

Kingborough



COUNCIL MEETING MINUTES

1 August 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, 1 August 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 D Grace	✓
Councillor A Midgley	✓
Councillor C Street	✓
Councillor S Wass	✓

Staff:

General Manager	Mr Gary Arnold
Chief Financial Officer	Mr John Breen
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Engineering Services	Mr David Reeve
Acting Director Environment, Development & Community Services	Mrs Heather Salisbury
Manager Finance	Mr Tim Jones
Coordinator Statutory Planning	Mrs Melissa Stevenson
Planner	Ms Nisa Fitriani
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

C315/15-2022

4 APOLOGIES

Councillor F Fox
Councillor C Glade-Wright

C316/15-2022**5 CONFIRMATION OF MINUTES**

Moved: Cr Amanda Midgley
Seconded: Cr Jo Westwood

That the Minutes of the open session of the Council Meeting No.14 held on 18 July 2022 be confirmed as a true record.

CARRIED**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

25 July - Biodiversity Offset Policy

C317/15-2022**7 DECLARATIONS OF INTEREST**

Cr Bastone declared an interest in the report DA-2022-64

Cr Westwood declared an interest in the report headed "Tender Assessment – AB2214 Harvey Road Sealing"

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

There were no questions from the public.

C318/15-2022**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

10.1 Sports Ground User Fees

Mr Adam Sme submitted the following question on notice:

- 1) *Who from Council was tasked with the proposed direct relationship building? Does this person have a history of building co-operative relationships with local sports clubs?*
- 2) *Was a post regarding the issue of sports ground user fees put up on Council's Facebook page or other social media platforms? If so, when did this occur?*
- 3) *Was an advert regarding the issue placed in the Kingborough Chronicle or was a media release on the issue provided to this publication? If so, when did this occur?*
- 4) *Was a survey regarding the issue conducted? If so, when did this occur and why were the results of this survey not included in the report provided to Council on 16 May?*

Officer's Response:

Staff from Council's Recreation Unit were given responsibility for communication with clubs in relation to the proposal to re-introduce sports ground user fees. Initial consultation was undertaken directly with club presidents, with broader community engagement and public education to occur on an ongoing basis over the next 12 months.

Daniel Smee, Director Governance, Recreation & Property Services

10.2 DA-2021-668 - 110 Benbow Road, Oyster Cove

Dr Don Ranson and Dr Val Ronson submitted the following question on notice:

1. *What will be the noise profile (including decibels and frequency) of all works on site, including: i) the oyster processing to be carried out in the particular shed in which the relevant processing machinery is housed; ii) any other machinery that will be used, including their reversing klaxons?*
2. *What other activities will be carried out at the shore facility besides oyster processing?*
3. *How much road traffic will this industry create?*
4. *How much light pollution will be created at night by security and other lights?*
5. *How many oysters will be processed and by how much will this industry expand in the future?*

Officer's Response:

This development application will be coming to a future council meeting and the responses to these questions will be contained within the report.

Melissa Stevenson, Coordinator Statutory Planning

10.3 DA-2021-668 - 110 Benbow Road, Oyster Cove

Mr Martin Betts and Mrs Suzanne Betts submitted the following question on notice:

1. *Has the Council previously been aware of such alleged activity and if so has it been investigating and/or managing the issue?*
2. *If Council is not aware of this allegation will it investigate the matter as part of its consideration of the DA?*
3. *In terms of Council responses, what are the implications if such activities are actually happening now ahead of DA consideration?*
4. *If the activities are in fact actually happening as alleged, what impact will that have on the processing of this DA?*
5. *If the activities are in fact actually happening as alleged, what actions are open to the Council to take?*

Officer's Response:

1. No.
2. Council separates the functions of authorised officers and the Planning Authority. The Council is required, as the Planning Authority to consider a development application on the information that is lodged with the application. If Council receives a complaint alleging unlawful use or development, this matter would be referred to Council's Compliance Unit for assessment.
3. On complaint, if unlawful activity is occurring Council will undertake appropriate and measured compliance activity in accordance with the *Land Use Planning and Approvals Act 1993*.
4. In relation to the development application there are no implications for the assessment of the application which must be considered on its merits and assessed for compliance against the development standards of the *Kingborough Interim Planning Scheme 2015*.
5. Council has the ability to take compliance action pursuant to the provisions of the *Land Use Planning and Approvals Act 1993*, which includes but is not limited to, the issuing of a Notice of Intention to Issue an Enforcement Notice and Enforcement Notice.

