



Kingborough

AGENDA

Environment & Development Committee

Meeting No. 2

Monday, 19th April 2010

NOTICE is hereby given that a meeting of the Environment and Development Committee will be held in the Kingborough Civic Centre, Kingston on Monday, 19th April 2010 at 7.30p.m.

Paul West
GENERAL MANAGER



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QUALIFIED PERSONS

IN ACCORDANCE WITH SECTION 65 OF THE LOCAL GOVERNMENT ACT 1993, I CONFIRM THAT THE REPORTS CONTAINED IN ENVIRONMENT AND DEVELOPMENT COMMITTEE MEETING AGENDA NO. 2 HELD ON MONDAY, 19TH APRIL 2010 CONTAIN ADVICE, INFORMATION AND RECOMMENDATIONS GIVEN BY A PERSON WHO HAS THE QUALIFICATIONS OR EXPERIENCE NECESSARY TO GIVE SUCH ADVICE, INFORMATION OR RECOMMENDATIONS.

Paul West
GENERAL MANAGER

13th April 2010

AGENDA of a Meeting of the Environment and Development Committee held at the Kingborough Civic Centre, Kingston on Monday, 19th April 2010 at 7.30p.m.

PRESENT:

		PRESENT	APOLOGY
Chairperson	Councillor F Fox		
Deputy Chairperson	Councillor S Wass		
	Councillor J Bush		
	Councillor P Chatterton		
	Councillor M Higgins		
	Councillor P Lindsay		

IN ATTENDANCE:

APOLOGIES

DECLARATIONS OF INTEREST – LOCAL GOVERNMENT ACT 1993

DECLARATIONS OF INTEREST – CODE OF CONDUCT

PRESENTATIONS AT MEETING

Derwent Estuary Program – 7.30pm

Christine Coughanowr - Program Director - Derwent Estuary Program
Is providing an update for program partners. Will include information on:

- The latest State of the Derwent Report.
- Recent management actions.
- Emerging threats and opportunities.

COP15 - UN Climate Change Conference, December 2009. – 8.00pm

Abyilene McGuire, Senior Environmental Health Officer will present an overview of the 2-week conference, personal experience and outcomes and what actually happened in Copenhagen.

QUESTIONS ON NOTICE FROM COUNCILLORS

At the time the agenda was compiled there were no questions on notice submitted by Councillors.

QUESTIONS ON NOTICE FROM THE PUBLIC

At the time the agenda was compiled there were no questions on notice submitted by the public.

QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

REPORT TO: ENVIRONMENT & DEVELOPMENT COMMITTEE

SUBJECT: **DOG EXERCISE AREA – SNUG BEACH**

OFFICER: PAUL WEST

FILE REF: 8.55

1. PURPOSE

- 1.1 To assist Council to consider correspondence received from Snug Community Group requesting that dogs be permitted on Snug Beach, between certain hours.

2. DISCUSSION

- 2.1 The Snug Community Group has recently written to Council requesting that Council allow dogs to be exercised, including swimming, off-leash but under effective control, on Snug Beach during certain hours.

3. BACKGROUND

- 3.1 Council received a letter from Snug Community Group requesting that Council consider providing a dedicated dog-exercise area and facilities at Snug Beach (copy attached).

- 3.2 The letter requested that Council:

“Allow dogs to be exercised, including swimming, off leash but under effective control , on Snug Beach within the following times:

- *Mornings – all months of the year until 10am*
- *Daylight savings times – evenings from 5.30pm until late*
- *Remaining months of the year – evenings from 3.30pm until late*

Installs doggie bag dispensers/bins at Snug Beach and also at the Channel Highway end of the Snug River Walk. Such bins would be a great facility in Snug and contribute significantly toward minimising the current fouling of the River Walk and other paths around Snug”.

4. STATUTORY REQUIREMENTS

- 4.1 In accordance with the provisions of the *Dog Control Act 2000*, Council may declare and regulate areas of the municipal area to be a:

Dog Exercise Area

An area on which dogs may be exercised either on-lead or off-lead, subject to any specified conditions.

- 4.2 The *Dog Control Act 2000* requires that a council develops a Dog Management Policy, which is to include the provision of declared areas. Council’s Policy 4.3 – Dog Management Policy fulfils this requirement and provides for off-lead exercise areas.

