



COUNCIL MEETING MINUTES

21 February 2022

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, 21 February 2022 at 5.30pm

1 AUDIO RECORDING

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

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

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	✓
Councillor A Midgley	✓
Councillor C Street	✓
Councillor S Wass	✓

Staff:

General Manager	Mr Gary Arnold
Chief Financial Officer	Mr John Breen
Director Engineering Services	Mr David Reeve
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Environment, Development & Community Services	Dr Katrena Stephenson
Manager Development Services	Ms Tasha Tyler-Moore
Executive Officer Engineering Services	Mr Anthony Verdouw
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

4 APOLOGIES

There were no apologies.

C63/3-2022

5 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox
Seconded: Cr Sue Bastone

That the Minutes of the open session of the Council Meeting No. 2 held on 7 February 2022 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

There were no workshops.

C64/3-2022

7 DECLARATIONS OF INTEREST

Cr Wriedt declared an interest in the following items:

- a) DA-2021-578 - Application for Two Multiple Dwellings at 16 Tingira Road, Blackmans Bay; and
- b) DA-2021-678 - Development Application for Intensification of Winery Use to Allow for Group Dinners and Extension of Hours of Operation at 11 Flowerpot Jetty Road, Flowerpot.

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

There were no questions without notice from the public.

10 QUESTIONS ON NOTICE FROM THE PUBLIC

C65/3-2022**10.1 Significant Tree Assessment**

Ms Kate Lucas submitted the following question on notice:

Referring to the Significant Tree Assessment on the agenda, Item 23 has not been recommended for listing, even though it meets the criteria for assessment as a significant tree, because it is to be removed to build the notorious Huntingfield roundabout. As this tree is considered by council to be significant, has the roundabout developers been charged a penalty that is in keeping with the removal of a significant tree?

Officer's Response:

The development application for the Huntingfield roundabout was approved by Council on 5 July 2021. The application included a request for the removal of 3 high conservation value trees (including the tree that is now nominated for listing). The application and supporting arborist assessment acknowledged at the time that it is not possible to design the works to avoid or minimise the impacts on the 3 trees. The removal was supported with a condition that an offset payment be applied to compensate for the loss of the trees.

Dr Katrena Stephenson, Director Environment, Development & Community Services

C66/3-2022**10.2 Play Space at Spring Farm / Whitewater Park Estates**

Mr David Bain submitted the following question on notice:

Can Council please provide an update and indicative timeline on the play space development planned for the ever-growing Spring Farm / Whitewater Park Estates. (funding allocated via the Notice of Motion carried on the 19 April 2021)

Is there likely to be consultation, stakeholder engagement and design work carried out this financial year?

Officer's Response:

Council has recently appointed a new Urban Design Officer who will take carriage of this project. It is intended that stakeholder engagement and design work will take place this financial year.

Daniel Smee, Director Governance, Recreation & Property Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

C67/3-2022**11.1 Sale of Land at Pearl Place**

Cr Grace asked the following question without notice:

I have received a number of enquiries regarding Council selling some land at 27 Pearl Place. Regarding the power outages on Friday 28 January and a further outage on Sunday 30 January as to a power cable that was damaged by the construction of the new wall that Council approved on Council land. Who will be paying for the replacement of the cable?

General Manager responds:

That one hasn't been brought to my attention but I'm happy to take it on notice and provide a written response.

C68/3-2022**11.2 Sealing of Harvey Road, Bruny Island**

Cr Bastone asked the following question without notice:

When is the sealing of Harvey Road on Bruny Island to commence? Do we have a time yet?

Director Engineering Services responds:

You will recall when we went through the budget deliberations last year we discussed putting the project to bridge across financial years. We are in the process of designing those works and we expect it won't be until later this financial year that we will get a start on those works.

C69/3-2022**11.3 Maintenance of Mills Reef Park**

Cr Bastone asked the following question without notice:

When will Council start doing maintenance on Mills Reef Park at Alonnah? We gave the land to the community but with the understanding that we were going to maintain the land.