Melissa Stevenson, Coordinator Statutory Planning

C319/15-2022

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Cordover asked the following question without notice:

11.1 General Manager's Activities

What were the actions from the STCA/RCCI Climate Change Communications Workshop and how is the work progressing?

General Manager responds:

I was invited to that workshop primarily to discuss communications for the work that the STCA have been doing in the climate change area and the STCA engaged Lee Arnold to undertake some communications on behalf of the STCA to effectively spread the word on the good work that is being done.

Cr Cordover:

On 14 July you attended the Housing Project Steering Committee meeting and I'm interested to know what are some of the aims, objectives, actions or anticipated outcomes of the Housing Project Steering Committee?

General Manager:

That relates to the work of the Hobart City Deal which is ongoing. The focus of that particular group is on provision of affordable housing and trying to identify any opportunities within the Greater Hobart area comprising the four Councils that make up the city deal.

Cr Cordover:

Are there any anticipated outcomes or action points that are worth noting?

General Manager:

I would point to both the Federal Government and current State Government's approach to endeavour to provide thousands of affordable homes over the next few years. And, of course, that comes with its challenges, not the least of which is identifying suitably zoned land and then working with the housing providers that are currently active in this space. In the Greater Hobart area, for example, work is proceeding in partnership with the State Government and Centre Care Evolve and a number of other housing providers, but focus is on trying to address the housing supply issues that are currently problematic for this State.

Cr Cordover:

As regards the meeting with Traders In Purple, I'm seeking a broad commentary on the purpose of the meeting and if everything with Kingston Park is progressing as anticipated?

General Manager:

That particular meeting was one of a regular series of catch ups that I have with Traders In Purple. I'm generally accompanied by my colleague, Mr Smee. The Kingston Park partnership is proceeding, notwithstanding that, from Traders In Purple's point of view, they are currently in mediation in the Planning Commission on their application for planning approval for Stage 3. But they have indicated that, subject to the outcome of that, they are already working on applications for the next two stages.

Cr Grace asked the following questions without notice:

11.2 Enterprise Bargaining Negotiations

Where are we at with the enterprise bargaining?

General Manager responds:

We are currently in a situation where the ASU have just recently agreed that it is timely to proceed to another vote of staff on the offer that is on the table. The paperwork is being drawn up as we speak and I expect that that will go to the vote of staff within the next week or two.

11.3 Bus Shelter

I just want to reiterate again on the bus shelter at Coningham.

Director Governance, Recreation & Property Services responds:

I don't have any further information to what I provided at the last Council meeting on this matter and that is Metro consider the asset to be theirs, they have given an indication that they would be amenable to a plaque being installed on the bus shelter and that offer has been put to the family, who I understand are considering the matter.

Cr Grace:

Does this Council support breast cancer people or people with cancer?

Mayor:

You've asked that question before and certainly, of course we want to be supportive of people who try to raise awareness of a whole range of cancers. I've already spoken this evening about the magnificent fundraising efforts of two members of our community on behalf of one of our former colleagues. We made a contribution to that campaign and of course we want to be able to support

awareness and so on but we are also limited in what we can do in terms of whether it's our property or not.

Cr Grace:

Could I ask what contribution we put into Cr Nolan?

Mayor:

Yes, we made a \$400 donation to the fundraising that was done on behalf of Susan Nolan.

11.4 Code of Conduct Review

When Council put in a vote of no confidence in the Code of Conduct Board and members of the Code of Conduct Panel, where has that actually gone? What sort of submission have we actually put? We certainly haven't had a workshop on that issue to my knowledge?

Mayor responds:

Are you referring to the meeting in May of last year because there was no Notice of Motion that went through that expressed a lack of confidence, there was no action motion against the Code of Conduct Panel. I will just check with the General Manager.

General Manager:

I seem to recall that you are referring to a Council resolution that went to the Local Government Association of Tasmania during the term of office when Dean Winter was Mayor, so that goes back some time.