- 4.3 Council does have the option to declare additional areas in accordance with the appropriate sections of the *Act*, without having to review the entire Dog Management Policy (minute ED1/1-10 refers).
- 4.4 A request to permit access to the Blackmans Bay Beach as a dog exercise area was recently considered by Council and refused.

5. DISCUSSION

- 5.1 There are no significant financial implications in relation to the proposal. Additional signage would need to be installed, as would dog-waste bins. There would also be a small ongoing maintenance cost for the servicing of any dog waste bins installed.

6. RISK

- 6.1 There is the risk of the transmission of diseases from dog waste to humans, but perhaps more significant is that of conflict between dog, dog-owners, and other users of the beach, particularly children.

7. CONCLUSION

- 7.1 The correspondence proposes that dogs be permitted on Snug Beach during the mornings – all months of the year until 10 am; daylight savings times in the evenings from 5.30pm until late and the remaining months of the year, in the evenings from 3.30pm until late.
- 7.2 Additionally, the correspondence proposes that dog bag dispenser/bins be installed at Snug Beach and at the end of Snug River Walk (Channel Highway).
- 7.3 Council does have the option to declare additional areas in accordance with the appropriate sections of the *Act*, without having to review the entire Dog Management Policy (minute ED1/1-10 refers).
- 7.4 Alternative options have been provided for consideration.

8. RECOMMENDATION

Moved Cr /Seconded Cr

Option 1

That it be recommended to Council that the report of the General Manager be received and that Council:

- a) approve the request from the Snug Community Group for Snug Beach to be declared a dog exercise area:

Mornings	- all months of the year until 10am
Afternoons/evenings	- daylight savings from 5.30pm
	- non-daylight savings from 3.30pm

- b) install two dog-waste bins at Snug as requested.

Option 2

That it be recommended to Council that the report of the General Manager be received and that Council:

- a) advise the Snug Community Group that it does not support the declaration of the Snug Beach as a dog exercise area
- b) install one dog-waste bin and bag dispenser unit at an appropriate location on the Snug River Walk

PAUL WEST
GENERAL MANAGER

Date: 12th April 2010

VOTING

	For	Against		For	Against
Cr Bush			Cr Higgins		
Cr Chatterton			Cr Lindsay		
Cr Fox			Cr Wass		

Copy

Mr. Paul West
 General Manager
 Kingborough Council
 Civic Centre, 15 Channel Highway
 KINGSTON
 TAS 7050

8-55

Doc No	:	
Doc Rec'd	:	29 MAR. 2010
BATCH No	:	2
Scanned	- Yes	<input checked="" type="checkbox"/>
	- No	<input type="checkbox"/>
Box No	:	280

Snug Community Group
 snugcommunitygroup@gmail.com
 C/o Snug Post Office
 SNUG
 TAS 7054

16-B-1 (03)

26 March 2010

Dear Mr. West,

At the second meeting of the newly formed Snug Community Group, the fifteen attendees present voted unanimously to endorse the following request for expanded dog-walking amenities in Snug.

There is a strong sentiment in the Snug community, expressing the need for a dedicated dog walking/ exercising area within the town. The nearest dog exercising area is at Coningham, well beyond a reasonable walking distance for Snug residents. We are a small town and growing in size (in both the human and pet populations) but we don't have a gazetted dog exercising area. From our enquiries, Snug residents don't use the Clarks beach area at Coningham because its distance requires travelling there by car and the access path to and from the Beach is too steep for elderly dog owners to comfortably and safely walk.

Indeed, many of Snug's residents are elderly retired folk who enjoy a morning or afternoon walk with their four-legged friends. As do many younger families. Council has developed wonderful walkways within our town and these are very convenient to access from our homes, as is Snug Beach.

After a number of discussions involving how best to accommodate these needs and solve the problems, we request that Council

- Allows dogs to be exercised, including swimming, off-leash but under effective control, on Snug Beach within the following times:
 - **Mornings**—all months of the year until 10am
 - **Daylight savings times**
Evenings from 5.30pm until late
 - **Remaining months of the year**
Evenings from 3.30pm until late
- Installs doggie bag dispensers/ bins at Snug Beach and also at the Channel Highway end of the Snug River Walk. Such bins would be a great facility in Snug and contribute significantly toward minimising the current fouling of the River Walk and other paths around Snug.

We sincerely hope Council gives this request serious consideration and anticipate great appreciation if the outcome is positive.

