

# Kingborough



## COUNCIL MEETING MINUTES

20 June 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, 20 June 2022 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:

Acting Mayor Councillor J Westwood	✓
Councillor S Bastone	✓
Councillor G Cordover	✓
Councillor F Fox	✓
Councillor C Glade-Wright	✓
Councillor D Grace	x
Councillor A Midgley	✓ ( <i>jointed meeting at 5.31pm</i> )
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
Manager Development Services	Ms Tasha Tyler-Moore
Planner	Ms Mary McNeill
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

C1/12-2022

## 4 APOLOGIES

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Councillor P Wriedt  
Councillor D Grace  
Councillor C Street

C2/12-2022

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## 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.10 held on 6 June 2022, and the Special Council Meeting No.11 held on 14 June 2022 be confirmed as a true record.

**CARRIED**

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## 6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

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There have been no workshops held.

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## 7 DECLARATIONS OF INTEREST

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There were no declarations of interest.

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## 8 TRANSFER OF AGENDA ITEMS

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There were no agenda items transferred.

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## 9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

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There were no questions without notice.

C3/12-2022

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## 10 QUESTIONS ON NOTICE FROM THE PUBLIC

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### 10.1 Sports Club Hire Fees

**Mr Adam Sme** submitted the following question on notice:

*Council is soon to start charging sports clubs a hire fee for the use of its facilities. Could Council please advise what additional services will be provided to the clubs in return for this additional fee?*

**Officer's Response:**

The re-introduction of sports ground user fees is intended to recover a small percentage of the annual cost of \$1 million spent by Council on turf maintenance. It is not designed to be a fee for service but will assist in enabling current standards to be maintained by offsetting increasing operational costs associated with the provision of sports grounds.

*Su Sprott – Recreation Officer*

## 10.2 Sports Ground User Fees

**Mr Kaspar Deane** submitted the following question on notice:

*Following correspondence received by Kettering Cricket Club on May 23 re: 'Implementation of Sports Ground User Fees', members of our committee were appreciative to have had Scott Wade meet with us to discuss the new policy. Following that meeting, our committee has the following questions for Council:*

- 1. On what basis were the average annual hours p.a. calculated? Was this based on the 2021-22 season? If so, was the severe impact of weather and covid-19 taken into account?*
- 2. Given funds within small community clubs like ours are scarce, knowing what expenses are due in advance is hugely beneficial to keeping afloat. In this respect, would KC consider providing each club with a set annual fee during the five-year implementation phase rather than rely on average hourly use which historically has fluctuated significantly based on external factors?*
- 3. For clubs like Kettering CC who have junior programs or are considering creating a women's team, will KC consider concessions to help ensure participation rates aren't impacted? For example, providing a free or reduced hourly rate for hire involving juniors?*
- 4. KC acknowledges the risk that this policy may lead to some clubs becoming financially unviable. What safeguards or guarantees can KC provide to ensure this doesn't happen?*
- 5. Kettering CC, alongside other Kingborough-based clubs, compete against clubs in the Huon Valley LGA who have different ground user charges. Does \$15 p/hr exceed those? And if so, will KC take steps to ensure Kingborough-based clubs are not financially disadvantaged?*
- 6. With the support of government grants, Kettering CC has had over \$100,000 invested to improve its facilities e.g. pitch, training nets, clubrooms, oval fence. Given this investment has helped reduce KCs future capital works expenditure, can clubs like ours be reassured that increased revenue from this policy will be tied to improving sports facilities?*
- 7. In the Huon and Channel Cricket Association's meeting minutes dated 18 March, the association states there 'has only been 1 consultation via phone call' during the consultation phase. Can KC confirm this and outline what other consultation occurred with HCCA clubs when developing the ground user charge policy?*
- 8. KC's own report states 'it would be reasonable to estimate that \$220,000 of new revenue could be generated from sports ground user fees' over the next 10-15 years. Given annual revenue at the end of the five-year implementation phase will be \$100,920, can clubs expect charges to double again (i.e. \$30 p/h) so that figure of \$220,000 is reached?*

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

- Average hours were based on a typical season, with recent anomalies due to the impact of wet weather and COVID-19 taken into account.
- Consideration was given to a set annual fee in the development of the model. Whilst it is acknowledged that it has some advantages, it does not allow for flexibility in relation to fluctuating usage. On balance, the hourly rate model is considered to be fairer and provides greater transparency in relation to actual usage. It is proposed to invoice clubs quarterly in arrears, to account for any factors that may prevent use of the ground, as was the case with the wet weather interrupting the first part of the 2021-22 Summer season.
- Irrespective of whether a ground is used by seniors or juniors, the cost to maintain it does not change. Council has set a low hourly rate across the board that takes into account the fact that a proportion of the usage by clubs will be for junior teams. It is noted that Council does