Cr Grace:

Yes, that's correct and I'm just wondering where that's at right now.

General Manager:

That action was followed up with and went to the Local Government Association of Tasmania.

Cr Midgley asked the following questions without notice:

11.5 FOGO

Do we promote the FOGO service in the rates notice:

Director Engineering Services responds:

We certainly do promote it through our waste and recycling guide. There is some information put out through the rates notice, but I don't believe there is anything specific about FOGO.

Cr Midgley:

Could we please consider promoting FOGO in the rates notice noting that there are currently 13,613 eligible and we have 7,937 registered.

Do we have any signage at Barretta promoting where the FOGO service is behind the way bridge?

Director Engineering Services:

I might take that on notice as I was sure some had been put up. We had a fairly low key start to FOGO that we put in place there and we are looking to promote it further but I can certainly work out whether we need any improved signage there.

Cr Midgley:

What is the process for schools to get FOGO?

Director Engineering Services:

Any resident or business can get FOGO if they are willing to put the bin out on the day of collection. For schools, we do tend to talk to them one on one as to what they may be intending to use it for, so if they are using it for their general school use, then there would be a payment that goes with that. If they are using it for class demonstration reasons, projects etc, sometimes we can look at waiving the fee and we have done that, for example, with recycling.

Cr Midgley:

Are we actively promoting that opportunity to schools?

Director Engineering Services:

I think the opportunity is there for everybody, including businesses, provided they are willing to pay for the bin and put the bin out. We don't actively go around to each individual business or school and ask them if they would like to have FOGO. Many of them might not want to avail themselves of that service, they would need to have the need for that. We would understand the need they might have for recycling and less so for FOGO, unless they are running a canteen or something similar.

Cr Midgley:

Have we considered FOGO bins at the Civic Centre and the Works Depot?

Director Engineering Services:

Similar sorts of reasons as to why we might have recycling here, which we do, as compared to having FOGO. It's just about the generation of that type of material, how much there would be and whether that would be worth while doing or not doing but it can certainly be looked at.

11.6 Climate & Biodiversity Report Card

In the officer's response to my previous question in the Agenda, it says that a report card will be delivered annually. Would that be part of the Annual Report?

Acting Director Environment, Development & Community Services responds:

We are really just in the planning stages for the report card, so perhaps we can take that on notice until we have actually worked out how we are going to deliver the report card.

11.7 Removal of Trees

Allocasuarina trees have been removed at Home Avenue, Blackmans Bay. I'm wondering if staff are aware of this and was this part of the development conditions to remove those?

General Manager responds:

Yes, Council staff have had that matter brought to their attention. They are inspecting the site and also checking with the approval that runs with that property to make sure that the two align.

11.8 Sports Ground User Fees

What comms have been provided to clubs following the Council's decision on sports ground user fees?

Director Governance, Recreation & Property Services responds:

The intent in relation to the communications with clubs following Council's decision was that it would be an ongoing conversation in the lead up to the implementation that won't occur until the 1st July next year and if you are a summer club, it won't occur until the 1st October next year. There is an ongoing process and that process started when our former Strategic Recreation Planner did make himself available to attend a number of club committee meetings, which he did. There will be ongoing communication with clubs and our Administration Officer for Recreation Services has been in touch with all clubs and offering to provide an opportunity to meet and provide any feedback and we also do intend to do some broader community engagement around the matter.

Cr Midgley:

I'm just wondering about the transparency of that engagement and if that will be brought to Councillors?

Director Governance, Recreation & Property Services:

Certainly, we can provide a summary of the engagement that has occurred. I did send out recently to Councillors a summary that was provided by our former Strategic Recreation Planner as to the work that he had done in that space and, as I say, the conversation will be ongoing over the next 12 months and at some point we can bring a summary of the further engagement to Council.

Cr Midgley:

And finally, as regards a policy that will be developed as regards to the user fees. What is happening with that, or regarding an update, or any engagement around that one?

Director Governance, Recreation & Property Services:

Council has an existing Sports Ground User Policy. What that policy doesn't contain is any commentary around user fees. The previous decision of Council in relation to a review of that policy was to defer a review pending the introduction of fees. The ongoing engagement that I referred to earlier will form part of how we include a user fees component as part of our Sports Ground User Policy and I wouldn't expect that that would be brought to Council until after the elections.