Yours faithfully,



Michael Christie
 Acting secretary
 On behalf of Snug Community Group

REPORT TO: ENVIRONMENT AND DEVELOPMENT COMMITTEE

SUBJECT: **ENVIRONMENTAL SERVICES ACTIVITIES REPORT**

OFFICER: JON DOOLE

FILE REF: 8.76

SIGNIFICANT ACTIVITIES COMPLETED BY ENVIRONMENTAL SERVICES DURING FEBRUARY TO MARCH 2010

1. ENVIRONMENTAL HEALTH

- 1.1 Swine flu immunisations (public clinics) - Three immunisation clinics were recently conducted on the 19th February, 5th March and 19th March, allowing the general public to be vaccinated free against swine flu. These clinics were very well received with approximately 300 people immunised. These clinics were organised and run by Council staff but funded by the Department of Health & Human Services.
- 1.2 Free 'Super Clinic' for swine flu immunisations - A 'Super Clinic' for free swine flu immunisations will be held at the Derwent Entertainment Centre on Saturday 24th April 2010 between 9:30am - 4:30pm. This is an initiative of all southern Councils. Council will provide administrative and medical staff for the day and reimbursement funding will be provided by the Department of Health & Human Services.
- 1.3 Swine flu (high schools) - Council had planned to coordinate a school swine flu immunisation program in May, offering this vaccine free to all high school students in the municipality. This would have involved up to 2000 students. Recent advice received from the Department of Health & Human Services has now confirmed that school programs will not be going ahead in any local government area.
- 1.4 Annual school immunisation program - Environmental health staff have recently completed the first round of the annual school immunisation program. This has involved the administration of vaccines to approximately 750 students in Prep, Grade 6, Grade 7 and Grade 10.
- 1.5 Temporary food businesses applications - Environmental Health Officers (EHOs) are processing a significantly increased number of temporary food stall applications - so far this year, 64 applications have been approved. This relates to a rise in the number of school fairs, community events and fundraising sausage sizzles. The assessments of these applications are also increasing in both complexity and time.
- 1.6 Southern Regional Working Group - Council's EHO is coordinating a regional temporary food stall working group involving all Southern Councils. This is with the aim to developing a booklet that can be used statewide which will outline consistent food safety, hygiene and equipment requirements for food stalls. This project will provide a positive and efficient outcome for both EHOs and food handlers.
- 1.7 Ready-to-eat meats compliance program - Council's EHOs have recently been involved in a ready-to-eat meats compliance program. This has involved targetted inspections of particular premises to ascertain the level of food handling and production being undertaken. Specific reporting to the Department of Health & Human Services was required to determine

compliance with Standard 4.2.3 of the Food Standards Code (Primary Production and Processing Standard for Meat). A number of businesses will now need to increase their level of food safety compliance including the development of comprehensive food safety plans (with third party auditing) and verification of the safety of their products (eg - microbiological testing).

- 1.8 Private burials & exhumations - Staff are working with other Southern Councils to develop a suite of documents for all EHOs to use as guidance in the assessment and approval of private burials and exhumations. This won't be a formal guideline but will include public information, application form, a standard request to the Director of Public Health for approval, standard conditions of approval for permits and site inspection considerations and guidance. These documents will be endorsed by the Department of Health & Human Services.
- 1.9 Recreational water sampling (beaches) - In conjunction with the Derwent Estuary Program, Environmental Health staff have been conducting recreational water sampling of beaches during the last four months. A number of sites are sampled weekly (in Kingston, Blackmans Bay and Taroon). Recreational water in the Channel is sampled monthly. Bruny Island beaches are also sampled during the summer period. Results are published in the Saturday Mercury and on the Derwent Estuary Program website.

