

Kingborough



COUNCIL MEETING MINUTES

6 March 2023

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 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 March 2023 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 C Glade-Wright	✓
Councillor A Antolli	✓
Councillor D Bain	✓
Councillor G Cordover	✓
Councillor K Deane	✓
Councillor F Fox	✓
Councillor M Richardson	✓
Councillor C Street	✓

Staff:

General Manager	Mr Gary Arnold
Director Engineering Services	Mr David Reeve
Director Governance, Recreation & Property Services	Mr Daniel Smee
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

C62/4-2023

4 APOLOGIES

Councillor A Midgley

C63/4-2023

5 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox
 Seconded: Cr Gideon Cordover

That the Minutes of the open session of the Council Meeting No.3 held on 20 February 2023 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
27 February 2023	Dog Management Policy	Overview of process to undertake review of the policy
	LGAT WHS Review	Discussion on recommendations in the review

C64/4-2023

7 DECLARATIONS OF INTEREST

Cr Cordover declared an interest in the item headed “DA-2022-321 - Development Application for Partial demolition, alterations and additions for Tertiary Education and Research and Development and associated infrastructure works at 31 Nubeena Crescent (CT 171435/2), 41 Nubeena Crescent (CT 175969/1), adjoining Crown land (CT 171411A/2 & CT 171435/3) and the waters of the River Derwent, Tarooma”

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

C65/4-2023

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Charles Biggins asked the following questions without notice:

9.1 Biodiversity Offset Policy

At last Council meeting, there appeared to be some confusion about when the amended policy August 22 can be implemented regarding Councillor Cordover's queries as it is yet to be incorporated into the interim planning scheme. Has Council acting as Planning Authority been implementing the amended policy since August 2022? If so, how many development applications has it been applied to and have the affected persons been advised of this oversight?

Manager Development Services responds:

The amended version hasn't been used for the decision making. It's the current version that exists in the scheme that is used.

9.2 Tree By-Law

The draft by law has already been drafted. When will this be presented to Council? Will there be an opportunity for public comment and consultation? And will tree experts be consulted regarding the content of the draught by-law?

Director Governance, Recreation & Property Services responds:

The next stage in the process is to put the bylaw out for public comment.

Mr Biggins:

Will tree experts or arborists be consulted regarding the content? Will or has there been expert input into the content of the draft?

Director Governance, Recreation & Property Services:

Staff from our Environmental Services department have consulted with a range of experts in relation to the development of the by-law and obviously anyone with expertise in any area is welcome to make a submission when it goes out for public comment.

Mr Josh Graeme-Evans asked the following questions without notice:

9.3 Good Governance Guide

Is Council aware of the good governance guide for local government in Tasmania and does it support the following statement within? "Accountability is a fundamental requirement of good governance. Local government has an obligation to report, to explain, and to be answerable for the consequences of decisions made on behalf of the Community."

Mayor responds:

Yes, Council and Councillors and Council staff are aware of the Good Governance Guide and yes, we are accountable in accordance with that.

Mr Graeme-Evans:

Does Council therefore believe it has an obligation when asked to provide objective information to land owners on the consequences of a landscape conservation zoning?

Manager Development Services responds:

The consultation period will occur for the change to the planning scheme for all zones, overlays, codes and other provisions and they will be during public exhibition period and yes, we will comply with those requests and expectations.

Mr Graeme-Evans:

What are the range of potential negative implications for land owners who are rezoned to a landscape conservation zone?

Manager Development Services responds:

It depends on what is perceived by an individual about what is a negative, and some people may see that it's a negative that there's changes occurring to some of the setbacks and it also depends on what zone you're going from and to. It's not just one zone that's going to landscape conservation, it's a variety of zones as we have advised the public. Negatives, like I say are perceived by the owner, some people think it's a negative that the setbacks can be less some people see it as a negative that the subdivision area will be small compared to the zone that they currently have, but

obviously that's not the same for all the zones because there are a variety of zones. Some people may see it as a negative that it's changed into discretionary without having regard to the existing, predominantly discretionary, route that you have to go through under particular zones now. If there's something specific that is determined to be negative, then I'm happy to answer that.

Mr Graeme-Evans:

Under the Landscape Conservation Zone practically every planning application, whether it be for residential development or business use, will take a discretionary pathway which will cost approximately \$500.00 more than a permitted pathway. Is that correct and will these fees change under the new planning scheme?

Manager Development Services responds:

Fees continually change from year to year. The number of applications that go down the discretionary path for the environmental living, which is the predominant zone that it's going from, over 95% of those are discretionary anyway. So I don't see it as a significant change.

Mr Graeme-Evans:

Can Council confirm that all discretionary planning applications under the landscape conservation zone will require a completely new type of landscape values assessment under 22.3 point of the Statewide Planning Provisions, and that if Council considers the application to not be compatible with landscape values, then it will not be approved. In other words, Council will have the power to reject any application to build a house, to extend a deck, to build a shed, to install a pool if Council considers the proposal to be incompatible with landscape values based upon a highly subjective assessment which will be undertaken by Council. Is this correct?

Manager Development Services responds:

The discretionary path in planning which applies to all planning schemes does have the ability that the decision could go either way – approval or refusal. The application must be assessed against provisions of the planning scheme relevant to the zone and the code overlays that affect the site. Planning officers are obviously geared to consider that. It's not a good path to just assume that it's just a fluffy concept. They can't make it very prescriptive, cause every property is different. As an example, if a shed is proposed, it's deep within the site, you can't see it from any other neighbouring area, it's on a cleared area that, that might be ok. A large aluminium shed 5 metres from the front setback is quite different, or if it's sitting on a ridgeline, it's quite different. It's not simple to say that all properties are the same and the application is the same. The landscape in some areas are very beautiful cleared areas that are paddocks and the like, and that's part of the landscape that's typical of many parts of Kingborough and the Huon Valley as well, it might have a treed landscape ridgeline at the top and then cleared areas, and that's what you would expect. In the context of that then the sheds and the houses and so forth might be appropriate or the assessment may assess whether those buildings are sitting together. If the area was all completely bush and somebody wants to put a 10 metre by 15 metre shed right in the middle of that non-cleared area, then maybe that's not appropriate for the landscape. But if it's sitting in amongst other properties and in context of what is around it, then it might be appropriate. You can't simply just say it's the same rule for all. That's why every application is assessed on its own merits. We look at what exists, we look at what's nearby, we look at where you can see it from, we look at what the other outcomes might be such as endangered species, flora, fauna. It depends if there's a waterway going through, if it's appropriate to put a shed that's going to divert the waterway. It also depends if there's any natural hazards in the area. We have many in Kingborough, including landscape, bush fire, flooding, waterways, coastal hazards and so forth. So there's a whole range of different elements that must be considered for every application. The assessment is done on that and that's why to some it seems that they are fluffy assessments, but you can't be prescriptive if you want to apply it to all the different types of properties. Something that's appropriate in an urban area of Blackmans Bay is very different to what might occur in a bush setting.

Mr Graeme-Evans:

Can Council confirm that it will control any and all criteria used to make landscape value assessments under 22.3.3 of the Statewide Planning Provisions and would it also be within the powers of Council to change these criteria over time?

Manager Development Services responds:

I don't understand the question. When you refer to criteria, are you referring to performance criteria?

Mr Graeme-Evans:

To clarify, I would say that any guidance that Council maintains in-house to assist planners in making a determination under the performance criteria.

Manager Development Services responds:

Can you ask a question again then? It's about the skills that planners have to do the assessment? Will we change that?

Mr Graeme-Evans:

I'm not talking about skills, I'm talking about how Council will assess each of the performance criteria in making a determination. Is there any extra criteria or guidance that will be given to planners maintained in house. Or is it just made-up on each case

Manager Development Services responds:

We do assessments against performance criterias and the acceptable solution and no, it's not made up. It comes from experience of dealing with applications, there's always ongoing learning for staff and all staff are tertiary qualified in the area of planning. There's a lot more to the assessment than just reading an interpretation, and I can appreciate when a person not from a development or planning or growth type area can read it and say, well, it's hard to apply that, but there's a whole lot of planning principles that go into learning and studying planning and that are applied. There's always ongoing learning as well about outcomes. As reviews of developments we do review development when it occurs. Was it a good outcome? Was it a bad outcome? And I can assure you, for any Council there are always good examples of good and bad of things that have been approved and there's ongoing learning with any tribunal decisions that might come out or any decisions come out of Magistrates Court as a result of illegal works as well.

Mr Graeme-Evans:

To clarify in the last question, you don't maintain any body of knowledge or criteria that helps guide planners when making your determination against performance criteria?

Manager Development Services responds:

We absolutely hold a public body of knowledge when we do the assessments.

Mr Graeme-Evans:

In order to support a discretionary planning application on the landscape conservation zone, can Council confirm whether or not land owners will be required to procure the services of a landscape consultant to complete a landscape values impact report or similar, and whether the cost of such reports is likely to be in the range of \$3,000 to \$5,000 or more for projects that are as simple as a deck extension?

Manager Development Services responds:

No, I don't see that it's likely. It's not stipulated in the performance criteria that it's particularly required. There are parts of the planning scheme that are very specific about there needing to get professional reports such as the landslide code and other elements such as that. It depends on the design but really you hope that the person you've appointed to do the design for you has considered that and can consider whether that sort of assessment is required. An example of that would be Villa Howden development which was going to have, I think was in order of 200 visitor accommodations, and it was appropriate in that instance that there was some landscape considerations in their design and how it was going to respond to that. The question specifically you asked was about a deck – no, it would be unrealistic that we would ask for a professional report on a landscape design for that and in many instances the deck wouldn't actually trigger the need for a permit but there are instances that it would.