Cr Bastone asked the following questions without notice:

11.9 Opening of Park and Ride

Do we have a date for the opening of the park and ride at the Algona Road/Channel Highway roundabout?

Director Engineering Services responds:

It is due soon but I don't have a specific date at this stage, unless the General Manager has more information that I don't have.

General Manager:

No.

11.10 Installation of Barrier at Uniting Church

When will the barrier be installed at the Uniting Church in Woodbridge on Thomas Road boundary that has been promised for a number of years now.

Director Engineering Services responds:

Yes, it's still on the list. I did mention to you that we would be doing that as soon as we can. Unfortunately, one of my staff members has been off for an extended period of time and it's sitting under her purvey at the moment, but she will hopefully be back in the next couple of weeks and I will remind her to get onto that as soon as possible.

Cr Wass asked the following questions without notice:

11.11 General Manager's Activities

Could the General Manager please elaborate on the teams meeting he had with the Office of Racing Integrity?

General Manager responds:

The Office of Racing Integrity are undertaking an audit of greyhound racing establishments from the point of view of confirming, or otherwise, whether those registered greyhound trainers in Tasmania have all the appropriate approvals. In this case, obviously, that would include from the local Council. When I was first notified of the invitation I did some homework and it appears from our records that we don't have any registered within in Kingborough, but I will wait with interest the outcome of the audit from Racing Integrity to see whether they confirm that is the case.

C320/15-2022

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 FOGO

Cr Midgley submitted the following question on notice:

- 1. How many households who are eligible have a FOGO service and how many households don't have a FOGO service?*
- 2. Are we continuing to promote the FOGO service so we can have an increase in uptake to this service for those residents who are eligible?*
- 3. Do we have a plan for implementing organic waste collection in public places?*
- 4. Do we have a plan for organic collection service for commercial places/ businesses?*
- 5. Do we have a plan for encouraging businesses to transfer to compostable packaging?*
- 6. How are we promoting FOGO at Barretta?*

Officer's Response:

- There are currently 13,613 eligible properties on the kerbside collection service with 7,937 registered for FOGO
- The FOGO service is currently advertised through the Council website, social media and the Waste and Recycling Guide

3. Not currently, as there would be minimal benefit and high contamination rates until all businesses in the area were using compostable packaging. This would also most likely require a separate service to that offered to households with mobile bins.
4. Businesses on the kerbside collection route can opt into the kerbside FOGO service. Veolia currently offers a twice weekly commercial FOGO collection service to the Kingborough area
5. Many businesses have moved towards compostable packaging as a business decision and although there is no planned dedicated program for this, Kingborough Waste Services (KWS) has flagged some additional resource to increase community and business engagement.

David Reeve, Director Engineering Services

12.2 Implementation of a Climate and Biodiversity Report Card

Cr Midgley submitted the following question on notice:

On the 8th July 2019 Kingborough Council declared a Climate and Biodiversity emergency. Would Council consider implementing a Climate and Biodiversity report card similar to City of Melbourne (<https://www.melbourne.vic.gov.au/about-council/vision-goals/Pages/climate-biodiversity-emergency.aspx>) to measure how Council is tracking with actions associated with this motion?

Officer's Response:

The declaration of a Climate and Biodiversity Emergency provided a clear mandate for Council to embed action on climate change in decision making across the organisation. The idea of communicating progress on Council's Climate Change Action Plan in the form of a report card in addition to normal progress reporting is strongly supported. A report card will summarise progress of implementing the Action Plan against the three priority objectives: Climate Change Strategic Management, Energy and Greenhouse Gas Management and Adaptation Action. A report card will be delivered annually.

