



# COUNCIL MEETING MINUTES

6 February 2023

# Kingborough Councillors 2022 - 2026



**Mayor**  
**Councillor Paula Wriedt**



**Deputy Mayor**  
**Councillor Clare Glade-Wright**



**Councillor Aldo Antolli**



**Councillor David Bain**



**Councillor Gideon Cordover**



**Councillor Kaspar Deane**



**Councillor Flora Fox**



**Councillor Amanda Midgley**



**Councillor Mark Richardson**



**Councillor Christian Street**

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**MINUTES of an Ordinary Meeting of Council**  
**Kingborough Civic Centre, 15 Channel Highway, Kingston**  
**Monday, 6 February 2023 at 5.30pm**

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**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.

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**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.

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**3 ATTENDEES**

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**Councillors:**

Mayor Councillor P Wriedt	✓
Deputy Mayor Councillor C Glade-Wright	✓
Councillor A Antolli	✓
Councillor D Bain	✓
Councillor G Cordover	✓
Councillor K Deane	✓
Councillor F Fox	✓
Councillor A Midgley	✓
Councillor M Richardson	✓
Councillor C Street	✓

**Staff:**

General Manager	Mr Gary Arnold
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Engineering Services	Mr David Reeve
Director Environment, Development & Community Services	Dr Samantha Fox
Manager Development Services	Ms Tasha Tyler-Moore
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

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**4 APOLOGIES**

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There were no apologies.

**C19/2-2023****5 CONFIRMATION OF MINUTES**

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Moved: Cr Clare Glade-Wright

Seconded: Cr Flora Fox

That the Minutes of the open session of the Council Meeting No. 1 held on 16 January 2023 be confirmed as a true record.

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

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Date	Topic	Detail
23 January 2023	Risk Management	Facilitated discussion on Council's risk register/risk appetite involving independent audit panel members
30 January 2023	Kingston Park Project	An update was provided in relation to the Kingston Park Project, including the status of developments being undertaken by Traders in Purple. Councillors were briefed on a proposal for a multi-storey carpark in Kingston.

**C20/2-2023****7 DECLARATIONS OF INTEREST**

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**Cr Midgley** declared an interest in the report headed 'DAS-2022-4 - Subdivision Creating 7 Lots and 1 Road Lot at 388, 398 and 402A Howden Road, Part of 366 Howden Road, Howden and Crown Road Reserve (Howden Road)'.

**Cr Cordover** declared an interest in the item headed 'Kingborough Sport and Recreation Strategy'.

**Cr Fox** declared an interest in the report headed 'DAS-2022-4 - Subdivision Creating 7 Lots and 1 Road Lot at 388, 398 and 402A Howden Road, Part of 366 Howden Road, Howden and Crown Road Reserve (Howden Road)'.

**8 TRANSFER OF AGENDA ITEMS**

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There were no agenda items transferred.

**9 COUNCILLORS CODE OF CONDUCT**

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A letter from the Director of Local Government sent to Council was tabled at the Council meeting as requested.

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**10 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

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There were no questions without notice from the public.

**C21/2-2023**

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**11 QUESTIONS ON NOTICE FROM THE PUBLIC**

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**11.1 Burnout Removal on Roads**

**Mr Peter Walker** submitted the following question on notice:

*Does the council have facilities to remove car skid/burnout marks from its roads? If not, can there be an investigation into hiring such services and/or procuring equipment to undertake this?*

**Officer's Response:**

Council does not actively manage skid/burnout marks on roads unless they have impacted the overall structural capability of the seal. There are no immediate plans to provide an additional service to remove marks from roads, however it is encouraged to report to the Police instances of hooning.

*David Reeve, Director Engineering Services*

**C22/2-2023**

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**12 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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

**12.1 Auburn Road**

*I am seeking an update on the works on Auburn Road. There are still no signs up and I am wondering what is the hold up with the works, bus lines or new lines in the middle of the road. What is the expected time frame for works commencing and expected completion date?*

**Director Engineering Services responds:**

There are two parts to it – there is a larger project which is the reconstruction of Auburn Road and we are currently going through a design process for that, but what you are referring to, I believe, is down near the southern corner of Auburn Road where there are a plethora of cars parking. The intention was to put some line marking which we still intend to do. Our line marking is a little bit behind schedule at the moment but it will be happening in the next two to three weeks.

**12.2 Feral Deer**

*How many feral deer do we think there are in Kingborough and by what mechanism are we monitoring, tracking the population increase of feral deer? The second question is are residents encouraged to download the feral scan app to take photos of feral deer when they see them or by what other mechanism do we recommend that local residents, when they do see feral deer, by what mechanism should they be inform Council officers?*

**General Manager responds:**

We will certainly have to take on notice the question of the number of feral deer in Kingborough.

**Cr Cordover:**

When somebody sees feral deer in the municipality, what should they do? What is Council's recommendation?

**General Manager:**

My recommendation would be to contact this Council. I am not aware that we have been contacted in recent times in relation to feral deer.

**Cr Cordover:**

Has Council progressed any operations to monitor or eradicate feral deer on Bruny or elsewhere in the municipality and, if so, could we hear a bit about what those programs are and are they adequately resourced to ensure that feral deer don't indelibly harm Kingborough's natural assets?

**General Manager:**

I'm not aware of any Council instigated eradication program and in terms of other areas of the State, it would be the matter that we would have to take up with the Department of Natural Resources.

**Cr Cordover:**

Where did the feral deer on Bruny Island come from and if individuals are found to have been responsible through negligence or otherwise, what would be Council's actions? What sanctions would we put on individuals who are found to be engaging in that kind of behaviour?

**General Manager:**

We will have to take that question on notice.

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

**12.3 Closure of Manor Gardens**

*When Council transferred the facility to Masonic Care in 2018, was there a covenant placed on the property title requiring that the facility remain as a day centre, given that that is what it was purpose built for?*

**Mayor responds:**

No, there was not.