Mr Graeme-Evans:

When asked by members of the community what the impacts of the landscape conservation zoning will be, why has Council not to date referred to table 22.3.3 of the Statewide Planning Provisions and why has due attention not been given to this table in Council documentation, including the landscape conservation zoning information? Sorry, basically, why has table 22.3.3 and the issues around it not been highlighted at recent Council information sessions on the landscape conservation zoning and in Council fact sheets on zoning?

Manager Development Services responds:

I don't believe it's correct that it wasn't referred to at all. The tables were presented to most people and provided with a copy of that, and often they were run through each of the tables, so I'm not too sure what that is. Perhaps there were some people that didn't note it. Maybe there were some that we didn't point it out for whatever reason. It's not hidden, it's clearly there, it's clearly written in the documentation. The information sheet that was provided attracts interesting attention. Some people believed that it was far too complicated, too much jargon and too much information. Other people criticised it for having not enough information, and it should have had more in there. It's important to consider when information sheets are put together and for something like the planning scheme, which is quite complicated, to not try and replicate too much of what is in the scheme because the message gets lost. If you were to try and regurgitate every element for those people who have actually looked at the LCZ and try and put it in plain speak, if you like, it starts losing the messages and you run the risk that the interpretation isn't right. So that's why we've had to use the actual documents, we prefer to use the documents are there because as you can see, there's often criteria by which you need to meet it. As an example, the criteria that goes with the qualifications for some of the use tables, if you start typing that out into written word, it gets quite complicated, so it's preferred that the tables be used. And certainly out of the correspondence we've sent back to many people, keeping in mind that the LCZ information sessions captured a certain group of people, but by far there's far more inquiries that come in via phone, counter and emails and we provide that information. We are happy to take the suggestion that it wasn't made clear enough and we can certainly make that clearer in future correspondence. It's also worth noting that when we do the formal exhibition of the planning scheme, because this was only one small element, one zone of the 30, for all the rest of the municipality there is going to be a lot more information made available and guidance on how to read those documents. But the best approach that I could suggest to people is to really pick up your actual zone that you've got today and then pick up the new one and compare it. It can be difficult to understand how it is you compare those and we're happy to provide that and we are also have hoping to have a video that helps that because I'm sure many people here have read reams of written documents. We hope to provide that sort of information to make it clearer and allow the public to understand what the differences are. It's not just sell one zone or another zone. It's simply to be able to equip you to understand what the provisions of the State Government has given for us to choose from for the planning scheme.

Mr Graeme-Evans:

Is it correct or appropriate for Council to have previously informed community members that from a practical perspective, nothing will really change and to have described the landscape conservation zone as a misnomer?

Manager Development Services responds:

I disagree that we've said that there is no change. I forgot what the second part was?

Mr Graeme-Evans:

To clarify, the statement was from a practical perspective.

Manager Development Services responds:

No, I don't believe that's the messaging. All the zones are going to have an implication even if your zone goes from one zone with the same name to the new zone, there is going to be changes in the scheme.

Mr Graeme-Evans:

There has been advice coming out from Council that from a practical perspective, nothing will really change. Is that not your understanding?

Mayor:

Ms Tyler-Moore has just indicated that that's not her understanding of the messaging that Council has been providing.

Mr Rob Cooper asked the following questions without notice:

9.4 Landscape Conservation

The fact sheets on landscape conservation recently provided in information sessions appears to focus on the scenario where development potential is not negatively influenced by the implementation of the landscape conservation zone and glossed over in planning technical terminology not understood by the wider community the more likely scenarios where development potential will be negatively impacted. Was the intent of the fact sheets to provide unbiased facts equally weighted and explained for all scenarios, and how would this impact the exhibition and representation process if the fact sheet was found to have mislead land owners into not lodging representations?

Manager Development Services responds:

Can you please explain what you believe the negative impacts are so that I can respond.

Mr Cooper:

There are a lot more discretions in the landscape conservation zone. There are a lot of things that are moving from various categories into that discretionary and are permitted but are not the purpose of the zone. A lot of the terminology through it, talking about building envelopes, does not go into explaining what they are, what setbacks are and the likes. So the first bit, which is very simple, which is will the landscape conservation zone remove people's ability to build a dwelling. The first sentence is 'No' full stop. End of story. And then it goes into a lot of technical planning discussions where it possibly could impact it.

Manager Development Services responds:

The answer 'No' on that question is no, it's not prohibited. So there was concerns by members of the public that it meant that it was prohibited. It is not. The table shows clearly that residential is not on the prohibited list, or it's not excluded from the other zones and therefore not prohibited. You may still need a planning permit to do that. The same as it does for many zones now, so there's not a huge difference in that. The use classes I'd have to ask you to be specific about which use classes you are specifically referring to in the table, but certainly is presented in the table and that was conveyed in information sessions. As I made the comment before, if we try regurgitating it, all the words from a table into the information sheet, it can get lost and actually be more confusing for people to read. We are happy to consider your comments that you think that it should go that way and we can attempt to do that. It may be that we end up having the two different types of information sheets perhaps, because in a community that has so many people, there are such broad, different perspectives about what is too much, too hard, not enough expectations of how much detail should be provided, it's very hard to be able to target something that is so broad that affects such an enormous community to try and satisfy the expectations of too much, not enough, tell us more, tell us less, don't be general, it's too general. So we will take that on board and try and tailor some of that information. I really think that the best thing for people to do if they want to have that discussion or they want to know more is to contact the planning department and we're a very available planning department to answer questions because sometimes the questions that an individual asks are very different to someone else's expectations of what they want to know. They want to know about their house, their property, or what their neighbours are going to do. Other people are obviously more interested in planning principles more generally and have an interest in planning matters more broadly, and we can talk to those as well. As I said before, it's hard to tailor it to be specific to a person's particular request, because one person might already have a house and they just want to know whether they can start up a business on that property. Other people have no house at all, bought the property, and they're nervous that they're not going to be allowed to build a house because they're unfamiliar with what it is. So it's really important that we try and have those conversations, but it's difficult to communicate every single message to everyone without absolutely saturating every scenario. When we did the LCZ sessions, we did do some research about how many people had dwellings and we started off thinking everybody wants to know whether they can build a dwelling or not. But then when we realised that the vast majority of people had a dwelling, we would ask "do you already have a dwelling is your interest then that you want to extend your dwelling, build a shed or potentially subdivide". So it kind of changed it, but it's quite different for different people. Not sure if that's answered your question.

Mr Cooper:

I guess the question was was there intended bias?

Manager Development Services responds:

No, there wasn't intended bias.

Mr Cooper:

And if it was found to have had that bias and misled people, how it would impact the process of representation. I don't want to go through the process of going through representation only to be found that the whole process is deemed invalid due to misleading information.

Manager Development Services responds:

I absolutely don't believe this bias. There's nothing for us as officers to gain from this process. We want to make it accessible and easy for people to understand, we've been given the provisions from the State Government, we're trying to apply them the best and balance the uniqueness of Kingborough, which does contain some of those environmental elements that some people don't like as much vegetation, other people think the vegetation is important. We're trying to find that balance through the planning controls and we're certainly open to hear those through the representations. That's not to say we're not listening before the representations, but that is the process that has been

set up for us to go through that and it's really important that people understand that that is a genuine process, that it's not just lip service from the State Government. They really do listen to the representations, there really is the potential for changes to occur, and that's evidenced through the other planning schemes that have already gone through the system.

9.5 Construction and Stockpiling at Sherburd Oval

Recently I've seen that there are kids being dropped off and picked up while heavy machinery is being dropped off in the area and then the road was resurfaced which said it was starting at 9:00am late last week and they actually started much before that so that we had two stop go entities operating at the same time, the school crossing guard trying to stop traffic while the construction stop/go was going. It was chaos, it was mayhem, and there was huge safety issues there. Is Council aware of that issue, as I requested the school to report that to Council?

Director Engineering Services responds:

We often do use that space for stockpiling materials, mainly because there is not really any other available spaces in that area as you would probably appreciate. The intention is always to have separation between the public and the use of the space, which includes things like hoarding, but it also can include things like operational hours as well as to when they should be operating there. So we certainly aim to operate outside of school pickup and school drop off hours and I would encourage anybody who sees something which is outside of that to contact Council through our customer service number and we will chase that up straight away because that's the information that we provide to our contractors that are actually using that space.

Ms Mel O'Keefe asked the following questions without notice:

9.6 Inclusivity

For a number of people in the community, public speaking is a barrier and certainly I've been speaking to people in recent times who would like to pose questions who miss the cut off a week out for the Council meeting and are not prepared to come in and speak publicly. I note that the Huon Valley Council provide an option for people to e-mail their question in by 12:00 o'clock the day prior to the meeting and that is then read out at the meeting as if the person was there. Is that something that Council would do or be prepared to consider so as to provide more opportunities for people to interact with the Council?

Mayor responds:

We already have the ability for people to submit questions on notice for each Council agenda. Obviously, if we want to be able to provide responses, we need some time for the staff, who may or may not be at that particular meeting, to be able to prepare a response to put it on notice. It's a system that I believe has worked well up until now, and we do encourage people to e-mail to kc@kingborough.tas.gov.au. I don't know if the General Manager would like to add anything from an operational perspective.