- not provide a differential senior/junior fee structure for court hire fees at the Kingborough Sports Centre (other than casual use) or for use of community halls.
4. Council's resolution of 16 May 2022 included a provision that reviews of the impact of the re-introduction of fees on Clubs will be undertaken as part of the Seasonal Tenancy Application Procedures.
  5. It is noted in the Huon Valley Council Fees and Charges that each club is expected to pay \$1,000 per annum towards their venue. However, the detail of individual arrangements is not known and ultimately has no bearing on the decisions of Kingborough Council.
  6. The intent of charging user fees is to offset some of the annual operational costs incurred by Council in maintaining sports grounds. It is not intended that revenue generated will be quarantined for capital expenditure on sporting facilities.
  7. Initial consultation on this matter took place at a club level rather than with the Huon Channel Cricket Association. The latter was informed via phone call that the topic was being discussed with member clubs. All Kingborough based HCCA clubs were contacted via email on 7 March 2022 about the proposed implementation of sports ground user fees, with a follow up phone call made to Club Presidents. Since Council's resolution of 16 May, further consultation with clubs has been undertaken, including in-person meetings with club representatives.
  8. The figure of \$220,000 is a projection that includes income derived from all users of Council's sportsgrounds – not just local clubs. External and casual hirers, along with fees from major sporting events (eg the use of the Twin Ovals as a training venue for the ICC Men's T20 World Cup) are factored into this projection, along with increased usage of facilities associated with population growth in the Municipal Area.

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

### **10.3 Osborne Esplanade Upgrade**

**Mr Roger Tonge** submitted the following question on notice:

*On the 12th May, in response to previous questions asked relating to Osborne Esplanade, I was advised that the \$1.66 million included in the capital expenditure budget for 23/24 and 24/25 was sufficient to complete the Osborne Esplanade upgrade, namely stages 6 and 7.*

*Bearing in mind that the existing pedestrian walkway is in places barely a meter wide. Car parking provisions and the intention to retain the majority of the existing trees will likely limit the extent to which the existing walkway can be widened. Can you please advise in more detail what works are intended to be undertaken that will provide a significantly wider and safer pedestrian walkway, will the walkway be extended over the sea wall as has already occurred at the southern end of the Esplanade?*

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

Detailed design is yet to be completed but it is expected that some decking will be in place for part of the area to allow appropriate width and protection of tree zones. This has been allowed for in the estimate of works.

*David Reeve, Director Engineering Services*

#### 10.4 Brown's River Bridge

**Mr Roger Tonge** submitted the following question on notice:

*In response to an earlier question, advice was given that the existing bridge is still structurally sound but no longer meets community needs.*

*As a dog walker and current bridge user, usually multiple times per day, the existing bridge caters adequately for pedestrians, joggers, those persons with mobility equipment parents with prams and indeed cyclists when they dismount.*

*Can you please advise what community needs are not being met?*

**Officer's Response:**

In particular, the width of the current path is not sufficient to provide appropriate functionality for the volumes of the various users of this popular linkage.

*David Reeve, Director Engineering Services*

**C4/12-2022**

#### 11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

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

##### 11.1 Construction of Deck at Tarooma Hall

*Why has it taken so long to approve the construction of a deck at the Tarooma Hall? During this lengthy delay costs have risen by 30%.*

**Manager Development Services responds:**

I will need to take the question on notice so that I can look up the details of the application.

##### 11.2 Installation of Wheel House at Alonnah

*Having acquired the wheel house from the Mirambeena, the Bruny community would like to instal it at Alonnah near the toilet block looking out onto the Channel. Are there any regulations that would prohibit it being open to the public?*

**General Manager responds:**

I would have to take that on notice and find out whether there are any restrictions under any legislation that I am not accustomed to.

##### 11.3 Planning Approval for a Bus Shelter

*What planning approval is needed to construct a bus shelter on the north west corner of Nicholls Rivulet Road and the Channel Highway where the school buses stop to pick up students? It's a safety issue, it's very difficult to see in the dark and the students stand there on the bottom of a 90km/h stretch. There is money being raised by the Kettering Hotel to build the shelter but I'm wondering what planning approval would be needed and how long such planning approval might take?*

**Manager Development Services responds:**

There are a number of exemptions related to bus shelters but we would need to know the property specifically to see whether there is any overlay controls that overrule those exemptions for bus shelters. Generally, the decision making around bus shelters is done by DSG and Council but not necessarily the planning department. If I get the address from this I can take it on notice to see whether there is any planning permit triggers for a bus shelter.

**11.4 Harvey Road, Alonnah**

*Harvey Road was to have been started this financial year and with only two weeks to go of this financial year I'm wondering when it will actually be started?*

**Director Engineering Services responds:**

That project is currently out to tender and we expect the tender prices to come back some time in July. I would expect the works to start a little after that. It is a split project going over financial years, so part of the allocation was this financial year and part of the allocation is for next financial year.

**11.5 Advertising Community Consultation in the Bruny News**

*The next time that there is community consultation required on budget or other things that would be relating to Bruny Island, could the advertising be done in the Bruny Newspaper?*

**General Manager responds:**

We are happy to take that on board and endeavour to do that.

