports or documents relating to this closed meeting:

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

**CARRIED**

**C453/17-2021**

Moved: Cr Amanda Midgley  
Seconded: Cr Flora Fox

That the Open Session of Council be resumed.

**CARRIED**

## CLOSED SESSION ADJOURNS

**OPEN SESSION**

Open Session resumed at 8.52pm

**C454/17-2021**

Moved: Cr Amanda Midgley

Seconded: Cr Flora Fox

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

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

**CARRIED**

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 8.53pm

.....  
(Confirmed)

.....  
(Date)