General Manager:

We are happy to take on board any suggestion, but as the Mayor alluded to, there are some logistical challenges for us. The process that we've had historically in place has served us well and does provide the officers with sufficient time to do research where it's required. There's always the ability for people to turn up at a Council meeting like this and ask questions without notice and we don't like it when we have to take questions on notice when with just a little forewarning we can give it a detailed and considered response, but we will certainly take it on board.

Mayor:

Just to add to the General Manager's answer, I think that given, yes, I totally acknowledge public speaking is not something that everybody enjoys and some of us are forced to do it but if people have questions in relation to specifics about whether it be the LCZ or others, then we really encourage them to pick up the phone and talk one-on-one with a member of our planning staff, because that can be often more effective than putting a general question to Council staff. If they're seeking particular information about their own property or even if they are advocating for, say, a neighbour, if a neighbour doesn't feel comfortable ringing, then we would really encourage that and as Ms Tyler-Moore said, our planning staff have been taking significant time in making themselves available outside of those information sessions that were held just so that we can get that dialogue going and answer specifics.

9.7 LCZ Information Sessions

Was there any training provided to the staff ahead of the information sessions and if so, what were the topics and what was the position of the trainer or facilitator?

Manager Development Services responds:

There were no external trainers brought in for it. We certainly undertook briefings internally and tried to be as well equipped as we could for the questions that we expected that we're going to get. And that was based on the queries we had already had from the public. There was obviously time spent on each of the documents, the incoming ones and being well-rounded on understanding those as well.

Ms O'Keefe:

Now that the information sessions have been held is Council going to undertake a survey of those who registered and attended to determine the level of success or otherwise, and if that isn't currently planned, does Council have an appetite to seek feedback, to understand how those sessions went?

Mayor responds:

I'll ask Ms Tyler-Moore to address that, but it's my understanding that there were staff members present other than the ones who were doing the consultations on those on the days who were asking people, as they were leaving, whether their questions had been answered and so on, but I'll ask Ms Tyler-Moore to elaborate.

Manager Development Services responds:

No, there is not an intention to undertake a survey. We've only got limited resources and we would really like to focus our work more on the work that we're trying to do for the LPS and for the all the other parts of the planning scheme which we need to go back to the TPC with. We are happy to take feedback if people wish to provide it and I appreciate that some people had, and again, it's about the diversity of people in the community, different expectations of what was to be provided. We did our best to communicate that it was really an information session to understand the provisions of the LCZ. It wasn't necessarily to have the debate about whether a different zone was more appropriate for them, that's really for the formal consultation process. As much as we would like to infinitely do the information sessions before we just don't have the resources. Kingborough Council has only got one strategic planner. Other councils have whole teams of strategic planners. I'm heavily involved in it as well and my job is far more than LCZ and the planning scheme, it's a whole development services department, so it is limited in what we do and we are trying to use the resources the best way we can and that really is investing the time to reviewing the LCZ in light of the comments that have been raised by yourself and by other members of the public about the LCZ. The more time we spend on things that could ... I'm not sure what the survey would reveal or what benefit would really be instead of actually getting on and doing the work. I completely acknowledge and appreciate there's people that are dead against it, very unhappy about it. Unfortunately, there's always going to

be some people that are not going to be able to be turned around on it and have an opinion about that. We know that not everyone's going to be happy with it. We're doing our best to try and inform what the content is so that you are informed as best as you can to make that decision. We don't take it personally if you don't like the zone that we've done. We've done the best that we can and we're happy to consider the changes in that. I don't see it as a benefit really, but happy if people want to come to us directly about what they think and certainly would be of interest when we go to do the formal public exhibition period, it's unlikely that we would run the information sessions the same way because we simply do not have the resources. With 33,000 residents, we can't service it that way, but not everybody wants it that way as well.

Ms O'Keefe:

I do have feedback from a number of parties. Quite alarming in some instances. Some of the misinformation that has been put out there. So I think there is value in seeking feedback. I appreciate that you don't have the resources and noting that you said that other councils have more than one strategic planner. Perhaps that's something that needs to be reviewed in the next budget.

Mayor:

I'm going to take that as a question and let you know that we have actually just advertised for an additional Strategic Planner.

Ms O'Keefe:

In the new Tasmanian Planning Scheme, for residential development, no permit is required in the residential zone, the inner residential, the low density residential, the rural living village and even the local business and general business don't require a permit if it's associated with a home based business. Is Council aware that of all the zones listed, LCZ is the only zone that does not have residential development as no permit required? In fact, it's not even permitted unless it's on a building envelope and it's discretionary and therefore at Council's sole discretion?

Manager Development Services responds:

I'll answer in part and that is no, it's not the only zone that has that. I don't have the list before me so I won't be tricked into saying the wrong ones, so I'm happy to take it on notice.

Ms O'Keefe:

Of the ones that are listed, I'm not saying all the zones, but the ones that are listed, I have checked and verified.

Mayor:

I think Ms Tyler-Moore has indicated she'd like to just double check that before providing commentary so we can put it on notice.

Ms O'Keefe:

On the fact sheet that Council has issued, it says that public exhibition of the draught LPS is going to be taking place in April, is that still likely to be the timeline?

Manager Development Services responds:

I don't have the information sheet with me. My recollection of the information sheet is that it wasn't specific about when it would be. It had an estimate that it wouldn't occur before and we still hold that position. We highly doubt it's going to occur before then. It's up to the TPC to direct us when they're going to do it.

Ms O'Keefe:

The Section 8A guideline for zone and code application states that the LCZ is not a replacement zone for environmental living in the planning schemes, that there are key policy differences between the two zones that, LCZ is not a large residential zone in areas characterised by native vegetation cover and other landscape values. Instead, LCZ provides a clear priority for the protection of landscape values and for complementary uses or development with residential being largely discretionary. What is Council's rationale for the proposed LCZ for properties that the guideline has expressly said it is not intended for?

Manager Development Services responds:

The intent really was that it wasn't just a direct one. You wouldn't just swap out one for the other. And that's not what happened. There are obviously many that are going from environmental living to landscape conservation zone. Discussions with the TPC have obviously occurred around that as well and indications of where it's appropriate and suitable to apply the LCZ. It would be fair to say that the guideline that was written obviously a very long time ago, well in advance before they started actually applying the planning schemes, the position that they've taken has changed a little and that can be seen through the other planning schemes. I think it's important that, as you are aware, we are reviewing those and going back to the TPC about the application of that and the methodology, if you like, how that will be applied and once we have that back from the TPC it is going to give us the indication of whether they believe the guidelines have been met or not. So it's the TPC's responsibility to make sure that when they're assessing and potentially approving the planning schemes or recommending for approval, that all the guidelines and the criteria have been satisfied. If they weren't then they wouldn't be signing that off. That's not the indication that we've got from them so far, but I think it would be an important exercise, particularly for the community that has got concerns about the LCZ that we have a summary report, if you like, as part of the report that explains it, because I can understand the head scratching because it kind of says that so why are you doing that? But it's not as simply applied as that. And I think it's important that we provide that advice in a report type format, but we really need that indication from the TPC. We are bound by the TPC and the rules by the State Government and certainly if they said you're not allowed to use LCZ where there was EL, well, logically that doesn't make sense. It was always going to be properties would make the criteria that would do that. Then we would have to seriously consider that. That hasn't occurred to date, but as I said, we would like to come back with more information.

Ms O'Keefe:

Does the Council agree that LCZ discourages residential uses?

Manager Development Services responds:

I disagree that it discourages residential uses. It is in the discretionary listing if you don't have the building envelope on your titles on the sealed plans. For those who aren't aware that reference is on your title, some titles have square or rectangle or some shape that's on there that specifies where you should build. There are historic properties that have that. It's more often that we have it for the newer subdivisions where the developer is then required to indicate where that development is going to occur on the property. If you had one of those on there, you would stay in the permitted category. So going forward you would hope as subdivisions keep occurring, that that would be put on there and it's to find the most suitable site. For the person who's purchased the property saying, I can't build it anywhere, but at least it was considered to start with that it was appropriate that there was a building site on that property.

Ms O'Keefe:

It's interesting that the Kingborough Land Use Strategy says on page 90 and that "landscape Conservation zone discourages residential use".

Manager Development Services responds:

I would need to look at that again for a better answer. The strategy was written some time ago and it certainly was before the new scheme was really properly digested. It's important to understand that the land use strategy is a guiding document. It's not a statutory document. It's something that was done to complement the regional land use strategy. Kingborough went a step further of trying to make it more localised relevant to Kingborough and certainly the overall principles and direction in that I would completely agree with. Yes, I'm sure there are a number of sentences and lines through that whole document that you're going to find that are potentially contrary.

Ms O'Keefe:

In the the fact sheet that Council has put out, it says "once we commence with a formal public exhibition of the draught LPS, there will be a document that explains the reasoning for the zone application within the municipality". As I think we all understand it's quite a topical matter. Would Council give consideration to releasing that earlier?

Manager Development Services responds:

We're still waiting for the approval from TPC to be able to release that because there is no point publishing things that the TPC has a fundamental issue with because it's just confusing for everyone. So yes, once it's gone through the TPC, then we'll make it available and again we will be able to provide assistance to people to find the relevant part they are interested in when we go to exhibition.