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

**11.6 Electric Charging Facilities**

*In the 5 year Capital Works Program just passed, the Civic Centre electric vehicle charge facility is on track for financial year 2026/27. What is Council able to do to progress that faster? Will Council consider putting in EV charging in more residential settings to assist EV owners who are renters or people whose address does not have a carport or garage with access to electricity.*

**Director Engineering Services responds:**

There is a current project to instal EV charging facilities in the back carpark of the Council chambers. The other allocation that is sitting in the 5 year plan is more tied up with potentially the movement of that particular EV charging station or a new charging station, bearing in mind the one that is being put in place in the car park is by private hands, if you like, so that's an opportunity later down the track for Council to also have access to that charging station which is their own. In terms of putting in other EV charging stations – possibly. It's a bit difficult to say at this stage.

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

**11.7 Channel Highway Corridor Study**

*We are all aware there are quite a number of actions still pending in regards to this and one in particular that gets raised at almost every Howden Progress Association meeting is the speed limit on the Channel Highway. It seems like an easy fix but years later it is still ongoing. There are quite*

*a number of other actions from that study as well and I'm aware that we have had a letter from the Minister regarding some of the actions. Who else is being the squeaky wheel on this to government to ensure that things are progressing?*

**Director Engineering Services responds:**

Council could resolve to go back to the Minister and re-ask the question and get more solid timeframes. At an officer level, we do keep an eye on these various different studies and there are some actions from this particular study which are current or at least being developed in some shape or form but we do try to liaise with our counterparts as to where they may or may not be at. I'm quite happy to, once again, have that discussion with my counterpart in DSG or if Council wishes they can renew their application to the Minister.

**11.8 Dru Point Playground**

*When are works commencing? I understand that there has been a lot of community discussion around the love of a skate park in that location. I don't know if that was part of the master plan. What is happening, what are the dates and what are we telling the community?*

**Director Governance, Recreation and Property Services responds:**

We will be going out to the community this week in relation to seeking comment on our plans. They do not include a skate park. I can't give dates and time frames. Once we get community feedback we will finalise the plan, then we need to go through a tender process, then we need to appoint a contractor and at the moment playground equipment has a 20 week lead time in terms of delivery. We would hope construction would start before the end of this calendar year but it is a space in which there are a limited number of contractors and as indicated, long lead times for equipment. That's rough time frames but certainly I discussed with our Urban Design Officer today and I've been talking to our Communications Advisor and there is a commitment to go out this week with the plans.

**11.9 Conningham Beach Toilet Block**

*I understand Councillors were all copied into an email from CALSCA regarding that the old toilet block has been demolished and that there is a preferred option from CALSCA for a dinghy rack to be installed so that local yacht can put their dinghy's there to save the vegetation etc. I haven't seen a reply to that email and just wondering what the future of that is?*

**Director Governance, Recreation and Property Services responds:**

Council's NAB Coordinator will be meeting onsite as requested with the President of CALSCA to discuss that matter but I would emphasise that Council has made no commitment towards providing any funding towards the dinghy rack and it's previously been a topic that has been discussed over the years in relation to the dinghy racks and it's something that will assist in terms of preventing the coastal erosion, so it's something that we do support in principal, subject to the ongoing discussions.

**11.10 Motion to Review the Code of Conduct and Other Items**

*Is the General Manager aware of the motion that the Deputy Mayor of the Waratah Wynyard is putting forward to their Council meeting tonight regarding writing to LGAT regarding the review of the Code of Conduct, looking at mandatory police checks and working with vulnerable children checks for all Councillors and a review of the Code of Conduct process. Is the General Manager aware of any motions that have been put forward by this Council previously and I would personally like to put a similar motion to our Council at the next Council meeting and any thoughts to that?*

**General Manager responds:**

Yes, it's actually one of two interesting notices of motion before Waratah Wynyard Council this evening. The one you refer to has 6 parts to it and the two major components of it are to seek, through LGAT to the State Government, the introduction of some mandatory requirements for potential candidates for the 2022 council elections in this State, to hold two of the three things that were just mentioned by Cr Midgley, effectively a police check, to make it public any criminal record and I think that relates to a second Notice of Motion by another councillor tonight at that meeting. In terms of the Code of Conduct, this Council has previously expressed it's concern with the current Code of Conduct process. The Notice of Motion before Waratah Wynyard tonight would seek that there would be the introduction of the ability for the Minister, through the State Government, to suspend an individual Councillor who might have been found guilty of a breach of the Local Government Act or the Code of Conduct moving forward.

**11.11 Communications Regarding a Significant Tree**

*In relation to an item in the appendix, the Settler's Park Cemetery, the significant tree left as a STAG, I've had a few residents comment regarding that so it's great to note why it was left in regards to that but did I miss any comms in regards to this through the Chronicle or on our Facebook page?*

**General Manager responds:**

I don't recall any.

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

**11.12 Playground Equipment for Silverwater Park**

*After Mr Smees alarming statistics on how long it takes to get playground equipment at the moment, has the playground equipment been ordered for Silverwater Park yet?*

**Director Governance, Recreation and Property Services responds:**

No it hasn't. As I indicated at the last meeting, we have had to rescope the previous design that was done by our previous Urban Design Officer when we costed it, came out at \$1 million and we've got a budget of \$250,000. Our new Urban Design Officer is working towards a budget but we've yet to order the equipment.