**Cr Antolli:**

I realise we can't change the past, but how appropriate was that?

**Mayor:**

It was a decision of the Council at the time that there was an agreement in good faith and the Masonic Care, we believed at the time, would continue to operate the facility. There was no indication that they wouldn't. I suspect that this has come about as a result of their merger with the other organisation, Respect. It's particularly disappointing given that we had actually received several other expressions of interest from other providers at the time.



## 12.4 1967 Bushfire Memorial

*Members of the memorial team have reached out saying that they haven't heard back from Council as to whether or not we will be contributing a memorial wreath as in apparently years past. Do we have an answer on that?*

**General Manager responds:**

I was contacted last week and I responded to that contact and said that 56 years since those tragic events didn't constitute the supply of a wreath. A few years back on the 50<sup>th</sup> anniversary Council, appropriately, made arrangements to commemorate the occasion.

**Cr Antolli:**

My understanding is that we have contributed at other years that weren't in the multiples of five. I've been told that we have been contributing a wreath for the past several years in a row.

**General Manager:**

That is not my understanding.

**Cr Antolli:**

Even though a former councillor contacted me saying that he actually delivered it on behalf of Council last year. Is that not correct?

**General Manager:**

I'll repeat my answer, that is not my understanding.

**Cr Antolli:**

Will Council be sending any representatives to the memorial service tomorrow?

**Mayor:**

I'm not aware what the movements of any other members are. I've already indicated that I am an apology and unable to attend and the Deputy Mayor is an apology as well. I think most other councillors would have responded if they had received the invitation on their own.

**Cr Antolli:**

Would it please the Council for me to go and maybe represent the Council at the event? Is that fine?

**Mayor:**

Absolutely.

## 12.5 Adventure Bay Road

*A number of people have complained to me about Adventure Bay Road, specifically the remediation that Council did is excellent and is holding up to the weather, but the work that the contractors have done have washed away in a matter of months. When I drove over the road, if I was wearing false teeth they would have fallen out onto the floor, I was being jostled around so much. Is Council aware of any of the remediation work from contractors now needing further remediation work and do we have a position on warranties of work?*

**Director Engineering Services responds:**

That's the first time I've heard of that. Certainly with any contractor or contract work they are required to undertake the work properly and the intention is that if something prematurely fails, you would go back to the contractor. I'm happy to investigate that further.

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

**12.6 Playground Upgrades**

*Would it be possible to get an update on some of the major upgrades underway and the status of some of those?*

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

At Silverwater Park, Councillors would be aware that we undertook a significant community engagement about 12 months ago that resulted in a design being prepared by our former Urban Design Officer. Once that design was costed it came in at about \$1 million and we had a budget for \$250,000 so we have had to do a redesign and rescope the project. There is an allocation to upgrade the car park just by means of a gravel resheet. Our current Urban Design Officer is doing a re-engagement with the community just to try and prioritise within budget and it is our intent to issue a tender for a design and construct based on that available budget very shortly.

Louisa Hinsby is close to completion. The work there is being undertaken by our reserves crew who have been unfortunately taken off that project to deal with the amount of grass growth we have lately. As soon as they can get back onto Louisa Hinsby we will be able to complete that and do an official opening.

Willowbend Park, the priority works there are about a renewal of the plantings and that needs to take place in autumn rather than in the hot summer months. We have taken advice from our natural areas unit and, as I say, that will take place in autumn.

At Dru Point we have awarded a contract and works are expected to commence in the next few weeks on that.

Alamo Close, we have a landscape architect engaged and we are awaiting a draft plan.

At Spring Farm, the proposed new play space there, the results of the community engagement have been forwarded to Inspiring Play Consultants and they are developing a plan based on that feedback, which we expect to receive this month.

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

**12.7 LCZ Information Sessions**

*At the Council meeting on 5 December, Council agreed to provide two public workshops on the potential zoning changes as part of the new State wide planning scheme implementation, in particular about the landscape conservation zone. I know that these have been confirmed to take place this month. Could we get an update and a few details about when they will take place and what they look like?*

**Mayor responds:**

I can provide some detail and Ms Tyler-Moore might want to add to the answer. We have released that information, it is on the front page of Council's website and we have asked the Chronicle to print some information about it. There will be two sessions at this stage, Tuesday 21 February at Margate Hall from 5.30pm to 7.30pm and the next session will be on 24 February at the

Kingborough Community Hub from 12pm to 2pm and there is a booking link on the website. We ask people to book in for time slots to sit down with a planner and that is so that we are aware of whether we are supplying enough slots for the demand. The idea is that members of the community come along and have a one on one sessions with a strategic planner so that they can ask specific questions about their property and what the implications of the LCZ may be for them or otherwise. The only other thing to say is that these are the additional sessions that we are doing as part of the process and, of course, once we the information back from the Tasmanian Planning Commission, they will give us the go ahead to move to the larger public consultation phase which will go for 60 days and there will be a variety of mechanisms which people can engage in throughout that.

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

#### **12.8 Marine Plastics Project, Bruny Island**

*Has the General Manager received a letter from the Friends of North Bruny regarding marine plastics project on Bruny Island?*

**General Manager responds:**

Yes, I have received a letter. I understand that they are having some challenges in getting both visitors and possibly even residents to acknowledge that it is for marine plastic as opposed to general waste.

#### **12.9 Mayor's Diary**

*If you can recall your meeting with the Kettering Community Association, any key highlights that Councillors need to be aware of?*

**Mayor responds:**

The Kettering Community Association have had a change of leadership and they have two new people amongst their executive. They came along and had a meeting with the General Manager and myself because they are looking at reshaping what they do as an association, rather than focussing on things we would regard as service requests, but working out how they can work in partnership with Council to value add to the area that they represent. We had quite a significant discussion about they had some plans they would like to run some events in Kettering and so we had a discussion and provided some advice about that and hopefully that's something that they will pursue and we can work with them on. They are looking to bring some more vibrancy into Kettering and not just be about specific projects but trying to get a heart to Kettering. We welcome them to work with our Community Services team as well for advice and certainly we look forward to hearing what they have got planned.