C66/4-2023**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

10.1 Landscape Conservation Zoning Community Sessions

Ms Tammy Price submitted the following question on notice:

Given the lack of access that Bruny Islanders have to Kingborough Council processes, will the Council undertake to notify in writing each Bruny Island landowner impacted by a proposed zoning change, informing them of the change proposed for their property, and their basic rights in relation to consultation and appeal?

If the answer is not a simple 'yes', has the Council received legal advice on the implications of not individually notifying each landowner of such a change?

We note that the information sessions are only being held "on the mainland" with no open sessions scheduled for Bruny Island. We also note there has been no advertising in our local publication – Bruny News, to advise of the proposed changes – or the upcoming forums. On behalf of the Bruny Island Community Association - I seek your feedback in order for our Bruny Island residents and landowners to be fully aware of what the proposed changes mean – and how they will affect them.

Officer's Response:

The information sessions that were held on 21 and 24 February 2023 were to enable interested people to discuss with Council planning staff the proposed application of the Landscape Conservation Zone. The sessions were by-appointment and were attended by around 45 residents. Anyone who was unable to secure an appointment during these sessions should email kc@kingborough.tas.gov.au or phone 6211 8200 to make a time to speak with Council Planning staff, either by phone or face-to-face.

These information sessions were held in addition to the formal public exhibition period, which is yet to commence. Once the Tasmanian Planning Commission directs Council to commence the formal public exhibition of the draft Kingborough Local Provisions Schedule, Council will convene a series

of forums across many weeks to assist people understand the proposed zoning of their property. During this time, forums will be held in many locations, including Bruny Island. Information will be provided as to the process for making a representation on the proposed zoning and how this will be considered by the Planning Authority and the Tasmanian Planning Commission.

Council will be undertaking formal public exhibition of the draft Kingborough Local Provisions Schedule in accordance with the requirements of the Land Use Planning and Approvals Act 1993. The legislation does not require that notification be provided by letter directly to owners and occupiers that may be affected.

Tasha Tyler-Moore, Manager Development Services

10.2 Landscape Conservation Zone

Ms Angela Hanly submitted the following question on notice:

Of the properties set to go to LCZ per the draft LPS:

- 1. How many Environmental Living Zone properties are greater than 20ha and how many are greater than 40ha?*
- 2. How many Rural Living properties are greater than 20ha and how many are greater than 40ha?*
- 3. How many Rural Resource properties are greater than 20ha and how many are greater than 40ha?*
- 4. How many Low Density Residential properties are greater than 20ha and how many are greater than 40ha?*

Officer's Response:

The information was not available at the time of printing the Agenda, however, will be provided in the next available Council agenda.

Adriaan Stander, Strategic Planner

10.3 Transition To State Planning Scheme

Ms Mel O'Keefe submitted the following question on notice:

There is concern that some owners of property in the municipality may be unaware of the pending transition to TPS, particularly those who live outside of the municipality (eg interstate). Without being directly advised, some property owners risk their property's zone being changed without their knowledge and miss the opportunity to make enquiries and/or submit a representation.

Council took to provide information directly to all property owners advising of the transition to the TPS, which will result in thousands of zoning changes. Council undertook to provide information with annual rates notices. See attached extract below.

10.5 Landscape Conservation Zone

Ms Mel O'Keefe submitted the following question on notice:

Cr Deane's motion sought written notification be provided to owners of property proposed for LCZ. Cr Glade-Wright put forward an amendment to the motion, seeking instead to have drop-in sessions. When considering the amendment put forward, Cr Antolli sought clarification that there would still be written notifications issued and was advised yes, with the annual rates notices in July. There was also discussion with regard to having drop-in sessions at different times in order to cater for differing availability of interested community members. The minutes do not reflect Cr Glade-Wright putting forward an amendment to the motion, the intent for multiple drop-in sessions nor the issuing of notices to property owners with the July rates notice.

Would Council please confirm whether:

- a) It will be having multiple drop-in sessions in order to reach a great portion of the community during January and/or February 2022?
- b) That notices will be issued to landowners with the July 2022 rates notice?

Officer's Response:

Two drop-in sessions will be held (at different times on different days) in February 2023.

Information will be also sent out with July 2023 rates notices that outlines the process and timeframes for transitioning to the Tasmanian Planning Scheme, and how further information can be obtained.

Dr Samantha Fox, Director Environment, Development & Community Services

I am aware that there is a push to exhibit Kingborough's Draft LPS, potentially April/May, subject to current rework being completed. This is prior to the July rates notices being issued and notification regarding transition to TPS. Could you please advise the alternate direct notification method that Council proposes to use to inform all property owners of the transition to TPS and potential zoning changes.

Officer's Response:

Kingborough Council will commence formal public exhibition of the Kingborough Local Provisions Schedule once directed by the Tasmanian Planning Commission. The timing of this direction is not known. If the formal public exhibition period does not coincide with the issuing of rates notices, alternative communication mechanisms will be determined.

Dr Samantha Fox, Director Environment, Development & Community Services

10.4 Local Provisions Schedule

Ms Jo Landon submitted the following question on notice:

In the Guideline No.1 document regarding the Local Provisions Schedule zone and code application it states that "The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development" (page 20).

1. *Please could you clarify what or whose priority this is referring to.*
2. *If such priorities are based on the Kingborough Land Use Strategy was there any public consultation for this document (with either the current or previous version)? If so please could you share the report.*
3. *New residential uses in the Landscape Conservation Zone are "Permitted" only if the Property Title contains a designated building area on Title (i.e. "shown on a sealed plan"). How many properties intended for the Landscape Conservation Zone have a building area on Title (i.e. "shown on a sealed plan")?*

Officer's Response:

1. Guideline No. 1 has been developed by the Tasmanian Planning Commission(TPC) to assist Councils with the zone and code application of the Local Provisions Schedule (LPS). The guideline provides several criteria that must be considered in the application of the Landscape Conservation Zone. One of the criteria is that "The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development", however this

should be read in context of the other guiding criteria for the zone. For example, the guideline also requires that *“The Landscape Conservation Zone may be applied to:*

- (a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;*
- (b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or*
- (c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.”*

Council’s interpretation of the ‘priority for residential use and development’ is that it’s about avoiding the application of the Landscape Conservation Zone in more urbanised residential areas of Kingborough. Determining whether the intended residential purpose or landscape qualities has preference over the other is considered a matter of interpretation and Council will be guided by the Tasmanian Planning Commission in this regard as they will make the final decision about the zone application in Kingborough.

2. The LPS supporting document, that was submitted to the TPC in 2019 outlines how Council undertook the application of the Landscape Conservation Zone having regard to the Guideline 1. The Kingborough Land Use Strategy 2019 serves as a general background report, as well as providing a local interpretation of the Southern Tasmanian Regional Land Use Strategy, broad justification for the way land is to be zoned in the LPS and as a guide for the assessment of rezoning proposals in future years. The 2019 land use strategy not a statutory document, however it was developed by Council to compliment the work of the Southern Tasmanian Regional Land Use Strategy, specifically to provide guidance for development outcomes at a localised level. There are some differences between the 2019 Land Use Strategy and the LPS supporting document, due to the interpretation of Guideline 1. The strategy performs a similar function as that of its predecessor (December, 2013) which supported the preparation of the Kingborough Interim Planning Scheme.

The Kingborough Land Use Strategy 2019 was not subject to a formal public consultation process, however the 2013 version formed part of the information that explained the background to the Kingborough Interim Planning Scheme 2015 which was subject to both informal and formal public input in 2012. A copy of the Kingborough Land Use Strategy 2019 is available on Council’s website.

3. Council is unable to provide details for this question at the time of the printing of the Agenda, however 352 of the properties that are proposed to be zoned Landscape Conservation Zone are currently vacant.

Adriaan Stander, Strategic Planner

10.5 Toilet Block At Christopher Johnson Memorial Park

Mr Roger Tonge submitted the following question on notice:

- 1 *Did Council submit a DA for the demolition of the existing toilet block at the Christopher Johnson Memorial Park?*
- 2 *If indeed an application was lodged, could you please advise details of lodgement with Council and the date advertised for public comment.*
- 3 *If an application for demolition was not lodged, could an explanation be given as to why not.*

- 4 *Could Council please advise details of the DA that was lodged and the date advertised for public comment, if that differs from the information requested in question 1.*

Officer's Response:

Works on public toilets do not require a Development Application to be lodged. The various exemptions are outlined in Planning Directive no.8. Notwithstanding this, the previous toilets were in poor condition and the new toilets have been constructed ensuring a cost effective, improved amenity and safer facility for all users taking into account environmental and engineering considerations.

David Reeve, Director Engineering Services

10.6 Fire Bunkers

Professor Michael Rowan submitted the following question on notice:

I thank the General Manager for providing me with Council's letter (dated 18 January 2023) to Mr Peter Graham, Executive Director Consumer, Building and Occupational Services, written pursuant to the motion I moved to unanimous support at the Council's AGM last year.

I welcome in particular the paragraph

When implemented as part of an integrated bushfire attack plan, bushfire shelters can form an effective last resort life preserving option. A significant amount of residential land within Tasmanian [sic] is bushfire prone. Any improvements the government can facilitate to reduce cost and red tape for landowners in these affected areas in the implementation of safety solutions for bushfire attack should be explored.