Director Governance, Recreation & Property Services responds:

The decision of Council was that the local community had to prove that they had a use for the land, which they have done in terms of turning it into a community park. There is yet to be any negotiation with Council over the maintenance. The park is not yet developed and has certainly not been handed over to Council to maintain so those discussions would need to take place between the community association and Council.

C70/3-2022**11.4 Pedestrian Counts, Beach Road**

Cr Glade-Wright asked the following question without notice:

Is there an update on the pedestrian counts on Beach Road at Kingston Beach and how that report is going?

Director Engineering Services responds:

We certainly have done a lot of the preliminary work in terms of pedestrian counts and traffic counts. We are running a little behind in terms of getting the report back to Council with some staff being off work, but we are hoping to get that up in the next four weeks.

C71/3-2022**11.5 Installation of Locked Box at Kingston Beach**

Cr Westwood asked the following question without notice:

Can we please have an update on progress for the installation of a locked box to store beach wheelchairs by the Kingston Beach Surf Lifesaving Club to enable access down the new access ramp for people with a disability?

Mayor responds:

Following some discussions about the location of that facility which was part funded by Kingborough Council and part funded by the surf lifesaving club. We had to get a purpose built storage locker manufactured. That's now been done and we have just been locating it in an appropriate place. We are very much aware that there are sensitivities amongst the community about having large structures located on the foreshore, as we saw when there were some TasWater infrastructure installed on the foreshore at Blackmans Bay Beach recently. Discussions have taken place with the surf lifesaving club. There has now been an agreement that it will be located at the grassed area in front of the toilet block at Kingston Beach on Osbourne Esplanade. The slab was poured last week and as soon as the concrete has cured and some signage that needs to go onto the storage locker, it will be put in place and the wheelchairs will then be made available and people will be able to access that facility 24 hours a day using an universal key.

C72/3-2022**11.6 Consultation on Tree Register**

Cr Westwood asked the following question without notice:

The anticipated date for the commencement of the 28-day consultation on the Significant Tree Register, when does Council expect that 28-day consultation to start?

Director Environment, Development & Community Services responds:

We have to get the website information up before we start the consultation and we have to line up the letters going out with the website information, but it's certainly not far away.

Manager Development Services:

It is intended to commence that in the Mercury this Saturday.

C73/3-2022**11.7 Meeting with Primary Health Tasmania**

Cr Westwood asked the following question without notice:

Could you please give us a brief updated on your meeting with Primary Health Tasmania representatives on 14 January, regarding the lack of youth mental health services in Kingborough?

Mayor responds:

That was a meeting that Dr Stephenson and I had with around four different representatives from Primary Health Tasmanian in relation to the need for young people in Kingborough to access more timely mental health services as there was a period in time when we did have a head space having an outreach centre here. Unfortunately that ceased some time ago. Whilst they appreciated the growth that we are experiencing and some of the barriers such as transport, they were very honest with us about one of the major issues being the lack of availability of qualified psychologists. I think as we know there is a state wide and indeed an Australian wide shortage of psychologists at the moment. Those that are in both public and private practice have significant waiting lists, so that does cause a range of challenges. As a follow up, they did provide us with a range of resources and links that we are going to disseminate via our social media and so on where young people can access more immediate help, like kids helpline and that sort of thing. But it's not an acceptable situation. It's a concern right around the State and I understand particularly in regional areas. I would hope that it is something, as a longer term plan, the University of Tasmania takes on board and the State Government and there is some incentive for them to actually offer more places within psychology. But there is no short easy solution to this unfortunately, except to continue to lobby to have a presence here as psychologists become available.

C74/3-2022**11.8 Gormley Drive**

Cr Midgley asked the following question without notice:

Have staff received any emails or concern from the community in regards to the safety of this road?