**C5/12-2022**

**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

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**12.1 Steps onto Kingston Beach**

At the Council meeting on 6 June 2022, **Cr Wass** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

*At Kingston Beach opposite the shops where the pedestrian crossing is, to the southern end of that, there are some concrete steps going down to the beach and it has been interesting that there is a safety concern and I'd ask whether staff could undertake an audit review for safety issues. On both sides of those stairs, there are no hand railing and there is a large drop and I know elderly are concerned and mums are concerned with toddlers they are not going down steps, it's probably three*

steps, and just asking whether or not we can do an audit because it may well be a railing is required on both sides of those steps.

**Officer's Response:**

Council has undertaken a risk assessment and reviewed the national construction code. A barrier is not required in this location, and other accessible access points are also within close proximity.

*Darren Johnson, Manager Works*

**12.2 Fire Bunkers**

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

*Given over 90% of Kingborough is considered to be bushfire prone, what process is available to allow a land owner the ability to seek and obtain approval for a bushfire shelter/bunker or similar structure ?*

**Officer's Response:**

A private bushfire shelter (sometimes referred to as a 'bushfire bunker') is a purpose-built structure which is an option of last resort where people can take refuge from the immediate life-threatening effects of a bushfire<sup>1</sup>.

The Tasmanian Fire Service advises the following in relation to private bushfire shelters:

*"a private bushfire shelter should never be relied upon as an alternative to leaving early or as a stand-alone bushfire safety solution. They should only be considered as a component of an integrated approach to bushfire protection and only as a last resort option"*<sup>1</sup>

The statutory approvals processes applicable to the installation of private bushfire shelters on land are primarily dictated in Tasmania through the *Land Use Planning and Approvals Act 1993* (LUPAA) and the *Building Act 2016* (Building Act).

The regulatory approvals framework has been designed to promote innovation of design in private bushfire bunkers but to also ensure safety within established performance standards to guarantee the construction of safe private bushfire bunkers with Tasmania.

A building permit is always required before installing a private bushfire shelter, without exception. Further, depending on the planning scheme requirements (applicable zone overlays, development standards) a planning permit may be required. If landowners receive a planning permit for a private bushfire shelter for their land, this does not automatically infer that a building permit will be issued for the private bushfire shelter. The installation of a private bushfire shelter needs to meet non-related requirements and standards and if these requirements are not met, then approval cannot be granted.

The key objective of Building Act is to ensure that building, plumbing and demolition work is safe for the intended use. It is a requirement of Building Act that all building work (which includes the installation of a private bushfire shelter) meets the minimum requirements of the National Construction Code (NCC)<sup>2</sup>.

Private bushfire shelters are categorised as high-risk building work under the Building Act and can only be carried out if a Council has issued a building permit.

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<sup>1</sup> Building For Bushfire, Private Bushfire Shelters, Tasmanian Fire Service, <https://www.kingborough.tas.gov.au/wp-content/uploads/2021/09/TFS-Private-Bushfire-Shelters-Info-Sheet-KC.pdf>

<sup>2</sup> The National Construction Code is a performance-based code that sets the minimum requirements in relation structure, fire safety, access and egress, accessibility, health and amenity, and sustainability. All new buildings, new building work, and new plumbing and drainage systems must comply with the NCC.

Under the building permit process, a Building Surveyor is required to certify that the private bushfire shelter is compliant with the relevant provisions of the NCC. An essential part of the Building Surveyors assessment process is to consider expert input from the Tasmanian Fire Department's - Chief Fire Officer (CFO). If the CFO believes that the proposal is not in accordance with the NCC, then the CFO will not support the proposal and the Building Surveyor, in most cases, would not certify the proposed bushfire shelter. The determination of the CFO will consider the site-specific fire risks. A Permit Authority cannot issue a building permit for a private bushfire shelter unless the building has been certified by the relevant Building Surveyor.

This process has similarities to other jurisdictions across Australia and is deemed by relevant Federal and State building authorities to be an appropriate approval process for these high-risk buildings.

#### *Accredited Bushfire Shelters & Illegally Installed Private Bushfire Shelters*

Some bushfire shelters in Victoria have been accredited as meeting the performance requirements by the Victorian Government's Building Regulations Advisory Committee. This has led some members of the Community to believe that no building permit is required for these models of private bushfire shelters. This is not the case. Within Tasmania a building permit is required to be in force for all private bushfire shelters prior to the installation of the building on a property (and the same is the case in the state of Victoria<sup>3</sup>).

The installation of a bushfire shelter without a building permit is classified as illegal building work under the Building Act and Council has an obligation under that legislation to take action..

Installing a bushfire shelter without a permit on the assumption that a retrospective building approval can be secured is not appropriate as the shelter may not be able to comply the relevant planning and building requirements. A non-compliant bushfire shelter must be rendered permanently incapable of being used or completely removed from the land.