In the light of this statement by the General Manager, which I take to be an agreed position of the Council

1. *When did Council come to the view that bushfire shelters can form an effective last resort life preserving option?*
2. *If Council has only recently come to this view, say since the 2019 fires west of Geeveston which might easily have threatened Kingborough, on what evidence was this change of view based?*
3. *Are there particular circumstances in which Council accepts that bushfire shelters could safely and indeed desirably be installed by landowners, for example, on residential land that is not merely bushfire prone, but also likely to be risky to evacuate before the onset of a rapidly moving or distantly spotting bushfire, such as properties that can only be accessed by a no-through road such as the many down the channel, or Groningen Road Firthside?*
4. *Noting that Council's reason for writing the letter was to encourage action by the State government to 'reduce the complexity and cost of the approvals process for consumers wishing to install these buildings at their premises', what action has Council itself taken in the recent past to either reduce the cost and complexity of the approval process for consumers wishing to install these buildings at their premises, or indeed to increase the cost and complexity of same?*
5. *Has the Council, the Audit Panel or staff undertaken a risk analysis of the Council's position following its statement of support for the installation of personal bushfire shelters as part of an integrated bushfire attack plan in relation to any recent or proposed action of the Council which might be interpreted by a reasonable person as frustrating the installation of a personal bushfire shelter as part of an integrated bushfire attack plan?*

6. *Since the Council's web pages direct readers to the Tasmanian Fire Service web site for creating a 5 minute Bushfire Plan, and the TFS model plan make no reference to personal bushfire shelters, to give effect to its support for personal bushfire shelters as part of an integrated bushfire attack plan will Council consider including links to authoritative research based advice on the safety of personal bushfire shelters such as that provided by the CSIRO or the Victorian Country Fire Authority?*

The concept of having a personal fire bunker is widespread in the Tasmanian community. Whilst this policy acknowledges that people have constructed such bunkers, the likely performance of these is unknown. It is possible that many privately-built shelters may not work as intended, and if used may actually increase the bushfire risk to the occupants.

In the context of this policy, Private Bushfire Shelters (PBS) are specifically engineered and purpose built structures which meet the Australian Building Codes Board's Performance Standard for Private Bushfire Shelters (2010). TFS only supports the use of PSBs when the shelter is built to the Standard and when all other recommended bushfire safety measures have been implemented. The role of the shelter is to provide an occupant with the confidence to stay and defend their property during bushfire when the conditions are at FDR Severe or less. Shelters should not be used to replace the other recommended bushfire safety measures.
https://www.fire.tas.gov.au/userfiles/stuartp/file/Miscellaneous/SFC_04_14_StateBushfireSafetyPolicy.pdf

Officer's Response:

Response to Questions 1, 2 & 3

Council's position in relation to private bushfire shelters has been consistent and significantly influenced since 2004 by our responsibilities under the *Land Use Planning and Approvals Act 1993* (current), the *Building Act 2000* (Rescinded) and the *Building Act 2016* (current).

The installation of private bushfire shelters may in some instances require a planning approval but will always require a building permit prior to implementation.

Council recognises that the installation of private bushfire shelters as part of an overall Bushfire Attack Plan for a property, can be an effective option in some instances. However, it is paramount that these buildings are constructed and installed to ensure occupant survivability, given they may be the option of last resort during a bushfire event.

Council is not responsible for the development or approval of individual Plans or in deciding whether a private bushfire shelter is an appropriate solution for inclusion as part of a Plan. The development and content of Plans for older established properties are the sole responsibility of the relevant landowner. The development of Plans by landowners for older established properties is not mandatory. However, it is mandatory for a landowner to ensure that statutory planning and building approvals are secured for any element of the Plan that require such approvals.

Response to Question 4

The complexity of the statutory approvals process for private bushfire shelters is laid down under the following statutes:

- *Land Use Planning and Approvals Act 1993*; &
- *Building Act 2016*.

Councils and landowners are bound under these statutes to follow the approvals process outlined within this legislation. Any requests to reduce the complexity (or red tape) associated with these statutory approvals process should be directed to the relevant state government department responsible for administering this legislation.

The Council and State Government fees that apply to applications for private bushfire shelters are consistent with other statutory applications. This ensures a fair and equitable approach to the application of fees and charges for statutory approvals.

Response to Question 5

The statutory approval process employed by Council for bushfire shelters is consistent with the requirements outlined within the Land Use Planning and Approvals Act 1993 and the Building Act 2016. The decision-making processes employed in the assessment of applications is consistent, transparent, and fair. Any allegation concerning the assessment of specific application can be directed to Council in writing. Upon receipt of such an application Council would then investigate the complaint.

It should be noted that Council does not approve integrated Bushfire Attack Plans (Plans), the development of such Plans is the responsibility of private individuals. If an element of a Plan (i.e., vegetation removal or the installation of a private bushfire shelter) triggers the need to secure a statutory approval then the landowner is bound under statute to ensure that the relevant statutory approval is secured.

Response to Question 6

Council's website provides an easily locatable link to the TasFire website for specific information on bushfire bunkers at the following location:

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

Kingborough Council is not a subject area specialist on the design of private bushfire bunkers or the appropriateness of inclusion of these buildings within integrated Bushfire Hazard Management Attack Plans. The decision to provide links to industry specific technical data and research reports on bushfire shelters should reside with TasFire or the Tasmanian Justice Department and if deemed appropriate, included on their respective websites.

Tasha Tyler-Moore, Manager Development Services

10.7 Amended Answer to Previous Question on Notice

At the Council meeting on 20 February 2023, **Professor Michael Rowan** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

The Agenda of the Council meeting of 16 January included a question on notice from me regarding the ethics training of Council staff who implement the Council's Enforcement Policy. The answer included the claim that the training provided by the Integrity Commission was sporadic in nature as an explanation of why some staff of the Council may not have received this training. Following discussion with someone known to me who has been the head of two government departments has said that the Integrity Commission was in fact incredibly flexible in organising training for organisations. I contacted the Integrity Commission and they expressed some concern with the answer that was included in the Council Minutes. I sought clarification and they replied that they intended to contact the Kingborough Council to clarify some of the detail in the Council Minutes, and later they wrote to me saying that they had followed up with the Kingborough Council and that from discussion with the Council, the Integrity Commission understood that I would be receiving an updated response to my question on ethics training. As I had not received a response from the Council by the 13th February, I wrote to the Mayor asking whether I would receive an amended answer and whether this amended answer would be included in Council Minutes to correct the answer on the official record, and furthermore whether the Minutes would explain the Council's amendment to the original answer. In the absence of an acknowledgement or reply from the Mayor to my email of 13 February, I now ask these questions again:

1. *Will I receive an amended answer to my question on notice of 16 January regarding ethics training for those involved in implementing the Council's Enforcement Policy?*
2. *Will any amended answer be included in the Council's Minutes to correct the official record?*
3. *Will the Minutes in which the amended answer is given include an explanation of why the Council amended the original answer and that this was following the intervention of the Integrity Commission?*

Officer's Response:

There is no requirement to amend or otherwise change the response provided on 16 January 2023 as the information provided was accurate.

Angie Everingham, Manager People & Safety

C67/4-2023

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

Cr Deane asked the following questions without notice:

11.1 Landscape Conservation Zone

Following up on Dr Evans' questions about what he has referred to as a body of knowledge that planners have been using when assessing DA's against the planning scheme. Is it possible that what he is actually referring to there are the strategic land use strategies that the Manager Development Services just referred to and, if possible, could there just be brief explanation as to how they've informed whether they are still relevant given the time overlap of their creation and now that we've got a new Statewide planning scheme coming in?

Manager Development Services responds:

The question that came from the public was, as I understood it, was about the assessment under the performance criteria. When the statutory planners are doing the assessment against performance criteria, it's not necessarily the regional land use strategies that they go to. The regional land use strategies come up with some overall principles and direction for planning within Tasmania. Are they important? Yes they are. Are they updated? No, they're not. Are we chasing the State Government about that? Yes, we are. Are we participating in that review? Yes, we are and we are keen for it to occur. The body of knowledge for the statutory planners is that they will have knowledge of that. The knowledge and the skills to do assessments against performance criteria is different to that and it comes from overall arching planning principles which are fairly founded across Australia.

11.2 Follow Up to Question on Notice from Professor Rowan

It does appear in the previous meetings, a bit of back and forth and time being spent by staff and Professor Rowan on this topic. Trying to get to the crux of actually what's going on here, is it possible that we could potentially just confirm whether, if the Integrity Commission is going to be offering some ethics training, whether that's going to be made available and maybe that might just nip this potentially in the bud?

General Manager responds:

The Council officer responded to 12 questions from Professor Rowan on the 16th of January and, I suspect that because of the response, there may have been still some scratching of the head. When we undertake inductions for staff there are many requirements that we have to address. One of them is the *Integrity Commission Act 2009* and section 32 specifically, which talks about providing

education and training on the Act and implementation of the Act. It goes on to talk about code of conduct etc. In answering the questions on the 16th of January, Professor Rowan asked for a time period of, say, three years, which took us back to January 2020. The officer's answer spoke about the sporadic nature of training provided by the Integrity Commission and referenced March and August when training was available biannually. But what wasn't in the answer to the question was that in May of 2020, we were invited by the Integrity Commission to partake in a trial of an online module that had been developed by the Integrity Commission called 'Training in Ethics for Public Service'. We participated in that trial and in 2021 the module was launched online. But again, what wasn't covered in the answer to Professor Rowan's question on 16 January was that when we undertake induction training for Council staff, we not only address ethics and integrity, in fact it takes up 1/3 of a 2 hour presentation, but we also address not only the Integrity Commission Act, the Local Government Act, the Anti Discrimination Act, the Office of the Ombudsman etc, etc. We've been in discussions with the Integrity Commission and LGAT and other authorities about how we can actually enhance our induction process, but the bottom line is that the answer to the questions from Professor Rowan on 16 January and again in the agenda tonight are similar, because the answer on 16 January was accurate.