### **13 QUESTIONS ON NOTICE FROM COUNCILLORS**

At the time the Minutes was compiled there were no Questions on Notice from Councillors.

**OPEN SESSION ADJOURNS**

## PLANNING AUTHORITY IN SESSION

Planning authority commences at 5.53pm

### 14 OFFICERS REPORTS TO PLANNING AUTHORITY

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#### C23/2-2023

#### 14.1 DA-2022-313 CHANGE OF USE TO GYMNASIUM AND SIGNAGE

Moved: Cr Clare Glade-Wright  
Seconded: Cr David Bain

That the Planning Authority resolves that the development application for change of use to gymnasium at 22-24 Beach Road, Kingston Beach for Mr A Gard 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-2022-313 and Council Plan Reference No. P4 submitted on 14 November 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. Noise emissions measured at the boundary of a residential zone must not exceed the following:
  - (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
  - (b) 40dB(A) (LAeq) between the hours of 7.00 pm to 7.00 am;
  - (c) 68dB(A) (LAmix) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

3. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Director Engineering Services and include the following:
  - (a) the vehicular access/driveway, car parking areas and vehicle manoeuvring areas must be of a sealed construction with associated drainage provision and comply with Australian Standard AS2890.1:2004 (Off-street car parking)
  - (b) carparking for people with disabilities must be constructed in accordance with Australian Standard AS2890.6:2009 – Off-street parking for people with disabilities
  - (c) wheel stops (as appropriate) and line markings for carparking spaces must be provided in accordance with Australian Standard AS2890.1:2004 (Off-street car parking).

- (d) parking and vehicle circulation roadways and pedestrian paths (if any) must be provided with sufficient lighting
- (e) all carparking spaces must be within the property boundaries. Existing carparking spaces on Council land must be relocated inside the subject lot boundaries and must be made available for sole use of patrons of new gymnasium.

For Advice: Relocation of the existing carparking spaces from Council land is subject to making good of all affected areas of Council land to the satisfaction of Council. It is advised to consult with Council's engineering and property departments for any consent (if required) and Council requirements for the works on Council land prior to commencement of any works on Council land.

- 4. Light emissions from the site must not cause a nuisance. Baffling must be provided to prevent light emissions to the neighbouring residential land if the existing wall does not prevent unreasonable light emissions.
- 5. Prior to the commencement of the use, landscaping must be established in accordance with the endorsed plans to the satisfaction of the Manager Development Services.
- 6. A wall advisory sign must be provided on the inside of the wall to the north-western boundary asking patrons to be respectful of the nearby residents and to keep noise to a minimum. The sign must comply with development standards and be located and designed in a manner that minimises impact on cultural heritage significance of the precinct to the satisfaction of the Manager Development Services.
- 7. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Manager Development Services. The sign(s) must be constructed and maintained to the satisfaction of the Manager Development Services.
- 8. The area set aside for parking of vehicles and so delineated on the approved engineering design drawings must be made available for such use and must not be used for any other purpose.
- 9. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

#### ADVICE

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

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

- C. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.

- D. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
- E. It is advised that cars should be directed to use parking spaces on the south-eastern side of the carpark between the hours of 9pm and 7am to minimise any potential for nuisance to residential land, or alternatively utilise on-street parking.
- F. Uses within the site are limited to those that are typical for a fitness centre (gym) and other events such as major competitions or other uses that are not subservient to the primary use of the site are not permitted by this Planning Permit.

If there are events or activities that vary from the approval, further Council approval may be required or an amendment to the Planning Permit.

**Amendment:**

Moved: Cr Christian Street  
Seconded: Cr Kaspar Deane

To remove conditions 2 and 10 of the recommendation.

In Favour: Crs Paula Wriedt, Aldo Antolli, David Bain, Kaspar Deane, Mark Richardson and Christian Street

Against: Crs Clare Glade-Wright, Gideon Cordover, Flora Fox and Amanda Midgley

**CARRIED 6/4**

The motion was then put.

**CARRIED**

**Service Locations**

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

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

**Declaration**

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

**TasWater Contact Details**

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



## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA-2022-313	<b>Council notice date</b>	2/08/2022
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2022/01254-KIN	<b>Date of response</b>	15/08/2022
<b>TasWater Contact</b>	Ahmad Khateib	<b>Phone No.</b>	0476 184 094
<b>Response issued to</b>			
<b>Council name</b>	KINGBOROUGH COUNCIL		
<b>Contact details</b>	kc@kingborough.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	22-24 BEACH RD, KINGSTON BEACH	<b>Property ID (PID)</b>	2709734
<b>Description of development</b>	Change of use to Gymnasium		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
Atlas Barbell	A103 – Construction Plan	--	15/07/2022
<b>Conditions</b>			
<p><b>SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL</b></p> <p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connection and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>4. The applicant or landowner as the case may be, must pay a development assessment fee of \$226.71 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.</li> </ol> <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>			
<b>Advice</b>			
<p><b>General</b></p> <p>For information on TasWater development standards, please visit <a href="https://www.taswater.com.au/building-and-development/technical-standards">https://www.taswater.com.au/building-and-development/technical-standards</a></p> <p>For application forms please visit <a href="https://www.taswater.com.au/building-and-development/development-application-form">https://www.taswater.com.au/building-and-development/development-application-form</a></p>			



*Cr Midgley left the room at 6.19pm*

## **C24/2-2023**

### **14.2 DAS-2022-4 - SUBDIVISION CREATING 7 LOTS AND 1 ROAD LOT AT 388, 398 AND 402A HOWDEN ROAD, PART OF 366 HOWDEN ROAD, HOWDEN AND CROWN ROAD RESERVE (HOWDEN ROAD)**

Moved: Cr Clare Glade-Wright

Seconded: Cr Christian Street

That the Planning Authority resolves that the development application for subdivision creating 7 lots and 1 road lot at 388, 398 and 402A Howden Road, part of 366 Howden Road, Howden and Crown Road Reserve (Howden Road) for All Urban Planning Pty Ltd be approved subject to the following conditions:

1. Before the approved development commences, amended plans to the satisfaction and approval of the Manager Development Services must be submitted to and approved.