More information on bushfire shelters is available on the Tasmanian Fire Department website at:

- <https://www.kingborough.tas.gov.au/wp-content/uploads/2021/09/TFS-Private-Bushfire-Shelters-Info-Sheet-KC.pdf>

*Andy D'Crus, Building and Plumbing Coordinator*

### **12.3 Headworks Charges and Developer Contributions**

**Cr Gideon Cordover** submitted the following question on notice:

1. *How do Kingborough/Tasmania's headworks charges compare nationally?*
2. *Do new subdivisions in Kingborough typically 'pay their own way', whereby increased revenues to Council from a new subdivision offset the full amount of increased infrastructure and maintenance costs associated with a new subdivision's capital works including items such as pavements, roads, stormwater, playgrounds?*
3. *What progress is being made on making developers contribute their fair share for infrastructure improvements to help Kingborough adapt to a fast-growing population?*
4. *Is Kingborough Council able to regulate its own developers' fees and charges to fully recover costs incurred from population growth or are their other relevant jurisdictional authorities such as LGAT, State Government or the TPC that need to be engaged to achieve a full cost recovery for new subdivisions in Kingborough?*

<sup>3</sup> Private Bushfire Shelters, Victorian Building Authority,  
<https://www.vba.vic.gov.au/consumers/bushfire/private-bushfire-shelters>

**Officer's Response:**

1. Headworks charges (also known as infrastructure charges or development contributions or development levies) are fees that councils and infrastructure authorities collect from developers towards the supply of public infrastructure to meet the future needs of the community. Headwork charges ensure that development (especially urban growth) pays for its demand and impacts on public infrastructure.

Currently Kingborough Council does not charge developers any amount towards the cost of infrastructure. Relative to other states in Australia, Tasmania has a lower level of maturity to support the implementation of headworks charges. There is no single, coherent legislative framework in for applying infrastructure contributions in a consistent and predictable way, or that encourages the more advanced general charging approach with supporting guidance material for implementation. Instead, powers to levy charges for infrastructure are dispersed across a number of Acts and are isolated from the planning process. As a result, Tasmania almost entirely lacks headworks charging schemes.

2. Even though new development may contribute to increased revenues, rates are traditionally linked to the ongoing provision of recurrent services, facilities, and asset maintenance, and do not enable significant surplus for the provision of new capital works or the more substantial renewal of existing assets, impacted by the new subdivision.
3. LGAT is currently investigating headworks charging from other Australian states to see what can be learned and adapted in Tasmania. At its ordinary meeting of 1 November 2021, Kingborough Council endorsed a motion in support of this work. LGAT has commenced discussions with members and a variety of external stakeholders. Workshops with councils are forthcoming.
4. No, the powers to levy charges for infrastructure are currently isolated from the planning process and as such Council is unable to apply development charges. Kingborough Council will be working with LGAT to facilitate an equitable solution.

*Adriaan Stander, Strategic Planner*

**12.4 Tree Valuations**

**Cr Gideon Cordover** submitted the following question on notice:

*In the 06 June 2022 Council agenda, a Question on Notice from Mr Roger Tonge was published regarding a \$60,000 expenditure for tree root protection for a Blue Gum on Osborne Esplanade near the intersection of Beach Road. The Officer's Response in the 6<sup>th</sup> of June agenda paper included the statement, "In considering the retention of the blue gum at this site Council sought a valuation of the tree. The valuation completed by an arborist applying the City of Melbourne Tree Valuation Method, was \$77,695. Therefore, given that the cost of the re-design works were less than the value of the tree it was a sound investment."*

*At 04 April 2022 Council meeting, a Biodiversity Offset Policy (the Policy) passed which included a provision for a financial offset of up to \$340 per high conservation value tree removed and up to \$570 per very high conservation value tree removed.*

*The Biodiversity Offset Policy agenda item made no mention whatsoever of the City of Melbourne Tree Valuation Method. However, in the Discussion section at 4.3 the report mentioned the Melbourne Strategic Assessment in which the levy for the loss of scattered trees is \$18,999 per tree and \$136,688 per hectare for clearing native vegetation ([msa.vic.gov.au](http://msa.vic.gov.au)). Ultimately, Kingborough Council's Biodiversity Offset Policy adopted a much lower pricing framework of up to \$570 per very high conservation value tree and up to \$13,650 per hectare for the loss of high and moderate priority biodiversity. The updated Policy passed on the 4<sup>th</sup> of April included a once-off CPI adjustment and*

an “offset at a ratio of 1:5, for every one tree removed the offset requires five trees to be planted to lessen the risk that the trees won’t survive to maturity”.