Cr Cordover asked the following questions without notice:

11.3 Poker Machines

On 1 November 2021, Kingborough Council passed a motion that read:

"That Council:

- a) Acknowledges that pokies harm;*
- b) Has advocated to mitigate that harm by joining the Tasmania Community Coalition in 2016, now referred to as community Voice on Pokies Reform, alongside other Councils;*
- c) Commits to opposing any additional poker machines in Kingborough by making a submission wherever a community interest test is being undertaken by an applicant whose proposed licence premises is in our municipality."*

In the Mayor's activities in the appendix of this report, specifically 10 February, attended Wrest Point Casino for the 50th birthday celebrations and my question is why was Kingborough Council officially represented at the birthday celebrations for a casino?

Mayor responds:

I was invited along with a number of other Mayors from other municipalities, I'm not sure which ones, but there were a number of other Mayors there. I suspect I may have also been invited because I'm the former Minister for Tourism and I accepted the invitation.

Cr Cordover:

Does attending in an official capacity undermine Kingborough Council's participation in the community voice on pokies reform coalition and are we concerned that Kingborough's official attendance at this party undermines our strong anti pokies message?

Mayor:

No, I'm not.

Cr Cordover:

What is Council doing to reiterate its strong belief that pokies cause harm in our community, acknowledging that the Federal Group is essentially the monopoly owner of poker machines in pubs and clubs?

Mayor:

I believe when that motion was passed we did make a submission back in November 2021. I can't recall the specifics of it right now. It's not something that we have actively done because we are continuing on with the work of the things that are relevant to our community. We certainly did make that statement at the time and I don't know whether there have been any movements on the State Government level where we do get an opportunity to have input as a community or as the local government into any expansion of poker machines in our area. That's the cause of frustration as we've had it with other things where the State Government in the licencing area doesn't allow us, as a Council to have a say over, for example, granting a liquor licence to a motorbike gang club rooms, for example. So we've had a lot of frustration with that and there's that disconnect between State Government and Local Government when it comes to being able to have a formal role to play in those matters that can and do directly affect our community because it seems that there is a feeling within State Government that that we shouldn't be able to be at the table to represent our community.

Cr Cordover:

Is it our position that attendance at that 50th Anniversary Federal Group celebration was in no way a tacit endorsement of the Federal Group's business practise with relation to pokies and their harm.

Mayor:

Absolutely, categorically, not.

Cr Richardson asked the following questions without notice:

11.4 LCZ Information Sessions

The survey of the people who attended these information sessions, I actually think that we could gather some quite valuable information and for a relatively low cost and fairly easily if we use an online survey. And it doesn't need to be war and peace. It just has to be a few simple questions on where your questions answered, do you feel more comfortable and those sorts of things. And that data can be presented back to us and we can have an objective view of of how those sessions worked out, which can give us some good information about these particular sessions, but also feed into how we do these things further, better, different in the future so. Is there an appetite? Can we look at doing some form of survey?

Mayor responds:

I think Ms Tyler-Moore has already indicated that because we are struggling with resources in the planning area, that there is a belief that we should be focusing on responding to individual questions and making staff available at the moment for that sort of thing. As I said earlier, we did have members of staff, who were not planning staff, who were available to undertake what I would term an exit survey from members of the community who attended the sessions. I did speak to a couple of those staff members and they indicated on the whole that the majority of people said that they had received adequate information, they may not necessarily be happy with what they heard, but that they received sufficient information. I don't know whether we need to go any further at this stage given our resources and where they should be targeted. The information sessions when we go on public exhibition for that 60 day period, Ms Tyler-Moore has already indicated would be significantly different because it's then across all of the zones, and not just at LCZ. We certainly don't have the resources within the planning staff to run them on a one on one basis. We thought, given the level of interest in LCZ, we will offer these additional sessions as an opportunity to ask those specific questions. It's not what is planned for those other ones, we also need to be conscious of the fact that we need to move around the municipality and have sessions on Bruny Island and other parts so that it's not just centred on Kingston and Margate. Those two areas were chosen because there was a level of interest in those areas. Certainly at this stage that's not planned and it's predominantly a

resource issue. I'm open to have a further discussion about it. Ms Tyler-Moore, would you like to add anything else to that?

Manager Development Services responds:

We are happy to receive the document that Ms O'Keefe referred to in her question. We just need to be mindful of the purpose of it. If it's a bit of a witch hunt on staff, then certainly I wouldn't want it to have that direction, that's not fair on the staff. If people are dissatisfied with what they have, we are happy to receive those comments. But we want to think of what the most productive and useful resource would be for that.

Mayor:

It's my understanding that there is a wealth of information available on a Facebook page that comprises of members of the community with concerns about LCZ where they have provided some feedback. Some of it is not complimentary of staff in a not very respectful way and as Ms Tyler-Moore said, that's not something we would want to encourage. If there are constructive suggestions in that body of work, then we're happy to take that on. But I don't want to see this becoming an opportunity to single out individual members of our planning staff and attack their credibility and their integrity because that is not what this process should be about.

Cr Richardson:

I couldn't agree more. My thinking with it is we're getting some subjective responses from staff saying on the whole this is what the responses were and they were getting some subjective responses from members of the public and potentially doing a survey, I don't know what the cost would be, but I can't imagine it being a huge amount to have an online survey where we can ask the questions, again asking about the issue, not the people and actually get that data objectively in black and white as to how people are feeling about that process. How much do we think it might cost?

Manager Development Services:

It's not the cost of the survey, it's not a dollar. It's the cost of the work that we're doing. So the officers are dealing with trying to provide all the responses to all across the community. I think it's important not to get stuck on negativity bias. We only hear the negative voices, so yes, there were some negative responses to the LCZ and generally with the negativity bias as well, more about how much outrage that there is about different parts of the zone which we didn't invent, we are just trying to administer it for the State Government. The cost that we're referring to is all the work that the officers then have to go into. Then all the follow up that goes with that the questions that come out of that. We want to service the community fairly for everyone that's asking the questions. If you just stuck it to it as take the survey, get the answers, do nothing with it, obviously consider what the responses are, we would do that. But if it's going to involve more work, more written letters, more written responses, more reports to Council meetings and things like that, that's the resource we're talking about and all the time spent by the officers having to do that rather than actually getting on looking at the properties, doing the review of the properties. We have already conceded that there are properties that are zoned LCZ that probably shouldn't be LCZ and we are happy to do that. We were never under the impression that was ever gonna be the final version that was done back in 2019, and we've given that commitment and we're doing the genuine process on that. So that resourcing is better directed to get on with it and I have to apologise to the members of the community that want the new scheme to come in. Because we're delaying it, we're delaying getting back to responses because we're getting so tied up on our particular area and I'm not underplaying what that zone means to particular people. Change is difficult. Not everyone agrees and not everyone will agree, there is no way that everyone's going to agree to it and we acknowledge that. If you want the survey, do the survey. If the survey comes out that it wasn't good enough that we were being biased, that we were providing misinformation, that's fine, but I'd like it backed up with some actual evidence of what it was and be specific about what it was, not just an attack, because there's already an angst around it. So up to the Councillors, if they want to choose to do the survey. We will conduct it, we will host it but you need to decide what you want to get out of it, and what you're going to do with

that information or do we move on and allow that sort of information in those surveys to be done when we do the public information session?

Cr Richardson:

One of the concerns that you that you rightly mention is this talk about bias and whether that does or does not exist. Is there any mechanism in place to identify and mitigate potential explicit bias?

Manager Development Services:

The negativity bias I was referring to is different to the bias of staff. So are staff being biased in the process? Is there a way that is assessed? Yes, that will be assessed by the TPC. If the TPC says that we are applying zones in the planning scheme or code overlays that are not appropriate and not in line with what the State Government provisions are then yes, that could potentially get pulled up as a bias. If we decided to make everything one particular way and it was completely biased on that, as I said it before, staff have got nothing to gain from it, we're just simply trying to apply what we can in there. There maybe perceived bias, and this has happened at another Council, where they just allowed members of the public to choose what the zone was. Is that a bias because we are just listening to a personal story rather than applying the planning principles? It's not a road that planning should go down, and I think that that would certainly be considered as bias.

Cr Antolli asked the following questions without notice:

11.5 Landscape Conservation Zone

A person who attended the LCZ information session in Margate messaged me to say that a Council officer told them that the public exhibition sessions would likely commence in April. I note well before the June/July rates notice in which we, as Council agreed we would use to communicate to any resident affected by zoning change. Is that possible that a Council officer would say that if we don't even know yet whether the Planning Commission wants us to commence in April. What could possibly be behind that statement if true?

Manager Development Services responds:

The advice that we gave the public is that it was not likely to occur before April. We are trying to be helpful to explain to people the time frames instead of just saying, I don't know, we're waiting for the TPC. That's not helpful. We're trying to give people an idea, so when they need to start looking for it. The planning scheme has been imminent since I've been here and I've been here for six years that and that's not through our fault. We gave the draught in 2019 to the TPC and we didn't hear from them for a number of years as we know. So we said to people, we doubt that it would occur before 12 months. We doubt it would occur before six months. As we're getting close we're doing that estimate. It's now the start of March, April is around the corner. We doubt it's going to be before April. We did not say it will occur in April. The question about the notifications with the rates notices, I have repeatedly said in the Council meetings, and have warned about the timing of that, whether it could be piggybacked on a rates notice or not and the implications of that. But if it wasn't that one and it's still not to the next one, not everybody gets the quarterly notice because some people pay their rates up front. So there needs to be consideration. There is a question on notice that was responded to in the agenda about that notification process.