2. WEED MANAGEMENT

- 2.1 Cape Broom Psyllid release: A Tasmanian Institute of Agricultural Research release of a bio-control agent to control Cape Broom Psyllid was attended. The Cape Broom Pysillid has been released in several areas of high infestation in Kingborough to monitor it's progress in defoliating Cape Broom. The Pstllids were release on Leslie Rd and a monitoring program set up.
- 2.2 Since the last report, contractors Tasflora have been treating broom and blackberry along Whitewater Creek, blackberry at Tyndall Beach and spraying out grasses in the Mary Knoll Reserve Blackmans Bay and riverside reserve at Snug. They have also treated Boneseed along Slatterys Rd, Electrona. Tasflora have been successful in their expression of interest to undertake spot spraying of environmental weeds on Council roadsides on Bruny. This project has commenced and will include the installation of "no slash" signage on orange guide posts where spraying is the preferred approach for control (e.g. Spanish heath). Tasflora have also continued their work on the primary weed control in Peggys Beach Reserve.
- 2.3 Regnans (contractors) have been active in the municipality treating Weeds of National Significance (WONS) and Alert List weeds for NRM South and the Southern Weed Strategy manager. This includes Scotch Heather outbreaks on Summerleas Rd, Kingston and Lady Penryhn Drive, Blackmans Bay. Regnans are also progressively working through Kingborough mainland roadsides spraying Spanish heath, broom and other priority weeds.
- 2.4 Council has issued two requirement notices for the control of Ragwort on Bruny Island this season and has sent several other weed control requests to landholders (ragwort - Channel and pampas – Electrona). The requirement notices have resulted in quick response and effective action from the landholders concerned. Council works staff have been very proactive in reporting ragwort and pampas to the NRM team at the depot and these reports continue to be followed up. A de-heading exercise for known pampas

plants on Council land has been commenced and will be followed up by spraying.

- 2.5 The 30 cu/m skip bin at Alonnah for collection of bagged ragwort has been over $\frac{3}{4}$ filled this season indicating strong ongoing community participation in the eradication effort. This also potentially indicates a reduction in the volumes of ragwort requiring pulling due to diligence in previous years and early action in relation to spraying of rosettes.

3. RESERVES BUSHLAND MANAGEMENT

- 3.1 Blackmans Bay Coastcare Envirofund project has been completed from an administrative perspective; the final report has been submitted. Work however continues with a couple of small components to be finished off including installation of 2 interpretive panels (Geology of the Blowhole + Aboriginal Heritage) and completion of mulch spreading. Maintenance and infill planting will be part of the Bushland Reserves Management program for the foreseeable future.
- 3.2 Peggys Beach Reserve rehabilitation continues through funding provided by the Australian Government Community Coastcare Program. Ongoing activities include cutting and painting boneseed and cotoneaster and spraying of new weed germination and Spanish Heath (Tasflora employed). The Peggys Beach Coastcare group has been formed and has met 3 times (2 working bees) with a focus on weed management and reserve caretaking. Additionally, a Community Service Order team from Correctional Services has been working throughout the reserve on a weekly basis removing litter, car parts and other dumped material to a 30m skip bin. Future activities include completion of the primary weed treatment contract and engaging Margate Fire Brigade to conduct a low intensity regeneration burn on the northern part of the reserve for the dead understorey which has been mulched coarsely.
- 3.3 A Conservation Volunteers Australia team spent two weeks in Kingborough working around Snug. The main aim of the team was to follow up on work performed by the Landcare Group and contractors during the Biolinks project of a couple of years ago. Biolinks funded the poisoning of willows along the Snug River. While this is a positive step in the eradication of a weed of national significance, the additional light allowed into the river channel has resulted in an acceleration in the growth of Spanish heath. The main work of the CVA team was to cut and paint Spanish heath on Council land along the river channel. While there, they were also able to treat large infestations of blackberry (also a WONS listed species). Once the main focus of their work had been achieved they moved on to treating Spanish heath and broom adjacent to the football club, mulching the riverside reserve near Kelly's Fruit & Veg and treating broom on the Esplanade around care group planting sites. Overall, a great amount of work was completed in the two weeks.
- 3.4 A contractor has recently cut grass and broadleaf weeds around the Summerleas Rd planting site adjacent to Boddys Ck, Kingston and at Little Oyster Cove Ck, Kettering. The Summerleas Rd site will also be sprayed out and mulched while the Little Oyster Cove Ck site will just be brushcut periodically.

4. NRM PROJECTS

- 4.1 The Kingborough Cat Control Steering Committee met to discuss the potential implementation of a program on the mainland side of Kingborough

as well as a continuation, in some form, of the Bruny Island Community Cat Control Project. There are limited funds being held by the Tasmanian Conservation Trust for this project and ideally a Council contribution would assist with the roll out of community education and targeted feral cat trapping initiatives. It is hoped that the same project officer as for the Bruny Island project will be interested in the Kingborough job.