Director Engineering Services responds:

I haven't personally received anything but that doesn't mean that there aren't people out there who use the road and are dissatisfied with the current servicing. Certainly the idea was to develop a lot more in that particular area in terms of the overall Master Plan and even look at what we are going to be doing with that access road as part of that. However, it will come to the point of saying how long to we actually wait and do we need to go in and put a different surfacing because it may be some time away. We did do some work last year on Gormley Drive in terms of repairs to it which allows a reasonable base for the road. It would be possible to go back and put a seal on top if we

wanted to. It will be something that we would go away, cost out and work out whether or not that is worthwhile putting forward for the next budget.

C75/3-2022

11.9 South Bruny National Park Management Plan

Cr Midgley asked the following question without notice:

A question was raised at the Bruny Island Community Association that I attended with Cr Grace and Cr Bastone in regards to the South Bruny National Park Management Plan and the concerns there for Cloudy Bay Beach access and the camping area. The association made reference that it hasn't been updated for quite a while and it would be good to look at revisiting that in regards to the high amount of usage around the beach and beach access and the behaviour sometimes not so great at the camping area. Are staff aware if Council are involved in any discussions regarding this?

Director Governance, Recreation & Property Services responds:

I haven't had any discussions on this one. Dr Stephenson may have through the Bruny tourism work that she does.

Director Environment, Development & Community Services:

No, I will have to take it on notice.

C76/3-2022

11.10 Platypus, Whitewater Creek

Cr Midgley asked the following question without notice:

There is a platypus, I'm not sure if it's one or a few, that live in the Whitewater Creek and as regards the water quality, do we look at the habitat and the water quality and have we looked at any environmental projects as regards the platypus habitat at Whitewater Creek as we know is sometimes full of not so great amounts of rubbish from local building sites.

Director Environment, Development & Community Services responds:

I can't answer your question fully and I'm happy to provide further information as a follow up, but we do have a program of monitoring at Whitewater Creek as well as a range of restoration projects. The water quality is very much affected by the rains so it changes very rapidly.

C77/3-2022

11.11 Cat Management

Cr Cordover asked the following question without notice:

From 1 March 2022 a person must not keep more than four cats over the age of four months on their property without a permit and all cats over the age of four months must be micro-chipped and desexed, amongst other provisions around breeding cats, for example, and requiring the need to be part of a recognised cat organisation. In the lead up to 1 March, how is Council preparing, is everything on track and will Councillors be given an update about any ongoing compliance issues that relate to the new cat management provisions?

Director Environment, Development & Community Services responds:

We have started providing some community alerts through the Chronicle, our socials and our website. In terms of compliance in relation to these new regulations, as with a lot of these types of activities, it is responsive rather than proactive compliance which was always the intent of the government's legislation otherwise it would be a new cost impact and a cost shift to councils. However, as you know, we do co-resource a cat management officer and we are still in the tail end

of delivering the last phase of the Regional Cat Management Project. So there is a really strong opportunity to have synergies around those activities but our focus will continue to be an educative role rather than a compliance roll.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

C78/3-2022

12.1 Covid-19 Data

At the Council meeting on 7 February 2021, **Cr Wass** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Is there any data available for Covid-19 for Council and do we have Kingborough numbers for infections, testing and vaccinations and vaccinations for both adults and children under 12?

Officer's Response:

Council's workforce has been relatively unaffected by COVID-19, with less than 10 cases since the opening of the State borders on 15 December. Data for the Kingborough Municipal Area has been sought but had not been provided at the time of the close of the Council Agenda.

Daniel Smee, COVID-19 Incident Management Controller

C79/3-2022

12.2 Water Play Equipment at Kingston Park

At the Council meeting on 7 February 2022, **Cr Glade-Wright** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

A resident has picked up that the water play equipment isn't functioning at the moment and I said I would find out when that was scheduled to be fixed?