Cr Antolli:

I can understand how people could think that if you said it won't happen before that it might happen after. So sometimes people can definitely get that misunderstanding. If we as a Council had agreed that we would notify them of the zoning changes during the rates notice, I actually don't recall any warning from you, unless I'm mistaken, that that was not a good idea?

Mayor:

I do recall the discussion because I recall Ms Tyler-Moore indicating that it would depend on when the TPC came back to us and when the clock would start and how that would line up. My recollection of the discussion was that we would look at other mechanisms if that time frame didn't.

Cr Antolli:

If we can't do it in June/July rates notice are we going to do it? And you're saying there is a commitment from you that we will do it somehow?

Mayor:

We will come up with an alternative mechanism.

12 QUESTIONS ON NOTICE FROM COUNCILLORS

There were no questions on notice from councillors.

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 6.41pm

Cr Cordover left the room at 6.41pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C68/4-2023

13.1 DA-2022-321 - DEVELOPMENT APPLICATION FOR PARTIAL DEMOLITION, ALTERATIONS AND ADDITIONS FOR TERTIARY EDUCATION AND RESEARCH AND DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE WORKS AT 31 NUBEENA CRESCENT (CT 171435/2), 41 NUBEENA CRESCENT (CT 175969/1), ADJOINING CROWN LAND (CT 171411A/2 & CT 171435/3) AND THE WATERS OF THE RIVER DERWENT, TAROONA.

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

Moved: Cr Aldo Antolli
Seconded: Cr Flora Fox

That Cr Deane be granted a further 2 minutes to complete his contribution.

CARRIED

That the Planning Authority resolves that the development application for partial demolition, alterations and additions for tertiary education and research and development and associated infrastructure works at 31 Nubeena Crescent (CT 171435/2), 41 Nubeena Crescent (CT 175969/1), adjoining Crown land (CT 171411A/2 & CT 171435/3) and the waters of the River Derwent, Taroona for University of Tasmania 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-2022-321 and Council Plan Reference No. P5 submitted on 5/12/2022.

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. No more than 29 trees numbered T3-T9, T14-T18, T24-T27, T29-T35 and T49-54 and as shown in Council Plan Reference P5 received on 5 December 2022 are approved for removal for the purposes of this development.

This vegetation must not be removed prior to building approval, 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.

3. To offset the loss of nine (9) trees of high conservation value (comprising eight (8) *Eucalyptus viminalis* trees with a DBH >25cm and one (1) *E. globulus* tree with a dbh >40cm) and 13 trees of very high conservation value (comprising seven (7) *E. viminalis*, four (4) *E. ovata*, one (1) *E. globulus* and one (1) *E. pulchella* with a dbh >70cm), an offset of \$8750 must be paid into

Council's Environmental Fund, to be used to manage and conserve habitat for the swift parrot, forty-spotted pardalote and mature habitat in the vicinity of Tarooma.

This offset must be paid prior to the issue of a Building Permit and removal of the trees.

4. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer, in consultation with a suitably qualified arborist. 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 Management Plan (GES Geo-Environmental Solutions, August 2022 J759 version 1; and the Addendum dated 7/11/2022 – Bushfire Hazard Report GES Geo-Environmental Solutions, August 2022 J759 version 1).

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
- (i) Longitudinal and cross sections of the driveway/access road
 - (ii) Contours, finish levels and gradients of the driveway/access road
 - (iii) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish
 - (iv) Provision of passing bays
 - (v) Pavement construction
 - (vi) Signage for visitor spaces or residential/commercial spaces if allocated
 - (vii) 'No parking/keep clear' signage for turning bay areas
 - (viii) Wheel stops for open parking bays (as appropriate)
 - (ix) Lighting for parking and vehicle circulation roadways and pedestrian paths
 - (x) Surface treatment and stormwater drainage
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
- (i) Layout details
 - (ii) A water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling
 - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow. Any on-site stormwater detention must be detailed including how the on-site detention will be serviced to prevent blockages while maintaining its capacity

- (iv) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow
- (c) Drainage easements being provided within the subject property boundaries with the stormwater main located centrally within the easement
- (d) Notation that the finished floor levels must be 300mm above the flood level for a 1% AEP storm event
- (e) Incorporate the recommendations in the Geotechnical Assessment prepared by Scheriz Ground Investigations, 14 November 2022
- (f) Including a tree plan to the satisfaction of the Manager Development Services which is developed in consultation with a suitably qualified arborist and:
 - (i) identifies the location, diameter at chest height and species of trees with a diameter >25cm at 1.5m from natural ground level within 15m of any works;
 - (ii) clearly identifies which trees are to be removed and which are to be retained, consistent with Council Plan Reference No. P5 received on 5 December 2022;
 - (iii) demonstrates that the proposed development and associated infrastructure are designed and located to retain trees identified for retention;
 - (iv) demonstrates that the maximum extent of encroachment into the tree protection zone of T60 as shown in Council Plan Reference No. P5 received on 5 December 2022 does not exceed 15% or extend beyond the existing fence; and
 - (v) details mitigation and protection measures to be implemented to minimise the impacts of the development on the health of the trees being retained and avoid their loss within the scope of the approved development.
- (g) Other specific requirements

Once endorsed the plans will form part of the permit.

5. Prior to the commencement of any on-site works (including any tree removal, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings), all remaining native vegetation, including individual trees identified for retention in Council Plan Reference No. P5 received on 5 December 2022, must be retained and appropriately protected during construction through the installation of temporary fencing between any on-site works and adjacent native vegetation in accordance with AS 4970-2009 and the endorsed engineering drawings 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 from the Project Arborist and provided to the Manager Development Services prior to the commencement of any on-site works.

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

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

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

- (a) outline of the proposed buildings;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) use of local provenance native species, with tree species to preference *Eucalyptus viminalis* and *Eucalyptus globulus*;
- (d) demonstrating each tree planted has a minimum available area of 10m x 10m for canopy development;
- (e) existing trees to be retained and proposed measures to be carried out for their preparation and protection during construction;
- (f) earth shaping proposals, including retaining wall(s);
- (g) fencing, paths and paving (indicating materials and surface finish)

Unless otherwise agreed in writing by the Manager Development Services, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose.

The landscaping shown on the endorsed landscaping plan must be completed prior to the occupation of the building.

7. The external building materials of all buildings applying to this development must be of types and colours that are sympathetic to the environment with a Light Reflectance Value not greater

than 40 percent and must be to the satisfaction of the Manager Development Services. Unpainted metal surfaces will not be approved. Plans submitted for building approval must indicate the proposed colour and type of the external building materials.

8. Plans submitted for building approval must:
- (a) demonstrate the development will be constructed to BAL-12.5 and the separation distances are no greater than shown in the Bushfire Hazard Report August 2022;
 - (b) incorporate the construction recommendations in the Geotechnical Assessment prepared by Scheriz Ground Investigations, 14 November 2022; and
 - (c) demonstrate all windows on the southern elevation of the workshop and all external glazing for all elevations on the ground and first floor levels of the main building will utilise low reflectivity glass with <10%, unless covered by a fixed screen to provide the equivalent, consistent with Council Plan Reference P5, received on 5 December 2022.

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.

9. The building height must not exceed 10 metres in height above the natural ground level existing prior to the construction of that building directly below that point.
10. 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.

For Advice:

This Planning Start of Works Notice is not the same as the Form 39 Building Start Works Notice. As such, lodgement of a Form 39 will not satisfy this condition and a separate 'Application for Approval of Planning Start of Works Notice' must be lodged with Council's Planning Department. A copy of the application form is available on Council's website.

11. The construction works must be undertaken in accordance with the approved engineering design drawings to the satisfaction and approval of the Director Engineering Services.

The works must be supervised by a professional Civil Engineer.

12. 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.

13. The use and development must be managed in accordance with the certified Bushfire Hazard Management Plan and Emergency Management Strategy by GES (August 2022, J7593v1).