1. *Why is the City of Melbourne Tree Valuation Method an appropriate metric for determining the cost-benefit of footpath upgrades, but an inappropriate metric for determining biodiversity offset prices for the removal of high and very high conservation value trees in the municipality?*
2. *When describing the value of trees in Kingborough, under what circumstances will Council use the City of Melbourne Tree Valuation Method?*
3. *How is it consistent for Council to accept an arborists assessment that a Blue Gum on Osborne Esplanade has a value of \$77,695, whilst simultaneously accepting that trees of the same species, height, and age, for the purposes of the Biodiversity Offset Policy are only worth a maximum of \$570?*
4. *For consistency in reporting across the municipality, will Council henceforth be using the City of Melbourne Tree Valuation Method to determine the monetary value of trees in Kingborough?*

#### **Officer’s Response:**

1. The key difference between the Melbourne Tree Valuation Method and setting rates for biodiversity offsetting is the elements that are considered in the valuation. The objective of biodiversity offsetting is to achieve a net gain in the extent and quality of biodiversity that is protected and managed for conservation. A biodiversity offset metric must therefore solely consider the cost of replacing the biodiversity value. This might be for example the cost of protecting and restoring a patch of threatened forest of the same type that is proposed for removal. However, when considering the loss of a mature tree in a public place, biodiversity is only one of the elements that will be lost. The City of Melbourne tree valuation method calculates the monetary amenity value of a tree in a public place. It can be seen from the formula it uses to attribute an economic value that it is made up of a range of elements:

Amenity Value (V) = Basic Value (\$) x Species (S) x Aesthetics (A) x Locality (L) x Condition (C).

The example provided in the question of the cost-benefit of removing a tree for a footpath in a public space requires the consideration of the full suite of values that tree provides in that setting, for example; shade, shelter, beauty, ecological function etc. In this case the application of the City of Melbourne method allows a comparison of the monetary value of a footpath upgrade versus the retention of a tree.

2. As outlined above, tree valuation methods are useful to estimate the asset value of public trees. By putting a value on trees Council is able to protect them in a quantifiable way. Tree valuation methods are not widely used by Council at this time but have been used to inform decisions about retaining and protecting important public trees. These methods are also useful to calculate a tree protection bond where a development is occurring near a valuable tree, the bond can be held as insurance against harm to the tree during construction.
3. Different tree valuation methods are used to assign a monetary value to different values. The replacement value of a public tree requires the consideration of a range of factors to assign an amenity value. The Biodiversity Offset Policy is only assigning the cost to replace the value in the context of Kingborough. Officers acknowledge it is not perfect due to the time lag involved in growing a tree to a size similar to the tree lost and the risk an offset site will not be found. To manage this risk the policy focuses on the retention and protection of similar values onsite, this is to ensure that in the majority of cases the financial offset is only dealing with the residual environmental impact. Council’s Biodiversity Offset Policy must balance what is reasonable and achievable in the current market as well as achieving its key objective.

4. Council will select the appropriate tree valuation method for the situation. This will depend on the location of the tree and the reason the values require assessing.

*Liz Quinn, NAB Coordinator*

Public Copy

OPEN SESSION ADJOURNS

## PLANNING AUTHORITY IN SESSION

Planning authority commenced at 5.50pm

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

#### C6/12-2022

#### 13.1 DA-2021-708 - DEVELOPMENT APPLICATION FOR 13 FARM SHEDS FOR VEGETABLE PRODUCTION AND MANAGEMENT OF VEGETATION AT 371 NIERINNA ROAD, MARGATE

Moved: Cr Clare Glade-Wright  
Seconded: Cr Flora Fox

Moved: Cr Amanda Midgley  
Seconded: Cr Sue Bastone

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

In Favour: Crs Jo Westwood, Sue Bastone, Flora Fox, Clare Glade-Wright, Gideon Cordover, Amanda Midgley

Against: Cr Steve Wass

**CARRIED**

That the Planning Authority resolves that the development application for 13 farm sheds for vegetable production and management of vegetation at 371 Nierinna Road, Margate for Red Seal Urban & Regional Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2021-708 and Council Plan Reference No. P1 submitted on 10 December 2021 and P2 submitted on 15 December 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 following vegetation removal is retrospectively approved for the purposes of the development:
  - (a) no more than six (6) trees as shown in the Tree Condition Assessment by Tree Inclined (4 August 2020) and Figure 6 of the statement by ECOtas (26 September 2021 and updated 11 February 2022); and
  - (b) no more than 0.222 hectares of Eucalyptus obliqua dry forest as shown in Council Plan Ref. P1 received on 10 December 2021.

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.

3. All remaining native vegetation, including individual trees, must be retained and appropriately protected through the installation of signage and temporary fencing between any on-site works and adjacent native vegetation in accordance with AS 4970-2009 to exclude:
- (i) machine excavation including trenching;
  - (ii) excavation for silt fencing;
  - (iii) cultivation;
  - (iv) storage;
  - (v) preparation of chemicals, including preparation of cement products;
  - (vi) parking of vehicles and plant;
  - (vii) refuelling;
  - (viii) dumping of waste;
  - (ix) wash down and cleaning of equipment;
  - (x) placement of fill;
  - (xi) lighting of fires;
  - (xii) soil level changes;
  - (xiii) temporary or permanent installation of utilities and signs; and
  - (xiv) 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.

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:

- (a) 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);
  - (b) the Tree Protection Zone must be free from the storage of fill, contaminants or other materials;
  - (c) machinery and vehicles are not permitted to access the Tree Protection Zone; and
  - (d) development and associated works are not permitted unless otherwise approved by Council in writing.
4. To offset the loss of two (2) trees of very high conservation value (both *Eucalyptus obliqua* trees with a DBH >70cm) a financial contribution of \$500/tree must be paid into Council's Environmental Fund, to be used to manage and conserve hollow dwelling habitat in the vicinity of Margate.