Liz Quinn, Acting Manager Environmental Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 5.59pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C321/15-2022

13.1 DA-2022-64 - DEVELOPMENT APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF DWELLING, ANCILLARY DWELLING, VISITOR ACCOMMODATION AND ASSOCIATED WORKS, AND ROAD WORKS INFRASTRUCTURE ON THE CHANNEL HIGHWAY AT 4101 CHANNEL HIGHWAY, FLOWERPOT

Moved: Cr Steve Wass
Seconded: Cr Christian Street

Moved: Cr Steve Wass
Seconded: Cr Christian Street

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

CARRIED

That the Planning Authority resolves that the development application for demolition of existing buildings and construction of dwelling, ancillary dwelling, visitor accommodation and associated works, and road works infrastructure on the channel highway at 4101 Channel Highway, Flowerpot and CT 20339/1, CT 150765/5, CT 150765/7 and CT 242296/1 for ERA Planning and Environment 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-2022-64 and Council Plan Reference No. P1 submitted on 22 February 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 following vegetation removal and modification is approved for the purposes of the development:
 - (a) understorey vegetation and saplings <25cm in dbh within the bushfire hazard management area as shown in the Bushfire Hazard Management Plan (ERA, 22 February 2022) and Council Plan Reference P1 (22 February 2022); and
 - (b) individual trees and shrub removal within the road reserve as identified in the Traffic Impact Assessment (Hubble Traffic, February 2022).

This vegetation must not be removed prior to building approval and approval of an 'Application for Approval of Planning Start of Works Notice'.

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 individual native trees with a dbh >25cm, including but not limited to trees shown in the Tree Plan contained in the Ecological Assessment (ERA, 19 May 2022), must be retained.

Prior to the commencement of on-site works (including any tree removal, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all remaining native vegetation and all individual trees, including but not limited to those identified for retention in the Tree Plan contained in the Ecological Assessment (ERA, 19 May 2022), must be appropriately protected during construction through the installation of signage and temporary fencing between any on-site works and adjacent trees and 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.

In addition, the following vegetation protection measures must be adhered to following construction for all areas of native vegetation and/or within the Tree Protection Zone of individual trees but outside the footprint of the approved works:

- (a) the existing soil level must not be altered (including the disposal of fill, placement of materials or the scalping of the soil);
 - (b) these areas must be free from the storage of fill, contaminants or other materials;
 - (c) machinery and vehicles are not permitted to access these areas; and
 - (d) development and associated works are not permitted unless otherwise approved by Council in writing.
4. Due to the presence of environmental and declared weeds, prior to the commencement of on-site works, a Weed Management Plan developed by a suitably qualified consultant and to

the satisfaction Council's Manager Development Services must be submitted for approval. When endorsed, this plan will form part of the permit. This Plan must include:

- (i) timeframes and methods of primary and follow up treatment for all declared and environmental weeds on site before, during and after construction;
- (ii) weed hygiene measures required to ensure the risk of the spread of weeds from the site during clearing and construction is minimised; and
- (iii) a fully costed implementation, monitoring and reporting plan for a minimum of five years (including actions and timeframes).

Primary treatment of all weeds within the development footprint is required in accordance with this Plan and to the satisfaction of the Manager Development Services prior to the commencement of construction works.

In addition, a weed management bond equivalent to the costs of implementing, monitoring and reporting on outstanding actions in the Weed Management Plan must be bonded to Council prior approval of an 'Application for Approval of Planning Start of Works Notice'.

Reporting on the progress with respect to the Weed Management Plan outcomes for the site must be to Council no less than once a year for a minimum of 5 years.

The bond will be repaid to the payer in stages on an annual basis upon completion of the plan to the satisfaction of Council's Manager Development Services and receipt of the annual report, in accordance with the cost schedule identified in the Plan.

5. Prior to the commencement of on-site works, landscaping plans must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field and submitted for approval.

The landscape plan must be to the satisfaction of the Manager Development Services and:

- (i) be at a suitable scale;
- (ii) outline the proposed buildings;
- (iii) detail proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (iv) demonstrate plantings prioritise the use of native Tasmanian flora species local to the area and do not include any declared weeds under the Weed Management Act 1999 or environmental weeds;
- (v) identify the proposed method and location of the demarcation between the lot and the Environmental Management Zone;
- (vi) demonstrate existing trees will be retained and identify proposed measures to be carried out for their preparation and protection during construction;
- (vii) identify earth shaping proposals, including retaining wall(s);
- (viii) identify fencing, paths and paving (indicating materials and surface finish);
- (ix) detail the proposed maintenance program; and
- (x) show the relationship of the plantings to the proposed height of the buildings.