When approved, the plans will be endorsed and will then form part of this permit.

The plans must be generally in accordance with the plans Council Plan Reference No. P7. submitted on 21/12/2022 and prepared by AD Design & Consulting (Project 21074), and Council Plan Reference No. P8 submitted on 3/01/2023 and prepared by Leary Cox & Cripps (Drawing No122214 Rev. L dated 18/11/2022) but modified to show:

- a) The amended internal road design as required in condition 12.

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

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. Unless otherwise approved in writing, the development must only proceed in accordance with the approved stages as set out below:
  - Stage 1 – Lot 7 plus a ROW for Lot 3 over the area of proposed road Lot 101.
  - Stage 2 – Lot 3
  - Stage 3 – Lot 1
  - Stage 4 – Lot 4 including construction of the proposed road
  - Stage 5 – Lots 5 and 6
  - Stage 6 – Lot 2
3. Prior to the sealing of the Final Plan of Survey, a cash contribution must be paid, in lieu of providing Public Open Space on-site, equivalent to 5% of the unimproved value of the gross area of the subdivision. The process and calculation must be in accordance with section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Council's Public Open Space Contributions Policy.

4. Prior to the permit coming into the effect, the landowner must enter into a Part 5 Agreement with and to the satisfaction of Council which:
- (a) requires the measures contained within the Bushfire Hazard Report and accompanying certified Bushfire Hazard Management Plan (Andrew Welling, Enviro-dynamics, June 2022) to be implemented in relation to any future development on the lots, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas:
    - (i) are no greater than that shown in the subdivision BHMP;
    - (ii) are consistent with the vegetation classifications in the subdivision BHMP;
    - (iii) do not impact upon additional individual native trees with a diameter >25cm at 1.4m from natural ground level; and
    - (iv) do not rely upon management of vegetation communities meeting the descriptions in: Kitchener, A. and Harris, S. (revised January 2016), 'From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation', Edition 2. Department of Primary Industries, Water and Environment, excluding those vegetation communities within the categories of modified land or other natural environments;
  - (b) provides for the establishment and management of that part of the hazard management area for Lot 4 which is located on 366 Howden Road in accordance with the Bushfire Hazard Report and certified Bushfire Hazard Management Plan (Andrew Welling, Enviro-dynamics, June 2022); and
  - (c) where the hazard management areas have been established prior to the sealing of the final plan of survey, requires the maintenance of these areas in a low fuel state required under the Part 5 Agreement; or
  - (d) where the hazard management areas are not established prior to the sealing of the final plan of survey, provides for interim HMAs to be established as follows:
    - (i) Stage 1 – Lot 3 – Agreement to manage portion of balance lot to maintain BAL 12.5 HMA around existing dwelling.
    - (ii) Stage 2 – Lot 7 – Agreement to manage balance lot to north to maintain BAL 12.5 HMA around existing dwelling.
    - (iii) Stage 3 – Lot 1 - Agreement to manage balance lot to south to establish and maintain BAL 19 HMA from building envelope.
    - (iv) Stage 4 – Lot 4 – Agreement with adjoining landholder to establish and maintain BAL 19 HMA from building envelope.
    - (v) Stage 5 – Lots 5 & 6 – no agreement required as land to north will be managed when lots developed.
    - (vi) Stage 6 - Lot 2 - Agreement to maintain managed land to south on Lot 3 to maintain BAL 19 HMA.

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

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

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

5. Prior to the permit coming into effect and the commencement of any on-site works, the owner must enter into a Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council to the effect that:

- (a) no felling, lopping, ringbarking or otherwise injuring or destroying of native trees with a diameter >25 cm at 1.5m from natural ground level can take place without the prior written consent of Council;
- (b) development, including buildings, structures, boundary fences and works, must be designed, located and constructed to ensure trees identified in the Tree Plan are able to be retained and any impacts are tolerable, including:
  - (i) minimising encroachment into the tree protection zone through the design and location of development; and
  - (ii) ensuring there is no cut, fill or placement of materials within the tree protection zones.
- (c) Council will only approve impacts on these trees, including encroachment into the tree protection zone or lopping, where it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the impacts are tolerable, the trees are capable of retention within the context of the development and the development will not compromise the long-term viability or expected life of the trees;
- (d) Council will only approve removal of these trees where:
  - (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because the health and viability of the trees is such that they represent a danger, irrespective of the development;
  - (ii) the written consent of the landowner has been obtained; and
  - (iii) loss of these trees is offset to the satisfaction of Council.
- (e) buildings and structures must not pose an unacceptable risk of bird collision by incorporating design elements and strategies in accordance with the document "Minimising the swift parrot collision threat – Guidelines and recommendations for parrot-safe building design".

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

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

- (iii) the glazed surface is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground; and
- (iv) there are no sight lines through the glazing surfaces, such as corner windows.

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

The Part 5 Agreement must also include a tree plan which:

- accurately shows the surveyed location, tree number and tree protection zones of the trees to be retained and protected under this condition, which includes trees 7, 9-24, 26, 43, 46, 52, 56 and 59-61 as identified in Council Plan Reference P8 received on 3 January 2023 (Plan of Subdivision, Leary Cox & Cripps; and
- includes a table of trees showing the tree ID, species, diameter at breast height and tree protection zone at the time of the sealing of the Final Plan of Survey.