14. Unless with the prior written consent of the Manager Development Services, the hours of operation of a use within 50 m of a residential zone must be within:

- (a) 8.00 am to 8.00 pm Mondays to Fridays inclusive;
- (b) 9.00 am to 6.00 pm Saturdays;

- (c) 10.00 am to 5.00 pm Sundays and Public Holidays;
- (d) 8.00pm to 8.00am Mondays to Fridays, 6.00pm to 9.00am Saturdays, and 5.00pm to 10.00am Sundays and Public Holidays only for aquarium technicians, researchers, and other necessary staff and any associated heavy vehicles, to maintain the live animals on site and also pickup/drop off of the facility's small vessel fleet. The frequency of these after hours visits to the site shall generally be in accordance with Table 3-Traffic Movement Summary in s.4 Traffic Impacts of the Traffic Impact Assessment (Midson Traffic Pty Ltd, July 2022) unless varied in writing by the Manager Development Services;
- except for office and administrative tasks.
15. Unless with the prior written consent of the Manager Development Services, the commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:
- (a) 7.00 am to 6.00 pm Mondays to Fridays inclusive;
- (b) 9.00 am to 5 pm Saturdays;
- (c) 10.00 am to 12 noon Sundays and Public Holidays;
- (d) 6.00pm to 7.00am Mondays to Fridays, 5.00pm to 9.00am Saturdays, and 12.00 noon to 10.00am Sundays and Public Holidays only for aquarium technicians, researchers, and other necessary staff and any associated heavy vehicles, to maintain the live animals on site and also pickup/drop off of the facility's small vessel fleet. The frequency of these after hours visits to the site shall generally be in accordance with Table 3-Traffic Movement Summary in s.4 Traffic Impacts of the Traffic Impact Assessment (Midson Traffic Pty Ltd, July 2022) unless varied in writing by the Manager Development Services;
- except for office and administrative tasks.
16. External lighting within 50 m of a residential zone must comply with all of the following:
- (a) be turned off between 9:00 pm and 6:00 am, except for security lighting;
- (b) security lighting must be baffled to ensure they do not cause emission of light outside of 31 and 41 Nubeena Crescent.
17. The loading and unloading of vehicles and the storage of materials must be contained within the property boundaries and must not encroach on any part of any road reserve or public open space area.
18. Prior to occupancy of the proposed new building, the existing combined stormwater and wastewater outlet must be extended so that it discharges to the Derwent River below the low-water line.
19. Noise measurements must be undertaken by a suitably qualified acoustic consultant immediately upon commissioning of the new facility, and at six months after commissioning of the new facility.
- A noise assessment report must be submitted to Council summarising noise measurement results, and demonstrating that the measured noise levels do not exceed the predicted noise levels specified in the submitted report by Noise Vibration Consulting dated 23 November 2022. Any mechanical plant or equipment found to exceed the specified noise levels must be shut down immediately until compliance with the specified levels can be achieved.
20. In accordance with the *Environmental Effects Report* by Pitt & Sherry (dated 28 November 2022), air handling units must be fitted with noise attenuating insulation.

21. In accordance with the *Environmental Effects Report* by Pitt & Sherry (dated 28 November 2022), the proposed new feed shed ventilation system must be fitted with a carbon filter (or similar system) to eliminate odour escape from the building.
22. In accordance with the *Environmental Effects Report* by Pitt & Sherry (dated 28 November 2022), all biological waste must be stored in a sealed freezer prior to collection and removal from site.

All solid filtrate from the wastewater treatment system must be stored in a sealed freezer prior to collection and removal from site, or alternatively discharged to sewer.
23. Standby chillers are only to be used in the case of an emergency, where there has been a mains power or mechanical plant failure.
24. The proposed backup generator is only permitted to be operated in the case of an emergency (mains power failure), or for scheduled testing. Scheduled testing of the generator is only permitted to occur once per 6 weeks and only between the hours of 7am – 6pm.
25. In accordance with the *Environmental Effects Report* by Pitt & Sherry (dated 28 November 2022), the total maximum biomass for the proposed new facility must not exceed 3.082 tonne at any time.
26. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
27. The conditions as determined by Tasmanian Heritage Council, and set out in the attached Appendix B, 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. The developer should obtain a Plumbing Permit for the development prior to commencing construction.
- D. The developer must obtain from Council a Plumbing Permit for the proposed new liquid trade waste treatment system.
- E. 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.
- F. A Permit to carry out works within a Council road reservation must be obtained from the Director Engineering Services prior to any works commencing within the Council road reservation. All such works are required to be inspected by Council.

- G. Signs must be kept to a minimum and must not be displayed without separate approval of Council. Prior to erection, details of all proposed signs, including proposed location, dimensions, content, colours, materials and clearly drawn scale diagrams must be submitted to the Manager Development Services for assessment.

CARRIED

Public Copy

Appendix A



Submission to Planning Authority Notice

Council Planning Permit No.	DA-2022-321	Council notice date	10/08/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01294-KIN	Date of response	24/08/2022
TasWater Contact	Phil Papps	Phone No.	0474 931 272
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	31 NUBEENA CRES, TAROONA	Property ID (PID)	3584531
Description of development	IMAS Taroona Upgrades		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Gandy & Roberts	Site Plan / C010	A	15/05/2022
All Urban Planning	Planning Report	1	26/07/2022
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
<ol style="list-style-type: none"> 1. The development must be serviced by a suitably sized water supply with metered connection(s) and sewerage system and connections to TasWater's satisfaction and be in accordance with any other conditions in this permit. 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. 3. Prior to 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. 			
TRADE WASTE			
<ol style="list-style-type: none"> 4. In the event that the development will generate new or increase existing volumes of trade waste to be discharged into TasWater's sewerage system the following requirements will apply; <ol style="list-style-type: none"> a. Prior to the commencement of operation the developer/property owner must obtain Consent to discharge Trade Waste from TasWater. b. The developer must install appropriately sized and suitable pre-treatment devices prior to gaining Consent to discharge. c. The Developer/property owner must comply with all TasWater conditions prescribed in the Trade Waste Consent. 			
DEVELOPMENT ASSESSMENT FEES			
<ol style="list-style-type: none"> 5. The applicant or landowner as the case may be, must pay a development assessment fee of \$376.68 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid 			



to TasWater.

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

Advice

General

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

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

Service Locations

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

The location of this infrastructure as shown on the GIS is indicative only.

(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 for a list of companies.

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

Appendix B



Tasmanian Heritage Council
 GPO Box 618 Hobart Tasmania 7000
 Tel: 1300 850 332
 enquiries@heritage.tas.gov.au
 www.heritage.tas.gov.au

PLANNING REF: DA 2022-321
 THC WORKS REF: 8113
 REGISTERED PLACE NO: 10887
 APPLICANT: University of Tasmania
 DATE: 3 March 2023

NOTICE OF HERITAGE DECISION

(Historic Cultural Heritage Act 1995)

The Place: Taroona Animal Quarantine Station, 31 Nubeena Cr, Taroona
 Proposed Works: New building and associated works.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Development Application DA 2022-321, advertised on 07/12/2022, subject to the following condition:

1. (i) **The suggested curtilage around the historic caretaker's cottage, as defined in figure 10.1 (p95) of the *Historic Heritage Management Strategy* prepared by Praxis Environment (September 2018), must be landscaped in manner that is sympathetic to the historic cultural heritage significance of the place.**
- (ii) **A revised landscaping plan must be submitted to, and be to the satisfaction of, Heritage Tasmania's Works Manager.**

Reason for condition

To minimise impacts arising from landscaping works associated with the proposed development.

Advice

It is recommended that a strategy for interpreting the place's history and significance be prepared by a suitably qualified heritage consultant, and this strategy implemented so that persons who have interaction with the place can benefit from an awareness of its historic cultural heritage value.

Should you require clarification of any matters contained in this notice, please contact Russell Dobie on 1300 850 332.

A handwritten signature in purple ink, appearing to read 'Ian Boersma'.

Ian Boersma
Works Manager – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council

Notice of Heritage Decision 8113, Page 1 of 1

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open session resumes at 7.06pm

Cr Cordover returned to the room at 7.06pm

Meeting adjourned at 7.06pm

Meeting resumed at 7.13pm

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

C69/4-2023

16.1 COPPING REFUSE SITE JOINT DISPOSAL AUTHORITY - PROPOSED RULE CHANGES

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

That Kingborough Council approves the proposed amendments to the Rules of the Copping Refuse Site Joint Disposal Authority.

CARRIED

C70/4-2023

16.2 LGAT GENERAL MANAGEMENT COMMITTEE VACANCY

Moved: Cr Clare Glade-Wright
Seconded: Cr Kaspar Deane

That Council nominate the Mayor, Cr Wriedt for the position of committee member on the Local Government Association of Tasmania's General Management Committee.

CARRIED

17 NOTICES OF MOTION

C71/4-2023**17.1 ENVIRONMENTAL AND PLANNING CONTROL OFFENDERS REGISTER**

Moved: Cr Gideon Cordover
 Seconded: Cr Clare Glade-Wright

That a report will be provided to Council detailing a recommended method for publishing an Environmental and Planning Control Offenders Register (EPCOR or the Register) to publicly list for a period of up to 10 years individuals or parties in Kingborough Council's jurisdiction who commit environmental or planning control offences and consider what can be done to impose restrictions on development applications submitted by those appearing on the Register.

The report will detail the recommended scope of the EPCOR, including which offences will be liable for admission to the Register and pursuant to which Acts, including but not limited to the *Land Use Planning and Approvals Act 1993*, federal and state environmental regulation laws and Council by-laws.

In Favour: Cr Gideon Cordover

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

LOST 1/8**C72/4-2023****17.2 REGISTER OF INTERESTS**

Moved: Cr Gideon Cordover
 Seconded: Cr Clare Glade-Wright

That the register of interests pertaining to each elected Councillor be published on the Kingborough Council website in the same or similar manner to that published by state and federal politicians.

In Favour: Cr Gideon Cordover

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

LOST 1/8**C73/4-2023****18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

Tender Assessment - AB2301 Oakleigh Avenue Storm Water Upgrades

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.*

Current Court Matters

Regulation 15(2)(i) *relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.*

CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY

Public Copy

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 7.54pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 8.13pm

C74/4-2023

Moved: Cr David Bain
 Seconded: Cr Aldo Antolli

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 - AB2301 Oakleigh Avenue Storm Water Upgrades	Tender awarded to StateWide Earthworks Pty Ltd for \$272,121.69 excl GST
Current Court Matters	Noted

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 8.14pm

.....
 (Confirmed)

.....
 (Date)