Once endorsed, the Plan will form part of the permit and must be implemented to the satisfaction of the Manager Development Services.

For Advice: It is recommended that the Kingborough Landscaping Guidelines be referred to in the preparation of the Landscaping Plan. The Guidelines are available online at: [Kingborough-Landscape-Guidelines-30.03.2021.pdf](#)

6. Prior to the commencement of on-site works a soil and water management plan must be prepared and applied on site. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
7. Prior to the commencement of on-site works a Construction Environmental Management Plan (CEMP) must be submitted to Council for approval. The plan must be to the satisfaction of the Manager Development Services and include the following:
 - (a) a site plan:
 - (i) demarcating construction areas, laydown areas, vehicle movements and access points from all no-go areas and environmental values including native vegetation and individual trees;
 - (ii) showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises;
 - (iii) identifying storage locations for the stockpiling of fill on site and demonstrating that the stockpiling of fill will not encroach into the Tree Protection Zones of trees identified for retention;
 - (iv) identifying the location of tree protection and soil and water management measures;
 - (v) showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
 - (vi) showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - (b) a Traffic Management Plan showing truck routes to and from the site;
 - (c) swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - (d) details of construction methodology, include all demolition and heavy machinery required to go on site;
 - (e) confirmation of the location for the disposal of any excess fill off site and demonstration this site is either a certified landfill facility for Level 1 fill or a site that has been approved for the disposal or use of Level 1 fill under a development use permit issued by Council;
 - (f) specification that all works must be guided by an Unanticipated Discovery Plan. If at any time during excavations Aboriginal heritage is suspected, works are to cease

immediately and Aboriginal Heritage Tasmania contacted for advice. An Unanticipated Discovery Plan must be on hand during ground disturbing works, to aid in meeting the requirements under the Aboriginal Heritage Act 1975;

- (g) identification of site responsibilities including names and contact details of site foreperson, or similar, who holds responsibility for CEMP communication and implementation;
- (h) communication and training procedures for all site staff. This includes: policies, details of the unanticipated discovery plan, safe work procedures, maintenance requirements, processes for hazard/risk management, reporting requirements incidents/near misses and site inductions;
- (i) construction hours, which must be consistent with any other condition of this permit;
- (j) weed management during construction in accordance with the endorsed Weed Management Plan;
- (k) identification of environmental values, potential impacts and proposed management measures including:
 - (i) native vegetation and individual trees and any tree protection measures in accordance with Condition 3;
 - (ii) air quality;
 - (iii) noise;
 - (iv) soil and erosion;
 - (v) dangerous goods, hazardous materials and spills management; and
 - (vi) water quality; and
 - (vii) monitoring, auditing, and reporting procedures on the outcomes of the CEMP.

Once endorsed, the Plan will form part of the permit and must be implemented and maintained throughout construction of the development to the satisfaction of the Manager Development Services.

A site inspection of the implemented plan by the Council's Development Inspector and Council's Environmental Planner must be satisfactorily undertaken with the principal contractor prior to the commencement of on-site works and approval of an 'Application for Approval of Planning Start of Works Notice'.

8. Prior to the commencement of on-site works, excluding weed management but including vegetation removal or modification, demolition, construction, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings, an 'Application for Approval of Planning Start of Works Notice' must be lodged with Council.

This application 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.

For Advice: A copy of the application form is available on Council's website.

9. Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent. Unpainted metal surfaces will not be approved. Plans submitted for building approval must indicate the proposed colour and type of the external building materials.

10. Plans submitted for building approval must:
- (a) demonstrate the dwelling, ancillary dwelling and visitor accommodation and associated hazard management areas are in accordance with the Bushfire Hazard Report and accompanying Bushfire Hazard Management Plan (ERA, 21 February 2022), including:
 - (i) construction to the specified BALs;
 - (ii) achieving the required separation distances; and
 - (iii) demonstrating the separation distances are no greater than shown in the Bushfire Hazard Management Plan (ERA, 21 February 2022) and are contained within the lot boundary;
 - (b) incorporate the construction recommendations in the Landslide Risk Assessment prepared by (Geo-Environmental Solutions, April 2021) and accompanying letter (Geo-Environmental Solutions, 14 April 2022); and
 - (c) demonstrate windows on the following elevations utilise low reflectivity glazing (0-15%), consistent with the Collision Risk Analysis (ECOtas, 12 February 2022):
 - (i) all elevations for the dwelling;
 - (ii) elevation B of the visitor accommodation; and
 - (iii) and elevations B and C of the ancillary dwelling.