Officer's Response:

A replacement part for the water pump has been ordered but is awaiting delivery from overseas.

Daniel Smee, Director Governance, Recreation & Property Services

C80/3-2022

12.3 Barretta Re-Use Shop

At the Council meeting on 7 February 2022, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

If you go to buy something at the re-use shop, you cannot pay for it and then come and collect it. If it's large and will not fit in your car, you have to go away, get whatever transport you want and come back in the hope that it is still there. I was wondering when this policy had changed?

Officer's Response:

It was decided to stop allowing customer to buy items and collect later approximately four years ago for a few reasons:

1. Customers would pay for an item to collect later but would then leave it in the shop for several weeks while they tried to find a better-quality item and then request a refund. This reduced the option of selling this item.
2. The shop has limited undercover space so any items being held for customers prevented the acceptance of other items that needed to be undercover.
3. Staff time in chasing up customers requesting they pick up the item.
4. Due to the lack of space there is no secure area for items on hold so damage by weathering was sometimes occurring with customers demanding a refund.
5. Customers were removing sold stickers from items they, or another customer wanted to buy which was causing friction at the counter when they were informed the item was not for sale as it was being held for a future pickup

Notwithstanding this a review of the current process will be undertaken, in particular to investigate improving the convenience for customers who intend a pickup of a large item but need alternative transport.

David Reeve, Director Engineering Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning authority commenced at 5.54pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C81/3-2022

13.1 PSA-2021-1: PROPOSED AMENDMENT TO THE KINGBOROUGH INTERIM PLANNING SCHEME 2015 - REZONING FROM RURAL RESOURCE ZONE TO ENVIRONMENTAL LIVING ZONE AT 2015 AND 2187, BRUNY ISLAND MAIN ROAD, GREAT BAY.

Moved: Cr Clare Glade-Wright

Seconded: Cr Flora Fox

That Council resolves that:

- (a) Pursuant to section 34(1) (b) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council initiates Amendment PSA-2021-1 to the *Kingborough Interim Planning Scheme 2015* as per Attachment 2.
- (b) Pursuant to section 35 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council certifies that Amendment PSA-2021-1 to the *Kingborough Interim Planning Scheme 2015* meets the requirements of section 32 of the former provisions of the *Land Use Planning and Approvals Act 1993* and authorises the General Manager to sign the Instrument of Certification provided in Attachment 3
- (c) Pursuant to section 35(4) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will forward a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;
- (d) Pursuant to section 56S of the Water and Sewer Industry Act 2008, Council will refer Amendment PSA-2021-1 to TasWater; and
- (e) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council will place Amendment PSA-2021-1 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.

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

Against: Cr David Grace

CARRIED 9/1

C82/3-2022**13.4 DAS-2021-3 DEVELOPMENT APPLICATION FOR SUBDIVISION CREATING 2 NEW LOTS AND BALANCE AT 2125 BRUNY ISLAND MAIN ROAD, GREAT BAY, BRUNY ISLAND**

Moved: Cr Clare Glade-Wright

Seconded: Cr Jo Westwood

That the Planning Authority resolves that the development application for subdivision creating 2 new lots and balance at 2015 Bruny Island Main Road, Great Bay for PDA Surveyors be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2021-3 and Council Plan Reference No. P3 submitted on 11 November 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. Prior to the permit coming into the effect, the owner must enter into a Part 5 Agreement with and to the satisfaction of Council to the effect that the measures contained within the certified subdivision Bushfire Hazard Report and associated Bushfire Hazard Management Plan (BHMP) v1.1 (Jim Mulcahy, 21 September 2021) must be implemented in relation to any future development on Lots 1 and 2, unless superseded by an alternative BHMP certified by an accredited person or the Tasmania Fire Service (TFS), and only if this alternative BHMP demonstrates that the hazard management areas:

- (a) are contained within the lot boundaries; and
- (b) do not rely upon management of vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), *'From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation'*, Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of modified land or other natural environments.