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

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

6. The following vegetation removal and modification is approved for the purposes of the development:
- (a) no more than 0.045 hectares of Eucalyptus ovata woodland as shown in Figure of the Natural Values Assessment (Enviro-dynamics, May 2022, v2.0), excluding individual trees identified for retention in Council Plan Ref. Council Plan Reference No. P8 submitted on 3/01/2023 and prepared by Leary Cox & Cripps (Drawing No122214 Rev.L dated 18/11/2022) and the endorsed engineering drawings required under Condition11;
  - (b) no more than eleven (11) trees numbered 5-6, 8, 25, 47-51 and 53-54 on Council Plan Reference P8 received on 3 January 2023 are approved for removal for future development of the lots, including building areas and bushfire hazard management; and
  - (c) trees identified for removal in the endorsed engineering drawings required under Condition 11.

This vegetation must not be removed prior to securing the conservation offset 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.

7. Prior to the commencement of on-site works, 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's Planning Department.

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.

8. To offset the loss of 0.045 hectares of *Eucalyptus ovata* woodland and individual trees of high and very high conservation value, the following offset package must be secured and implemented prior to approval of an 'Application for Approval of Planning Start of Works Notice' and removal of the trees:
- a) a financial contribution of \$250/tree for the loss of six (6) high conservation value trees approved for removal future development of the lots under Condition 5, including building areas and bushfire hazard management, totalling \$1,500;
  - b) a financial contribution of a financial contribution of \$250/tree for the loss of high conservation value trees and \$500/tree for the loss of very high conservation value trees approved for removal under Condition 5 in accordance with the endorsed engineering drawings required under Condition 11; and either
  - c) a financial contribution for the protection of 0.225 hectares of *Eucalyptus ovata* forest and woodland, totalling \$2700; or
  - d) a financial contribution for the protection of 0.125 hectares of *Eucalyptus ovata* forest and woodland, totalling \$1500, and the rehabilitation and protection of 0.1 hectares of *Eucalyptus ovata* over cleared land to *Eucalyptus ovata* woodland on Lot 1 as 'secure conservation land' under Part 5 of the Land Use Planning and Approvals Act 1993. This Part 5 Agreement must:
    - (i) verify the extent of the conservation zone, which must encompass all *Eucalyptus ovata* over cleared land outside the bushfire hazard management area;
    - (ii) provide for the protection for all native vegetation and habitat values within the conservation zone in perpetuity;
    - (iii) include a baseline vegetation condition assessment; and,
    - (iv) include a Rehabilitation and Conservation Management Plan for the conservation zone, to ensure that the conservation zone is rehabilitated to *Eucalyptus ovata* woodland and the environmental values within the conservation zone are managed for their long term survival. This plan must be prepared by a suitably qualified environmental consultant and include a detailed action plan and timeline for the effective control of declared and environmental weeds, specifications and timelines for native revegetation of the site, two (2) follow up vegetation condition assessments at five year intervals, a ten (10) year maintenance schedule and a schedule of works specifying timeframes, details and costings for each action.

All costs associated with drafting and registering the Part 5 Agreement on the title must be borne by the developer.

The Rehabilitation and Conservation Management Plan for the conservation zone must be implemented as per a schedule of works to be included within the plan. Reporting to Council on the progress with respect to actions required by the plan must be undertaken as recommended by a suitably qualified consultant and not less than once annually for a minimum period of 5 years.

In addition, an environmental works bond equivalent to the costs of implementing, monitoring and reporting actions required as part of the Rehabilitation and Conservation Management Plan must be bonded to Council prior to issue of building approval and the commencement of onsite works.

*Please note, planning permits containing a requirement for a Part 5 Agreement are not effective until such time as the Agreement is executed, as specified in s53(6) of the*

*Land Use Planning and Approvals Act 1993. Therefore, the above Agreement must be signed and sealed prior to the Permit coming into effect and commencement of works. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.*

9. 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 individual trees identified for retention in the Part 5 Agreement Tree Plan required under Condition 4 and the endorsed engineering drawings required under Condition 11, must be retained and appropriately protected during construction through the installation of signage and temporary fencing between any on-site works and the trees in accordance with the endorsed engineering drawings and 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 provided to the Manager Development Services prior to the commencement of on-site works.

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

- (i) the existing soil level must not be altered around the Tree Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
- (ii) the Tree Protection Zone must be free from the storage of fill, contaminants or other materials;
- (iii) machinery and vehicles are not permitted to access the Tree Protection Zone; and
- (iv) development and associated works are not permitted unless otherwise approved by Council in writing.

10. Underground power and telecommunication services must be provided to all lots on the endorsed plan of subdivision in accordance with the requirements of TasNetworks and the telecommunications authority requirements. Services conduits must be provided to the lots proper at the developer's cost. Services conduits must be provided to the service authority requirements. The underground cabling and street lighting design including annual operating costs must be submitted to Council for approval prior to engineering plan approval.
11. Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
12. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer, in consultation with a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment or equivalent methodology). Plans must be to satisfaction of the Director Engineering Services and comply with:
  - Tasmanian Standard Drawings
  - Austroads Standards and Australian Standards
  - Australian Rainfall and Runoff Guidelines
  - The subdivision Bushfire Hazard Report and Bushfire Hazard Management Plan (*Enviro-dynamics, June 2022*).