All bushfire, geotechnical and glazing requirements must be implemented and maintained to the satisfaction of the Manager Development Services for the life of the development.

11. Documentation submitted for plumbing approval must demonstrate the on-site wastewater system, including the absorption trenches, are located outside the tree protection zone of all native trees with a dbh >25cm, including but not limited to those identified for retention in the Tree Plan contained in the Ecological Assessment (ERA, 19 May 2022).
12. All works for the upgrading/widening of the existing vehicular access and the construction of one new vehicular access must be in accordance with the Tasmanian Standard Drawings (TSD-R03, TSD-R04 and TSD-RF01). The vehicular accesses must be sealed to match the existing road surface from the edge of the carriageway to the lot boundary.

For Advice: As stated in the Crown Landowner Consent letter dated 17 March 2022, the consent of the Minister under Section 16 of the Roads and Jetties Act 1935 is required to undertake works within the State road reservation.

13. All construction works for the vehicular access/driveway, carparking areas and vehicle circulation roadways must be undertaken in accordance with the approved plans, the recommendations of 'Landslide Risk Assessment' (GES, April 2021), the 'Traffic Impact Assessment' (Hubble Traffic, February 2022) and must be to the satisfaction and approval of the Director Engineering Services.
14. 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.
15. Prior to occupancy of any buildings and the commencement of the uses on the site, the property boundary with the Environmental Management Zone must be clearly demarcated and delineated with signage and permanent barriers or other means of demarcation such as

large rocks or bollards. The method of demarcation must not impact on or result in the clearing of retained vegetation and be to the satisfaction of the Manager Development Services.

For Advice: All residential and visitor accommodation use and development must be contained within the subject land unless otherwise approved by Council and the Crown. Please note, this advice relates to the residential and visitor accommodation use only and does not preclude passive recreation or other No Permit Required uses from being undertaken within the Environmental Management Zone, providing this is in accordance with any requirements of the Crown.

16. The main dwelling building must not exceed 5.65 metres in height above the natural ground level existing prior to the construction of that building directly below that point.
17. The ancillary dwelling must:
 - (a) not exceed a floor area greater than 60m²;
 - (b) share all access and parking, sewer and water, gas, electricity and telecommunications connections and meters with the main dwelling;
 - (c) not be used for visitor accommodation without prior consent of Council;
 - (d) 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.

18. With consideration to the number of habitable rooms in the Visitor Accommodation building and the capacity of the existing onsite wastewater management system, the maximum number of occupants must not exceed 4 persons at any time.
19. The Visitor Accommodation use and development must be managed so that the amenity of the area is not detrimentally impacted upon through any of the following:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or waste products (rubbish).
20. The visitor accommodation is for short term stay only. Accommodated guests must not stay any longer than a total of three (3) months on any one occasion.
21. Guests must park within the designated car parking area for the subject site.
22. Prior to decommissioning, the septic tank must be emptied of all controlled waste by an appropriately licensed contractor (ref: Environmental Management and Pollution Control Act 1994). The tank must then be removed, destroyed or completely filled in with a solid inert material.

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. This permit does not include approval for any signage to be erected on site. Further approval may be required for the erection of signage on the site.
- C. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

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

- D. The developer should obtain a Plumbing Permit for the development prior to commencing construction.

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 requires onsite disposal of wastewater. Prior to Council issuing a Plumbing Permit, the developer must submit all documents specified in Schedule 2 of the Director's Specified List for an onsite wastewater management system.
- F. Food must not be sold/served/provided to guests unless prior approval is granted by Council.