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

This Part 5 Agreement must use Council's template Part 5 Agreement and be lodged at the Land Titles Office together with the Final Plan of Survey and registered on the title to Lots 1 and 2.

Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be signed and sealed, prior to the Permit coming into effect and commencement of works. A 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 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 the native vegetation communities and habitat values on the balance lot. This Part 5 Agreement must:

- (a) verify the extent of the conservation zone, which must encompass all native vegetation outside the bushfire hazard management area as shown in the certified Bushfire Hazard Management Plan (Jim Mulcahy, Enviro-dynamics, 21 September 2021) and outside the cleared land utilised for the existing hobby farm;
- (b) provide for the protection for all native vegetation and habitat values within the conservation zone;
- (c) identify management prescriptions including but not limited to fencing of the conservation zone where necessary, stock exclusion, firewood harvesting for domestic use, a weed management plan for the whole site and monitoring and reporting, to ensure that environmental values are managed for their long-term survival. These management prescriptions are to be drafted by a suitably qualified environmental consultant and include a schedule of works with timeframes, details and costings for each action;
- (d) prevent further subdivision;
- (e) be drafted using Council's template Part 5 Agreement for subdivision in the Environmental Living zone;
- (f) be signed and sealed prior to commencement of works; and,
- (g) be submitted to the Land Titles Office with the final plan of survey and registered on the title.

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 and ongoing management of the site must be in accordance with this Agreement once executed.

Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be executed prior to commencement of works and sealing of the final plan of survey. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

4. Vegetation removal is limited to that required to construct a compliant cross-over and access to Lots 1 and 2 subject to the following restrictions:
 - (a) This vegetation must not be removed prior to issue of a 'Start of Works Notice'.
 - (b) 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.
5. Prior to the commencement of access works, all adjacent native vegetation must be retained and appropriately protected during construction through 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).

Evidence of satisfactory installation of this fencing must be obtained prior to the commencement of on-site works and made available to Council upon request.

6. A declared weed under the *Weed Management Act 1999* (Spanish heath) is present within the footprint of the access works.

Prior to commencement of access works, primary treatment of all weeds within the area to be traversed and disturbed during construction must be undertaken. This treatment must be undertaken in a targeted way to avoid residual impact on native species and current guidelines as to the appropriate methodology (see Department of Natural Resources and Environment website).

During construction, to ensure these weeds are not spread from the site:

- (a) declared weed plant material or soil containing their seed must not be removed from the site, unless undertaken in accordance with that weed's Statutory Weed Management Plan where such a plan exists;
 - (b) weed plant material and topsoil containing their seed must not be stored or moved into areas containing weed-free native vegetation;
 - (c) appropriate hygiene measures must be undertaken prior to any machinery entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment; and
 - (d) any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site in order to minimise introduction of new weeds and pathogens to the area.
7. Prior to the commencement of on-site works, including vegetation removal or modification, construction, excavations, placement of fill and/or delivery of building/construction materials, 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.

8. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.
9. Prior to sealing of the Final Plan of Survey, a bond must be paid to Council for the cost of five years of monitoring and implementation of the conservation Part 5 Agreement required under condition 3, excluding any initial actions already undertaken. Reporting to Council on compliance with and implementation of the Agreement must be undertaken by a suitably qualified consultant and not less than once annually for a minimum period of 5 years. The bond will be repaid to the payer in stages on an annual basis once each annual report is received and satisfactory implementation of works demonstrated, in accordance with the cost schedule identified in the Agreement.
10. Prior to sealing of the Final Plan of Survey, the vehicular access to all lots as indicated on the submitted plans must be constructed in accordance with the requirements of the Department of State Growth 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 the Department of State Growth road reservation must be obtained prior to any works commencing and a copy provided to Council.
11. The Final Plan of Survey and Schedule of Easements must include a Covenant on the title of Lots 1 and 2 to the effect that:
 - (a) future development, including buildings, bushfire and on-site wastewater, but excluding access, must not encroach into or impact on vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), *'From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation'*, Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of modified land or other natural environments.
 - (b) buildings and structures must not pose an unacceptable risk of bird collision by incorporating design elements and strategies in accordance with the document "Minimising the swift parrot collision threat – Guidelines and recommendations for parrot-safe building design".