The Plans must include, but are not limited to:

- (a) Design of the internal road network, including junctions, vehicular crossovers to all lots, fire hydrants and associated stormwater drainage system.
- (b) Road pavement width to be 5.9m between face of kerbs (5.0m between lip of kerbs).
- (c) The back of Kerb offset a minimum of 0.3m to the boundary of 392 Howard Rd adjacent to the carpark entrance of the Howden Progress Association Hall to allow width for crossover layback.
- (d) Northern kerb return onto Howden Road to be amended to smaller radius than currently proposed (remove long sweeping entrance return).
- (e) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - (i) Stormwater maintenance holes relocated from the road pavement to entry pits in or behind the kerb and channel;
  - (ii) A water sensitive urban design system that achieves the acceptable stormwater quality and quantity targets, required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling;
  - (iii) The reticulated stormwater system sized to accommodate at least the estimated 5% AEP flow based on a future fully-developed catchment;
  - (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow based on a future fully-developed catchment;

- (v) Disposal of stormwater for Lots 1-3 to the existing stormwater discharge point; and
- (vi) Details of the rock headwall design, demonstrating it minimises impacts on the coastal protection area.
- (f) A cut and fill plan, including:
  - (i) details on the extent of cut and fill;
  - (ii) storage locations for the stockpiling of fill on site;
  - (iii) demonstration that the stockpiling of fill will not encroach into the Tree Protection Zones of trees identified for retention; and
  - (iv) confirming 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.
- (g) A Tree Plan which:
  - (i) identifies the location, diameter at chest height and species of all trees with a DBH >25cm within and directly adjacent to the subdivision works, including road construction, services and utilities;
  - (ii) specifies which trees are to be removed and which can be retained;
  - (iii) demonstrates the road, services and utilities are designed, located and constructed to minimise impacts on high conservation value trees, including any E. ovata trees >40cm and any eucalypts >70cm;
  - (iv) identifies mitigation and protection measures to be implemented to minimise the impacts of the development on the health of trees to be retained and avoid their loss within the scope of the approved development, including the location and specifications for tree protection fencing required under Condition 8;
  - (v) in accordance with Australian Standard 4970-2009 for the protection of trees on development sites; and
  - (vi) to the satisfaction of the Manager Development Services.

Once endorsed the plans will form part of the permit.

13. All existing sewer, water, stormwater, TasNetworks and telecommunication authorities supply infrastructure traversing newly created lots, must be removed and/or replaced as necessary so that they are contained wholly within the boundaries of the specific lot which they service with all associated costs borne by the applicant. The requirements of the relevant service authorities must be strictly complied with by the applicant.
14. A Council fee of 2% of the estimated value of the civil engineering construction works (including GST, provisional items and contingencies) for the development or the current minimum fee, whichever is the greater, must be paid at the time of submission of the engineering design plans for approval. The actual amounts payable shall be based on the rates adopted by Council and prevailing at the time of payment.
15. All existing and proposed water, sewer and stormwater pipelines must be provided with all necessary drainage easements and shown on the Final Plan of Survey lodged for sealing.



Specific easements as required by other authorities must also be provided and shown on the Final Plan of Survey lodged for sealing.

16. Site filling that exceeds a depth of 300mm must be placed in accordance with AS3798 guidelines for commercial and residential developments 1996. Upon completion of the works, the supervising engineer must confirm in writing that the works have been carried out in accordance with AS 3798. The location of fill areas must be shown on the “as constructed drawings” and Final Plan of Survey submitted for sealing.
17. Declared weeds under the *Weed Management Act 1999* are present on the site, including blackberry, boneseed and Montpelier broom. 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.

18. At practical completion and the satisfactory completion of all mandatory audit inspections for each approved stage of the subdivision works the supervising engineer must:
  - a) Request a joint on-site practical completion inspection with the Council’s authorised representative;
  - b) Provide written confirmation that the works have been substantially completed in accordance with the Council approved plans and specifications and that the appropriate levels of quality and workmanship have been achieved;
  - c) Provide a copy of relevant documentation that all requirements have been carried out as applicable by the following:
    - i. Telecommunication authorities
    - ii. TasNetworks
    - iii. TasWater;
  - d) Provide supervising engineer’s certification that site filling exceeding 300mm has been placed in accordance with AS3798 (guidelines on earthworks for commercial and residential developments). Fill areas must be shown on the ‘As Constructed’ drawings;
  - e) Provide a signed checklist for ‘As Constructed’ drawings;
  - f) Submit A1 size ‘As Constructed’ drawings in accordance with Council’s Survey Brief, at a scale of 1:200 or 1:500 as appropriate, unless approved otherwise, certified as correct by a registered land surveyor in accordance with Council’s Survey requirements for subdivisions, developments and capital works projects;
  - g) Provide CCTV inspection and report (by Council approved contractor) of any new public stormwater infrastructure to be taken over by Council; and

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

- All mandatory audit inspections;
- Provision of acceptable documentation;

- Practical completion inspection;
  - Provision of Bond and Bank guarantees.
19. The applicant must lodge a maintenance bond and bank guarantee of 10% of the total contract sum including GST to cover the satisfactory rectification of all defects and defective works during the statutory 52 weeks maintenance period prior to the issue of Certificate of Practical Completion for each approved stage of the subdivision.
20. All works associated with each approved stage of the subdivision must be completed to the satisfaction of the Executive Manager – Engineering Services prior to the sealing of the Final Plan of Survey by Council for the respective stage. Quality assured contractors may lodge a notice of intent to Council requesting assessment and approval that security be accepted to cover the completion of any outstanding works to enable the sealing of the Final Plan of Survey. The assessment must be in accordance with Council's policy at the time, is subject to an onsite inspection and report by Council's officers. The following must be confirmed in writing:
- (a) That all sewer, stormwater, water mains and associated house connections are constructed and capable of satisfactory operation; and
  - (b) That all requirements of the Electricity and Telecommunication agencies and other relevant service authorities have been satisfactorily completed.
- Acceptable "As Constructed" drawings must be provided.
21. The satisfactory completion of all public infrastructure for each stage of the subdivision works will be considered achieved when:
- (a) A Certificate of Practical Completion has been issued;
  - (b) All defects and any defective works have been satisfactorily rectified at the completion of the 52 week maintenance period;
  - (c) Council will be entitled to call upon the bond and bank guarantee funds to complete or rectify any outstanding defective works after the expiry of the maintenance period;
  - (d) At the end of the statutory 52 week maintenance period, the supervising Engineer must request a joint onsite inspection with the Council's authorised representative to confirm that all outstanding defects and defective works have been satisfactorily completed;
  - (e) Upon satisfactory completion of all outstanding defects and defective works Council will issue a notice of satisfactory 'Final Inspection' and the public assets will be taken over by Council;
  - (f) After takeover of the works, it will be the responsibility of the supervising engineer or applicant to request Council to release all Bond and Bank Guarantee monies.
22. Prior to Sealing the Final Plan of Survey for this subdivision, the following documentary evidence is to be provided to Council regarding the proximity of existing buildings to new property boundaries on the proposed lots and on 392 Howden Road, Howden:
- a) buildings have been modified in accordance with the relevant provisions of the Building Act 2016 to comply with the fire separation requirements of the National Construction Code;

or

- b) buildings have been removed in accordance with the relevant provisions of the *Building Act 2016*.
23. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