- 4.2 Meetings have been held between staff from Kingborough Council, Southern Water, DPIPWE (Water Management Branch) and Marcus Higgs (Community representative) about the environmental flow regime for the North West Bay River. A small working group will meet as required in the future to discuss Southern Water's flow monitoring data for Wellington Weir as well as asset management issues for the mountain catchment system, pipeline and Ridgeway Dam. Marcus is coordinating a community survey of Fern Tree / Neika residents via their community associations about mountain water supply issues and attitudes.
- 4.3 Offset Guidelines Project - At the last STCA Board Meeting, the Board resolved to support the regional project to develop guidelines for applying biodiversity offsets in Local Government in Southern Tasmania and host the Project Manager to undertake the project with funds provided by Kingborough Council from the Kingston Bypass. Emma Riley has been appointed as Project Manager and a Working Group with representatives from the 12 Southern Councils is being established. The first Working Group meeting is being held on April 14. This is a considerable step forward for this project, which has been in the planning stages for the past 18 months, and reflects the commitment and hard work of Kingborough Council and the interim working group, who instigated and guided the establishment of the project.
- 4.4 The Derwent Estuary Program has begun the next stage of the Derwent Little Penguin project. This stage will see local schools growing suitable plants for rehabilitating know colonies and the building and installation of more artificial burrows that have been very successful from the previous stags of the project. The project will work on all know Kingborough Penguin colonies in the Derwent. The NRM unit continues to be a large part of the planning and roll out of this project in Kingborough.

5. BUSHCARE SUPPORT

- 5.1 Site visits and meetings have been held or attended with groups from Snug, Taroon, Peggy's Beach, Kingston, Kingston Beach, Margate, Albion Heights, Dennes Point and Killora. These forward planning discussions have been well received and useful in preparation for many group projects over winter and spring 2010. The idea of a Partnership Agreement with groups has also been well received and has been distributed in draft form to some key Bushcare people for feedback. Meetings with the Southern Coastcare Association of Tasmania, Huon Valley Council and Parks and Wildlife Service have also been attended with the focus of better managing groups that deal with multiple land managers and/or similar issues in a regional context.
- 5.2 Working Bees at Taroon, Peggys Beach and Kingston Beach were attended by the NRM Unit.
- 5.3 Assistance has been given to the Dennes Point and Killora groups to prepare a Boneseed awareness stall at the local Easter fair.

- 5.4 Group Profile: Albion Heights Landcare Group. This group started in 2007 and have been working on environmental weeds in the area since. The group is convened by Heather Scandrett and a good core of people turn out to the working bees that occur a number of times throughout the year. The entire area of Albion Heights is mapped as a mosaic of priority vegetation communities, predominantly communities dominated by Black Gum, Blue Gum and White Gum. The area is in a recognised flyway for the Swift Parrots that feed off the Blue and Black Gums. The group has a web-page (not often updated but contains good information) which can be found at <http://sites.google.com/site/albionheightslandcaregroup>. The group is considering initiating a project on Vincent's Rivulet (tributary of Browns river) to replace environmental weeds with native plants.

6. STRATEGIC PLANNING AND DATA MANAGEMENT

- 6.1 Regional Council GIS project – a meeting between NRM South, Kingborough Council, Brighton Council and Glenorchy City Council was held looking at the adoption of a new report generator tool by Brighton Council. This tool is based on a tool currently used by Hobart City Council and was adapted by Glenorchy City Council into an Exponaire platform as part of the Regional Council GIS project. The tool enables a report of all available and relevant GIS data affecting a property to be generated and ensures all relevant datasets are considered as part of the development application process. There is also the potential for the tool to link to 337 Certificates. Planners at Brighton Council using the tool estimate it saves them several hours for every development application they receive. All Southern Councils have the opportunity to have the tool set up as part of their systems, and Derwent Valley Council is the next to receive the tool. The amount of customisation required to make the tool work for each Council will influence whether or not there are any costs for the Council associated with establishing it. A meeting between Planning, NRM and Information Services is scheduled in mid-April to investigate options for establishing the tool in Kingborough.
- 6.2 Changes to Forest Practices Regulations – A presentation for Local Government Planners and NRM officers from the Forest Practices Authority on the changes to the Forest Practices Regulations and the new requirements for local government was held on 10 February. The presentation and subsequent discussion highlighted the fact that the changes came into effect with very little input from and understanding of how local government is able to consider and address issues associated with clearance of vegetation for developments under the Land Use Planning and Approvals Act within the scope of current planning schemes. A great deal of concern was expressed by local government and in response to this the STCA is intending to formally raise concern with the process. Kingborough Council staff have provided initial feedback to the STCA on how our current scheme deals with clearance of threatened vegetation communities and are looking at what changes might need to be included in the new Planning Scheme to address the changes to the Forest Practices Regulations. A more detailed report will be provided to Council when the implications of the changes are more fully understood.