Glazing on buildings and structures will be deemed to pose such a risk unless the glazed surfaces do not result in corner windows or sightlines through buildings from window to window and comply with any of the following:

- (i) the glazed surface does not have a total surface area of greater than 2m²; or
- (ii) the glazed surface is treated to include visual markers or muted reflections, the purpose of which must 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 is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground; and
- (iv) there are no sight lines through the glazing surfaces, such as corner windows.

Fencing will be deemed to pose such a risk where it includes chain-link fencing.

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 1 and 2. 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 1 and 2.

ADVICE

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

New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	2151 Bruny Island Main Road
2	2149 Bruny Island Main Road

- D. Aboriginal Heritage Tasmania (AHT) have advised that there may be Aboriginal heritage sites at the site. All works personnel should be made aware that all Aboriginal heritage in Tasmania is protected under the *Aboriginal Heritage Act 1975* (the Act), regardless of whether it is in situ or previously disturbed and they should be suitably briefed about and understand the process outlined in the Unanticipated Discovery Plan. It is recommended that a copy of the Unanticipated Discovery Plan is kept on hand during any ground disturbing works relating to the subdivision. If at any time during works Aboriginal heritage is suspected, the process outlined in the Unanticipated Discovery Plan should be immediately implemented. Under the Act there is a requirement to report Aboriginal heritage, and not to impact Aboriginal heritage without a permit granted by the Minister. Any further development of the lots will require a detailed Aboriginal Heritage Assessment to be conducted and relevant advice/endorsements sought from Aboriginal Heritage Tasmania.

In Favour: Crs Paula Wriedt, Jo Westwood, Gideon Cordover, Flora Fox, Clare Glade-Wright, Christian Street and Steve Wass

Against: Crs Sue Bastone, David Grace and Amanda Midgley

CARRIED 7/3

Mayor vacated the chair at 6.50pm

Deputy Mayor assumed the chair at 6.50pm

C83/3-2022**13.2 DA-2021-578 - APPLICATION FOR TWO MULTIPLE DWELLINGS AT 16 TINGIRA ROAD, BLACKMANS BAY**

Moved: Cr Christian Street

Seconded: Cr Amanda Midgley

That the Planning Authority resolves that the development application for two multiple dwellings at 16 Tingira Road, Blackmans Bay for Ms A Lim 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 2021-578 and Council Plan Reference No. P3 submitted on 18 January 2022.

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. Landscaping plans must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field and submitted for approval by Council's Manager Development Services prior to the issue of a Building Permit.

The landscape plan must 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 relationship of the plantings to the proposed height of the buildings.

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

3. At least one (1) visitor parking space must be provided for the proposed development. The visitor parking space must be appropriately signposted and kept available for visitor parking at all times.
4. If a strata plan is lodged for the development the plan must include some common property and the visitor parking space must be contained within the common property and be accessible through the common property from all units.
5. The vehicular access must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO9, TSD-E01 and TSD-RF01) in standard grey concrete with a broomed non-slip finish from the kerb crossing layback to the lot boundary. A Permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.
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) with notation to be constructed in standard grey concrete with a broomed non-slip finish
 - (iv) Provision of a visitor parking space between Units 1 & 2
 - (v) Signage for visitor spaces and residential spaces
 - (vi) Wheel stops for open parking bays (as appropriate)
 - (vii) Surface treatment and stormwater drainage
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
 - (i) Layout details
 - (ii) Engineering certification from a consultant engineer that the proposed stormwater pump station for the proposed development is designed in accordance with Australian Standard AS3500 National Plumbing and Drainage Code. Supporting documentation with associated hydraulic calculations must be submitted.
 - (iii) Pump station rising main stormwater connection to the existing 300mm main in Tingira Road

Once endorsed the plans will form part of the permit.