### ADVICE

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

New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	1 'Un-named' Road, Howden
2	3 'Un-named' Road, Howden
3	5 'Un-named' Road, Howden
4	7 'Un-named' Road, Howden
5	4 'Un-named' Road, Howden
6	2 'Un-named' Road, Howden
7	398 Howden Road, Howden

In Favour: Crs Paula Wriedt, Clare Glade-Wright, Aldo Antolli, David Bain, Kaspar Deane, Flora Fox, Mark Richardson and Christian Street

Against: Cr Gideon Cordover

**CARRIED 8/1**



## Amended Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DAS-2022-4		<b>Council notice date</b>	10/02/2022
<b>TasWater details</b>				
<b>TasWater Reference No.</b>	TWDA 2022/00177-KIN		<b>Date of response</b>	22/03/2022
			<b>Date amended</b>	03/01/2023
<b>TasWater Contact</b>	Elio Ross	<b>Phone No.</b>	0467 874 330	
<b>Response issued to</b>				
<b>Council name</b>	KINGBOROUGH COUNCIL			
<b>Contact details</b>	kc@kingborough.tas.gov.au			
<b>Development details</b>				
<b>Address</b>	388 HOWDEN RD, HOWDEN		<b>Property ID (PID)</b>	7604499
<b>Description of development</b>	Subdivision 7 lots			
<b>Schedule of drawings/documents</b>				
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>	
AD Design + Consulting	D-1-10-01	4	14/12/2022	
	D-1-10-02	3	14/12/2022	
	D-1-10-03	0	14/06/2022	
Leary Cox & Cripps	122214	F	25/05/2022	
<b>Conditions</b>				
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:				
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>				
<ol style="list-style-type: none"> <li>A suitably sized water supply with metered connections and sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol>				
<b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b>				
<ol style="list-style-type: none"> <li>Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) / Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.</li> <li>Prior to applying for a Permit to Construct/the issue of a Certificate for Certifiable Work (Building and/or Plumbing) to construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.</li> <li>Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.</li> </ol>				



7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.
8. Prior to the issue of a Certificate for Certifiable Work (Building and/or Plumbing) / Consent to Register a Legal Document / Certificate of Water and sewerage Compliance (Building and/or Plumbing) all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, are to be completed generally as shown on, and in accordance with, the plans listed in the schedule of drawings, and are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
10. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document / applying to TasWater for a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved;
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made;
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee;
  - d. Work As Constructed drawings and documentation must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.
11. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". The newly constructed infrastructure will be transferred to TasWater upon issue of this certificate and TasWater will release any security held for the defects liability period.
12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
14. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

**FINAL PLANS, EASEMENTS & ENDORSEMENTS**

15. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.  
*Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.*
16. Pipeline easements and/or lots, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions and/or lot creation requirements.  
*Advice: Create easements on the adjacent property 366 HOWDEN RD, HOWDEN (167860/1) as soon as possible for works that are required on the neighbouring land.*
17. Prior to the issue of a Consent to Register a Legal Document / Certificate of Water & Sewerage Compliance (Building and or Plumbing) / Certificate of Practical Completion from TasWater, the applicant must submit a copy of the completed Transfer for the provision of a Pipeline and Services Easement(s) to cover existing/proposed TasWater infrastructure as required by condition 16. All costs and expenses related to the transfer of easement(s)/lots to TasWater are to be paid by the developer.

**DEVELOPMENT ASSESSMENT FEES**

18. The applicant or landowner as the case may be, must pay a development assessment fee of \$363.57, and a Consent to Register a Legal Document fee of \$154.42 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.  
The payment is required within 30 days of the issue of an invoice by TasWater.
19. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

**Advice****General**

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

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

**Declaration**

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

**Authorised by**

**Jason Taylor** - Development Assessment Manager

**TasWater Contact Details**

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

## OPEN SESSION RESUMES

Open session resumes at 6.37pm

### 15 PETITIONS STILL BEING ACTIONED

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A report on the petition headed “Recall and Revise the Draft Local Provisions Schedule” can be found on page 124 of this agenda.

### 16 PETITIONS RECEIVED IN LAST PERIOD

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

### 17 OFFICERS REPORTS TO COUNCIL

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#### C25/2-2023

#### 17.1 THE FUTURE OF LOCAL GOVERNMENT REVIEW

Moved: Cr Clare Glade-Wright  
Seconded: Cr Christian Street

*Cr Midgley returned at 6.38pm*

That Council

- a) Hold a workshop to discuss the future of local government review Options Paper Review Stage 2; and
- b) Receive a further report on this matter by 30 April 2023.

**CARRIED**

#### C26/2-2023

#### 17.2 KINGBOROUGH SPORT AND RECREATION STRATEGY

Moved: Cr Kaspar Deane  
Seconded: Cr Amanda Midgley

That:

- (a) Council approve the formation of a Reference Group to assist in the preparation of a Kingborough Sport and Recreation Strategy.
- (b) Councillor Deane be appointed as Chair of the group.
- (c) Councillors Antolli and Midgley be appointed as proxies.
- (d) Expressions of interest be sought from community members to join the group.