7. DEVELOPMENT APPLICATIONS AND STATUTORY PLANNING

- 7.1 NRM staff have been involved in a Tasmanian Planning Commission hearing to consider a draft amendment to the Kingborough Planning Scheme to rezone land on Tinderbox Rd from Primary Industries to Residential. The proposed rezoning and subsequent subdivision application was approved by

Kingborough Council subject to a range of conditions including off-site and financial offsets for the clearance of priority vegetation under Schedule 10 of the Planning Scheme. The Commission was particularly interested in issues relating to the strategic basis for the rezoning, the visual impact of the development, and Council's head of power to require offsets. While the outcome of the hearing is still unknown, the hearing highlighted the need for the Settlement Strategy currently being developed by Council and the formalisation of the use of offsets via an Interim Offset Policy, currently before this committee for consideration.

- 7.2 Inert Landfill and Resource Recovery Centre at Leslie Vale - The Part V Agreement protecting an area of swift parrot habitat to offset the clearance of *Eucalyptus ovata* forest and woodland associated with this development is currently being negotiated with the applicant. This agreement is required to be signed by all parties prior to the commencement of any work.

8. CLIMATE CHANGE

- 8.1 Derwent Estuary Program – Coastal inundation projections and possible future locations of Derwent estuary saltmarshes and tidal wetlands. Staff received a presentation of this research project and examples of mapping undertaken. This proved to be very enlightening as it gave a vivid indication of the potential impacts of sea level rise on coastal ecosystems and the potential for them to retreat inland or not.
- 8.2 Council's Environmental Health staff are undertaking trials of LED tube lighting to potentially replace conventional fluorescent tubes throughout the Civic Centre. This project is part of the implementation of Council's Climate Change and Energy Action Plan (2009-2012) regarding improvements to Council's energy efficiency and reducing its carbon footprint. It is anticipated that cost benefit and carbon reduction projections will be undertaken and used to decide whether a change over of technology is warranted.
- 8.3 Council has taken delivery of 2 home energy audit toolkits which will be loaned out to community members for up to 2 weeks at a time. The kit enables householders to obtain measurements of energy efficiency, water demand and insulation effectiveness. It contains a number of useful information sheets prepared by Dr John Todd who undertook energy efficiency audits on Council's buildings during 2009. Depending on demand it is anticipated that more kits will be purchased in the future.
- 8.4 Several Kingborough staff and a Councillor attended a recent NRM South facilitated forum on coastal erosion and recession. The forum was attended by a wide variety of technical staff, community representatives and councillors from the southern region. Presentations were given by:
- Chris Sharples (UTAS) on the coastal vulnerability mapping program "Smartline" that has now been completed for the entire Australian coastline.
 - Nic Bowden on the "Tasmarc" program that is a community based sea level rise monitoring initiative.
 - Mark Chillcott on the use of the LiDAR data for coastal mapping and sea level rise modelling.
 - Chris Rees (Coastal and Marine Branch) on the Tasmanian Coastal Manual – A best practice guide for changing coastlines.

A panel discussion was held that also included Phil Watson from Clarence City Council who spoke about their Climate Change Impacts on Clarence Coastal Areas project.

9. COMMUNITY AWARENESS

- 9.1 Working with local schools: A year plan has been development with Illawarra Primary school to manage several environmental projects that the school is involved in. Work to date included a working bee at the Blackmans Bay beach site, class planning into the Sherburd Oval area project and participation with Community Services in the Active After School program. A large scale planting project on Church St also provided an opportunity for all classes of Kingston Primary School to be involved in planting native shrubs with the guidance of the NRM unit to ensure they were planted correctly. Feed back from the two days was exceptionally positive from both teachers and students.
- 9.2 A Field day run by the Tasmania Fire Service at Snug Tiers was attended to offer advice on the Council process of applying to remove vegetation and to provide information on the natural values of the area. Feedback from a survey on the day was that people found it a very useful and informative day with positive feedback on the two organisations (TFS and KC) working together.