This offset must be paid within one (1) month of the date of this Permit unless the period is extended in writing by Council.

5. Prior to the construction of the proposed timber screens, a landscaping plan for the landscaping proposed adjacent to the screens 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.

The landscape plan must be at a suitable scale, and indicate the following:

- (i) proposed planting by quantity, genus, species, common name, expected mature height and plant size.

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. The vertical timber screening and associated landscaping in accordance with the endorsed plan must be constructed with three (3) months of the date of this Permit unless the period is extended in writing by Council.
7. The vehicular access must be constructed and asphalt sealed to minimum 5.5m width at the lot boundary in accordance with the Tasmanian Standard Drawings (TSD-RO3) within three (3) months of the date of this Permit unless the period is extended in writing by Council. A permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.
8. Two car parking spaces must be provided on-site for employees within three (3) months of the date of this Permit. The two employee parking spaces must be identified on site and marked on the gravel parking area on site with dot markers.
9. Noise barriers must be constructed around all thirteen climate-controlled containers in accordance with the specifications stated in the acoustic assessment by NVC dated 2 November 2021, within three (3) months of the date of this Permit unless the period is extended in writing by Council.
10. Certification from the acoustic consultant that all noise barriers have been constructed in accordance with their specifications must be submitted to Council as soon as practicable after construction of the noise barriers. An as-constructed drawing must be submitted upon completion of construction of the noise barriers, detailing the size and location of the barriers and materials used for construction.
11. Noise emissions from the development must be less than 40dB(A) (LAeq) when measured at the boundary of the site, and no more than 65dB(A) (LAm<sub>ax</sub>) at any time.
12. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.
13. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

14. Within six months of commencement of the proposed development/use the applicant must submit to Council a report from a suitably qualified acoustic consultant demonstrating that noise emissions from the site do not exceed 40dB(A) (LAeq) and 65dB(A) (LAm<sub>ax</sub>) when measured at the boundary of the site.

If noise emissions from the site exceed 40dB(A) (LAeq) or 65dB(A) (LAm<sub>ax</sub>), then operation of the site must cease until noise emissions are reduced to below the respective limits.

15. Reversing 'beeper' alarms must not be used on any heavy equipment or machinery used in association with the proposed development/use.
16. The hours of operation of the use and development must be within:
  - (a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;
  - (b) 9.00 am to 12.00 noon Saturdays;
  - (c) nil Sundays and Public Holidays;except for office and administrative tasks.
17. Commercial vehicle movements, (including loading and unloading and garbage removal) to or from the site must be limited to a maximum of 20 vehicle movements per day and be within the hours of:
  - (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;
  - (b) 9.00 am to 12 noon Saturdays;
  - (c) nil on Sundays and Public Holidays.
18. Goods and supplies used for the resource development use (mushrooms and hydroponic vegetables) must be stored behind the Containers in Zone 1 and the timber screen.
19. The 2220m<sup>2</sup> cleared area as shown in Council Plan Ref. P1 received on 10 December 2021 must be maintained as a buffer between the remaining native vegetation and the existing agricultural use (blueberry orchard). No intensification or increase in the extent of the blueberry orchard or planting of other crops is approved in this area.
20. Retail selling of products must not occur from the subject property without the prior consent of Council.
21. The premises are to be kept in a neat and tidy condition at all times.
22. The quantity of hazardous chemicals used, generated and stored on site must not exceed the manifest quantities as specified in the Work Health and Safety Regulations 2012.
23. No signage is approved as part of this Permit and any further signage is not permitted without the prior written consent of the Council. Application for a Planning Permit must be submitted to Council, together with relevant documentation.

#### **ADVICE**

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

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

Council's Building Department or an independent building surveyor to establish any requirements.

- C. The proposed development has been assessed as low risk plumbing work. The Plumber is to provide the following documentation to Council after the plumbing work is completed:
- (a) A Form 80;
  - (b) A Form 71B; and
  - (c) An 'As Constructed' drainage plan at a scale of 1:200 in accordance with the Director's Specified List Schedule 3.
- D. The proposed development includes the disposal of wastewater from mushroom/vegetable growing operations. The developer must obtain from Council a Plumbing Permit for an onsite wastewater management system.

In Favour: Crs Jo Westwood, Flora Fox, Clare Glade-Wright, Amanda Midgley and Steve Wass

Against: Crs Sue Bastone and Gideon Cordover

**CARRIED 5/2**

## **C7/12-2022**

### **13.2 DA-2021-462 - ANCILLARY DWELLING - 72 BULLOCK DRIVE, LESLIE VALE**

Moved: Cr Flora Fox

Seconded: Cr Steve Wass

That the Planning Authority resolves that the development application for ancillary dwelling at 72 Bullock Drive, Leslie Vale for Mrs L P Newbery 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-2021-462 and Council Plan Reference No P4 submitted on 9 March 2022, P5 submitted on 16 May 2022 and P6 submitted on 24 May 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. The ancillary dwelling must:
  - (a) share all access and parking, sewer and water, gas, electricity and telecommunications connections and meters with the main dwelling;
  - (b) not be used for visitor accommodation without prior consent of Council;
  - (c) be contained on the same title as the main dwelling and must not be located on its own lot created under the Strata Titles Act 1998.