7. Prior to the permit coming into effect and the commencement of any works on site, the landowner must enter into Part 5 Agreements under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to maintain the stormwater pump station. The Part 5 Agreements must include:
 - (a) that the costs associated with the installation, maintenance and monitoring/reporting of the pump station and absorption trenches are to be borne by the owners utilising the system (no costs are borne by Council);
 - (b) that the stormwater pump station including overflow absorption trenches are maintained in good working order (and serviced in accordance with suppliers specifications) by the owner/s;

- (c) that an ongoing maintenance document be prepared by a suitably qualified person for the infrastructure;
- (d) that any future strata subdivision requires the pump station to be located within common property of the strata subdivision;
- (e) that any overflow absorption trenches are located within a private services easement in favour of all strata title owner/s;
- (f) that a servicing/maintenance report be provided within a reasonable timeframe to Council upon request;
- (g) be signed and sealed prior to commencement of works; and
- (h) be submitted to the Land Titles Office with the plan of survey and registered on the title.

All costs associated with drafting and registering the Part 5 Agreements on the titles are to be borne by the developer. All terms of these Agreements 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 executed prior to commencement of works and registered on the title. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

8. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Executive Manager Engineering Services and include the following:
 - (a) Signage residential carparking spaces as allocated;
 - (b) Visitor carparking signs must be installed for visitor carparking spaces;
 - (c) Pump station rising main stormwater connection to the existing 300mm main in Tingira Road as approved.
9. 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.

10. 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.
11. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Executive Manager – Engineering Services.

12. 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; and
 - (d) Letterboxes installed.
13. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The Developer should not allocate any property address numbers for the proposed units.

New property addresses have been allocated as follows:

Unit No.	Allocated Property Address
1	1/16 Tingira Road, Blackmans Bay
2	2/16 Tingira Road, Blackmans Bay

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

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

CARRIED



Submission to Planning Authority Notice

Council Planning Permit No.	DA-2021-578	Council notice date	22/10/2021
TasWater details			
TasWater Reference No.	TWDA 2021/01818-KIN	Date of response	27/01/2022
TasWater Contact	Jake Walley	Phone No.	0467 625 805
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	16 TINGIRA RD, BLACKMANS BAY	Property ID (PID)	9191795
Description of development	Multiple Dwellings x2		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Oramatis Studio	Site Plan A-DA-101-001	--	--
Conditions			
<p>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:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> A single 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. <i>Advice: The plan currently shows two separate water connections to this development, one for each dwelling. The plans submitted with an application for a Certificate for Certifiable Work (Building/Plumbing) will need to show a single suitably sized connection, with a suitable metering arrangement.</i> 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. Prior to commencing construction /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. <p>56W CONSENT</p> <ol style="list-style-type: none"> 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 respect of that part of the development which is built within two metres of TasWater infrastructure. <i>Advice: The closest distance you can construct a prescribed structure, including eaves and gutters, to a sewer main is 1m. This might require a re-design for the plans submitted with an application for a Certificate for Certifiable Work (Building/Plumbing).</i> 			



DEVELOPMENT ASSESSMENT FEES

5. The applicant or landowner as the case may be, must pay a development assessment fee of \$219.04 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 <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

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 depth and proposed finished surface levels over the pipe;
- (b) 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;
- (c) A note on the plan indicating how the pipe location and depth were ascertained.
- (d) The location of the property service connection and sewer inspection opening (IO).