**CARRIED**

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

That the ballot papers be destroyed.

**CARRIED**

*Meeting adjourned at 7.04pm*

*Meeting resumed at 7.15pm*

## **C27/2-2023**

### **17.3 PETITION - RECALL AND REVISE THE DRAFT LOCAL PROVISIONS SCHEDULE**

Moved: Cr Amanda Midgley  
Seconded: Cr Gideon Cordover

That this report be deferred.

In Favour: Crs Paula Wriedt, David Bain, Gideon Cordover and Amanda Midgley

Against: Crs Clare Glade-Wright, Aldo Antolli, Kaspar Deane, Flora Fox, Mark Richardson and Christian Street

**LOST 4/6**

Moved Cr Clare Glade-Wright  
Seconded Cr Amanda Midgley

That Council:

- (a) note the petition requesting Council recall and revise the Draft Local Provisions Schedule;
- (b) note the Tasmanian Planning Commission is undertaking a review of the proposed application of the Landscape Conservation Zone in Kingborough, with revisions to be provided for Council endorsement prior to public exhibition;
- (c) given the Commission appears unlikely to grant a withdrawal, continue to develop the draft Kingborough Local Provisions Schedule and undertake public exhibition when directed to do so by the Commission;
- (d) advise the organiser of the petition of this decision.

In Favour: Crs Paula Wriedt, Clare Glade-Wright, Gideon Cordover, David Bain, Kaspar Deane, Flora Fox, Amanda Midgley, Mark Richardson and Christian Street

Against: Cr Aldo Antolli

**CARRIED 9/1**



**C28/2-2023****17.4 LAND DONATION - HOBART WOMEN'S SHELTER**

Moved: Cr Amanda Midgley

Seconded: Cr Gideon Cordover

That:

- a) Council agree in principle to the donation of land at Gormley Drive, Kingston to the Hobart Women's Shelter for the purpose of developing long term housing for women and children and advertise this intent in an accordance with the provisions of Section 178(4) of the *Local Government Act 1993*.
- b) A further report be provided to Council providing details of the following:
  - (i) Any objections received in relation to the sale of the land;
  - (ii) An independent valuation on the land; and
  - (iii) Conditions of transfer of the land.

**CARRIED****C29/2-2023****17.5 DONOHUE GARDENS PARK**

Moved: Cr Clare Glade-Wright

Seconded: Cr Aldo Antolli

That Council does not proceed with the proposed redevelopment of the Donohoe Gardens Park and reallocates funding for the project towards the upgrade of Mt Royal Park.

Moved: Cr David Bain

Seconded: Cr Gideon Cordover

That this report be deferred.

**CARRIED***Meeting adjourned at 8.52pm**Meeting resumed at 8.58pm***C30/2-2023****17.6 CITIZENSHIP CEREMONIES ON AUSTRALIA DAY**

Moved: Cr Amanda Midgley

Seconded: Cr Clare Glade-Wright

That, commencing in 2024, Council changes the date of its January citizenship ceremony from 26 January to either 23, 24, 25, 27, 28 or 29 January.

In Favour: Crs Paula Wriedt, Clare Glade-Wright, David Bain, Gideon Cordover, Kaspar Deane, Flora Fox, Amanda Midgley, Mark Richardson and Christian Street

Against: Cr Aldo Antolli

**CARRIED 9/1**

*Mayor vacated the chair at 9.21pm  
Deputy Mayor assumed the chair at 9.21pm*

**C31/2-2023**

**17.7 KINGBOROUGH DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE  
MINUTES - 14 DECEMBER 2022**

Moved: Cr Paula Wriedt  
Seconded: Cr Flora Fox

That Council:

- (a) Note the minutes of the Kingborough Disability Inclusion and Access Advisory Committee meeting 14 December 2022
- (b) Note the motions requesting that Council consider beach matting at Kingston Beach and the installation of unisex accessible toilet facilities on all levels of the Kingborough Sports Centre, for inclusion in its 2023-24 Budget.
- (c) Note that capital and operational budget bids have been prepared to enable Council to consider these items in the development of the 2023-24 Budget.

**CARRIED**

*Mayor resumed the chair at 9.35pm*

**C32/2-2023**

**17.8 KINGBOROUGH BICYCLE ADVISORY COMMITTEE DEPUTY CHAIRPERSON**

Moved: Cr Kaspar Deane  
Seconded: Cr Gideon Cordover

That Cr Glade-Wright be appointed as a Council representative and deputy chairperson of KBAC and the Committee members be advised accordingly.

**CARRIED**

**18 NOTICES OF MOTION**

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**C33/2-2023**

**18.1 HOUSING STATEMENT**

Moved: Cr Kaspar Deane  
Seconded: Cr Amanda Midgley

That Council prepares a Statement of Commitment on Housing that outlines how Kingborough Council will facilitate access to safe, accessible and affordable housing.

**CARRIED**

**C34/2-2023****19 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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Moved: Cr Flora Fox  
Seconded: Cr Amanda Midgley

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*

**Acquisition of Land for an Underpass - Summerleas Road, Kingston**

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

**AB2223 Kingston Wetlands Upgrades**

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

**Rates Delegated Authority**

Regulation 15(2)(j) *the personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area.*

**CARRIED**

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

Open Session of Council adjourned at 9.50pm

**OPEN SESSION ADJOURNS**

## OPEN SESSION RESUMES

Open Session of Council resumed at 9.57pm

### C35/2-2023

Moved: Cr Mark Richardson

Seconded: Cr David Bain

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
Acquisition of Land for an Underpass - Summerleas Road, Kingston	Approved
AB2223 Kingston Wetlands Upgrades	Noted
Rates Delegated Authority	Noted

**CARRIED**

### CLOSURE

There being no further business, the Chairperson declared the meeting closed at 9.58pm

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(Confirmed)

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(Date)