The requirements of (a) must be demonstrated on the Building Plans to the satisfaction of the Manager Development Services where applicable.

3. No felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is approved as part of this planning permit.
4. 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.
5. The stormwater runoff from all new impervious surfaces must be contained within the property or discharged to a Council approved discharge point. All works in relation to the discharge of stormwater must be completed to the satisfaction and approval of the Director Engineering Services.
6. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.
7. Within three (3) months of the date of this Permit, the unauthorised vehicular access must be removed and the nature strip must be reinstated to match the existing/abutting nature strip. All works must be carried out to the satisfaction of the Director Engineering Services.
8. Within three (3) months of the occupation of the ancillary dwelling, landscaping must be undertaken in accordance with the endorsed plan to the satisfaction of the Manager Development Services.
9. Unauthorised dams on the subject land are not approved under this permit. Within three (3) months of the date of this permit, separate approval for the unauthorised dams must be sought by the owner to avoid compliance action being undertaken by Council.

#### ADVICE

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

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

- C. The developer should obtain a Plumbing Permit for the development prior to commencing construction.
- 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. The proposed development will potentially increase the hydraulic load on the existing onsite wastewater management system. Prior to issuing a Plumbing Permit a report from a suitably qualified wastewater designer must be submitted to the satisfaction of Council's Environmental Health Officer demonstrating that the existing onsite wastewater management system is suitably sized to manage wastewater generated from the proposed development in accordance with the Building Act 2016. Alternatively, an application for a Plumbing Permit may be submitted for an upgrade of the existing onsite wastewater management system in accordance with the Building Act 2016.
- F. The use of the existing outbuilding on the site is restricted to that of incidental activities associated with the normal enjoyment of a single dwelling and management of the land. The outbuilding may not be used for habitation.
- G. Covenants affecting the subject land are registered on the title within the Schedule of Easements of Sealed Plan 44412. It is the owner's responsibility to ensure that none of these covenants are breached to avoid separate private legal action.

In Favour: Crs Jo Westwood, Sue Bastone, Gideon Cordover, Flora Fox, Clare Glade-Wright and Amanda Midgley

Against: Cr Steve Wass

**CARRIED 6/1**

**PLANNING AUTHORITY SESSION ADJOURNS**

## OPEN SESSION RESUMES

Open session resumed at 6.34pm

### 14 PETITIONS STILL BEING ACTIONED

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There are no petitions still being actioned.

### 15 PETITIONS RECEIVED IN LAST PERIOD

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No Petitions had been received.

### 16 OFFICERS REPORTS TO COUNCIL

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#### C8/12-2022

##### 16.1 FINANCIAL REPORT - MAY 2022

Moved: Cr Gideon Cordover  
Seconded: Cr Flora Fox

That Council endorses the attached Financial Report as at 31 May 2022.

**CARRIED**

#### C9/12-2022

##### 16.2 POLICY 3.19 - CASH-IN-LIEU OF PARKING POLICY

Moved: Cr Gideon Cordover  
Seconded: Cr Flora Fox

That the amended *Cash-in-Lieu of Parking Policy 3.19* be approved and implemented.

Moved Cr Clare Glade-Wright  
Seconded Cr Sue Bastone

That this matter be deferred

In Favour: Crs Jo Westwood, Sue Bastone, Gideon Cordover, Clare Glade-Wright and Amanda Midgley

Against: Crs Flora Fox and Steve Wass

**CARRIED 5/2**

**C10/12-2022****16.3 DEVELOPMENT SERVICES QUARTERLY REPORT**

Moved: Cr Amanda Midgley

Seconded: Cr Gideon Cordover

That the Development Services Quarterly report be noted.

**CARRIED**

**17 NOTICES OF MOTION**

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No Notices of Motion were received.

**C11/12-2022****18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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Moved: Cr Flora Fox

Seconded: Cr Clare Glade-Wright

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*

**Tender - Milling, Filling and Placement of Asphalt, and Bitumen Spray Seals**

Regulation 15(2)(d) *contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

**CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY**

In accordance with the Kingborough Council *Meetings Audio Recording Guidelines Policy*, recording of the open session of the meeting ceased.

Open Session of Council adjourned at 7.14pm

**OPEN SESSION ADJOURNS**

**OPEN SESSION RESUMES**

Open Session of Council resumed at 7.25pm

**C12/12-2022**

Moved: Cr Clare Glade-Wright  
 Seconded: Cr Amanda Midgley

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
Tender - Milling, Filling and Placement of Asphalt, and Bitumen Spray Seals	Tender awarded to Downer EDI Pty Ltd

**CARRIED**

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 7.26pm

.....  
 (Confirmed)

.....  
 (Date)