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

Mayor resumed the chair at 6.58pm

C84/3-2022

13.3 DA-2021-678 - DEVELOPMENT APPLICATION FOR INTENSIFICATION OF WINERY USE TO ALLOW FOR GROUP DINNERS AND EXTENSION OF HOURS OF OPERATION AT 11 FLOWERPOT JETTY ROAD, FLOWERPOT

Moved: Cr Christian Street

Seconded: Cr Flora Fox

That the Planning Authority resolves that the development application for intensification of winery use to allow for group dinners and extension of hours of operation at 11 Flowerpot Jetty Road, Flowerpot for Ireneinc Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use of the land must be substantially in accordance with Development Application No. DA-2021-678 and within the existing development shown under Council Plan Reference No. P1 submitted on 26 November 2021. No works are approved under this permit.

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. The operating hours for the evening wine and dine experience within the cellar door area must be confined to 6pm – 10pm, 7 days per week.
3. The maximum capacity for seating of patrons for the evening wine and dine experience must be no more than 24 persons. Walk-ins for this dinner service is not permitted under this permit, and the cellar door must not be used like a regular restaurant service.
4. Noise amplification equipment (including speakers) must not be used between the hours of 9:00pm – 10:00am.

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. Prior to serving meals (other than food platters) to guests, an amended unconditional food business registration certificate is required to be issued to Council. Council's Environmental Services department can be contacted on 6211 8255 for information regarding any additional kitchen fit-out requirements that may be required to be completed prior to issuing an unconditional food business registration certificate.
- C. No signage is approved as part of this permit. It is recommended to seek advice from Council regarding approvals that may be required for any future additional signage.

CARRIED

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMED

Open session resumed at 7.03pm

Meeting adjourned at 7.03pm

Meeting resumed at 7.09pm

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

No Petitions had been received.

16 OFFICERS REPORTS TO COUNCIL

C85/3-2022

16.1 KINGBOROUGH CYCLING STRATEGY 2021-2030

Moved: Cr Amanda Midgley

Seconded: Cr Flora Fox

That Council endorse the attached *Kingborough Cycling Strategy 2021-2030* with the following text to be added below Figure12 on page 22 of the strategy:

“The Strategy notes this network map is conceptual and subject to a feasibility study to assess all possible route alignments, environmental considerations and includes comprehensive stakeholder engagement. Where possible the conceptual proposed network map has been amended to utilise Crown Land in this area.”

Moved: Cr Clare Glade-Wright

Seconded: Cr Gideon Cordover

That Cr Midgley be allowed a further 3 minutes to complete her contribution.

In Favour: Crs Paula Wriedt, Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Clare Glade-Wright, David Grace, Amanda Midgley and Christian Street

Against: Cr Steve Wass

CARRIED 9/1

The motion was then put.

CARRIED

C86/3-2022

16.2 POLICY 3.7 PURCHASING POLICY AND 3.12 CODE FOR TENDERS AND CONTRACTS

Moved: Cr Jo Westwood
 Seconded: Cr Christian Street

That Council adopts the updated Purchasing Policy 3.7 and the updated Code for Tenders and Contracts Policy 3.12.

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

Against: Cr David Grace

CARRIED 9/1

C87/3-2022

16.3 FINANCIAL REPORT - JANUARY 2022

Moved: Cr Jo Westwood
 Seconded: Cr Flora Fox

That Council endorses the attached Financial Report at 31 January 2022.

CARRIED

17 NOTICES OF MOTION

There were no Notices of Motion.

C88/3-2022

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Clare Glade-Wright
 Seconded: Cr Steve Wass

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*

Lawless Road Extension and Kaoota Tramway Track Car Parking

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

Delegated Authority Rates

Regulation 15(2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

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 will now cease.

Open Session of Council adjourned at 7.54pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.07pm

C95/3-2022

Moved: Cr Amanda Midgley

Seconded: Cr Jo Westwood

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Approved
Lawless Road Extension and Kaoota Tramway Track Car Parking	Approved
Delegated Authority Rates	Noted

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.08pm

.....
(Confirmed)

.....
(Date)