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

Against: Crs Sue Bastone, Gideon Cordover and David Grace

CARRIED 5/3

Cr Grace left the room at 6.32pm

Cr Grace returned at 6.34pm

C322/15-2022**13.2 DA-2022-150 - DEVELOPMENT APPLICATION FOR CHANGE OF USE FROM RESIDENTIAL TO VISITOR ACCOMMODATION AT 110 FERRY ROAD, KETTERING**

Moved: Cr Christian Street

Seconded: Cr Jo Westwood

That the Planning Authority resolves that the development application for the change of use from residential to visitor accommodation at 110 Ferry Road, Kettering for Pink Pig Productions Pty Ltd be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2022-150 and Council Plan Reference No. P1 submitted on 12 April 2022 and P2 submitted on 9 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 use and development must be managed so that the amenity of the area is not detrimentally impacted upon through any of the following:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater or waste products (rubbish).
3. The visitor accommodation is for short term stay only. Accommodated guests must not stay any longer than a total of three (3) months on any one occasion.
4. Guests must park within the designated car parking area for the subject site.

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. This permit does not include approval for any signage to be erected on site. Further approval may be required for the erection of signage on the site.

- D. Food must not be sold or served to guests without prior consent from Council's Environmental Health Officer.
- E. This permit does not include approval for any building and works within the Crown Land adjoining the subject property.
- F. While the proposed change of use is located within an existing building, there is the potential that this change of use may trigger bushfire requirements. Works associated with bushfire hazard management have the potential to trigger discretions under the Environmental Living Zone, Code E10.0 (Biodiversity Code) and Code E11.0 (Waterway and Coastal Protection Code), particularly if native vegetation removal or disturbance is required.

We therefore recommend you seek the following written advice from an accredited bushfire practitioner prior to proceeding with the change of use:

- (a) clarification on the level of bushfire risk and whether:
 - (i) additional vegetation modification or clearing is recommended for bushfire hazard purposes;
 - (ii) upgrading of the access or water supply is recommended to bring the development into compliance with current requirements;
- (b) if so, clarification on the extent of any works and associated vegetation modification or clearing and demonstration that it is the minimum necessary; and
- (c) confirmation that any additional vegetation modification or clearing is contained within the lot boundary and does not rely upon management of adjacent land, including the coastal reserve.

If the change of use does require the undertaking of works to comply with bushfire recommendations and requirements, including vegetation modification or clearing, access works or works associated with installation of a compliant water supply, further planning approval will be required prior to undertaking these works.

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

Against: Crs Gideon Cordover and David Grace

CARRIED 6/2

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open session resumed at 7.02pm

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

C323/15-2022

16.1 RATE REMISSION FOR KALIS MARGATE DEVELOPMENT

Moved: Cr Gideon Cordover

Seconded: Cr Jo Westwood

That the request for a rate remission for the Kalis Group be denied.

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

Against: Cr David Grace

CARRIED 7/1

Meeting adjourned at 7.21pm

Cr Grace left the meeting at 7.21pm

Meeting resumed at 7.28pm

16.2 PAYMENT OF COUNCILLORS EXPENSES AND PROVISION OF FACILITIES POLICY 2.1

Report withdrawn.

C324/15-2022

16.3 FINANCIAL HARDSHIP POLICY 1.8

Moved: Cr Christian Street

Seconded: Cr Amanda Midgley

That Council adopt the attached Financial Hardship Policy for a further two years.

CARRIED

C325/15-2022**16.4 FINANCIAL REPORT - JUNE 2022**

Moved: Cr Jo Westwood
Seconded: Cr Gideon Cordover

That Council endorses the attached Financial Report as at 30 June 2022.

CARRIED

17 NOTICES OF MOTION

There were no Notices of Motion.

C326/15-2022**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

Moved: Cr Amanda Midgley
Seconded: Cr Sue Bastone

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

Tender Assessment - AB2214 Harvey Road Sealing

Regulation 15(2)(b), and (2)(d) *information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business, and contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

Food Organic Garden Organic (FOGO) Processing Services

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 7.43pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.05pm

C327/15-2022

Moved: Cr Amanda Midgley

Seconded: Cr Christian Street

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
Tender Assessment - AB2214 Harvey Road Sealing	Tender awarded to JRV Civil Construction Pty Ltd for \$622,852.20 excl GST
Food Organic Garden Organic (FOGO) Processing Services	Tended awarded to Pure Living Soils Pty Ltd

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.06pm

.....
(Confirmed)

.....
(Date)