10. TREES ON PRIVATE PROPERTY

- 10.1 Tree Applications in Pathway. The tree application process has now been fully integrated into the Pathway system. After the initial slight disruption, this is now running smoothly. It is hoped that once the process has been fine tuned it will be easier to create statistics around the tree Bylaw process.

RECOMMENDATION

Moved Cr

/Seconded Cr

That it be recommended to Council that the report of the Manager Environmental Services be received and that the information be noted.

JON DOOLE
MANAGER ENVIRONMENTAL SERVICES

ENDORSED:
TONY FERRIER
DEPUTY GENERAL MANAGER

Date: 31st March 2010

VOTING

	For	Against		For	Against
Cr Bush			Cr Higgins		
Cr Chatterton			Cr Lindsay		
Cr Fox			Cr Wass		

REPORT TO: ENVIRONMENT AND DEVELOPMENT COMMITTEE

SUBJECT: **NATIONAL SEA CHANGE TASKFORCE 2010 CONFERENCE**

OFFICER: JON DOOLE

FILE REF: 13.103

1. PURPOSE

- 1.1 This report is to provide information to Councillors about the National Sea Change Taskforce Conference that was held early in March 2010 at Byron Bay, New South Wales.

2. BACKGROUND

- 2.1 The National Sea Change Taskforce was established in 2004 as a national body to represent the interests of coastal councils and communities experiencing the effects of rapid population and tourism growth. The Taskforce now has more than 68 member councils from around Australia. Collectively, these councils represent more than four million residents.
- 2.2 Kingborough Council has been a member of the taskforce since 2005 and currently Councillor Buchan is on the committee of management as treasurer.
- 2.3 Byron Bay was selected as the location for the conference because of its relevance in terms of issues such as coastal hazards, development pressures, climate change and the legal implications of planning for rising sea levels.
- 2.4 The theme of the conference was Coast 2010: The time to act is now. This theme was reiterated in the welcome address by National Sea Change Chair, Barry Samuels, who stated that population growth and development pressures along the nation's coastline continued to place enormous pressures on coastal local government authorities. Many of these authorities are being pushed to the limit to meet the increase in demand associated with this growth.
- 2.5 The conference was attended by Councillors Buchan, Higgins and McGinniss as well as Council's Manager Environmental Services.

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements relating to this report.

4. DISCUSSION

- 4.1 The National Sea Change Taskforce Conference focused on a number of key issues including:
- A panel discussion on the fundamental issues that are being faced nationally by sea change councils;
 - A presentation from eminent climate scientist Dr. John Church (CSIRO) about the science of sea level rise.
 - A presentation by Jennie George MP, Chair of a House of Representatives Standing Committee on Climate Change, Water, Environment and Arts, about the bi-partisan report entitled *Managing our coastal zone in a changing climate – The time to act is now*.

- A discussion on the Federal Government's national coastal vulnerability assessment, *Climate Change Risks to Australia's Coasts*.
- A discussion about community engagement via the newly appointed Regional Development Committees.
- Presentations on coastal infrastructure challenges facing coastal communities.
- A discussion around creating sustainable economic options for coastal communities.
- Presentations and a panel discussion on the changing demographics of coastal communities and future projections.
- Presentations and a panel discussion on coastal housing options including the provision of affordable housing.
- A field visit around Byron Bay that included high risk coastal erosion sites, the extensive sewage and stormwater wetlands system, the coastal reserve management sites and affordable housing and commercial development sites.
- The inaugural general meeting of the Australian Coastal Alliance was held. This group is intended to establish an interface between end users of coastal research and research providers.

4.2 The lessons that Kingborough could take from issues that arose from the conference include:

- The great potential for youth employment and retention initiatives for regional coastal municipalities such as that being undertaken by the Eurobodalla Council in New South Wales. This kind of program can act as a meaningful conduit for skills interactions between young people and the elderly that could benefit both.
- The hazard of planning for large scale residential growth enclaves of regional significance without adequate community input on their aspirations for existing townships and amenity. Surf Coast Council in Victoria learnt this the hard way.
- Sea level rise will occur and could have a profound impact on coastal communities and ecosystems. How much it will rise and over what period is unclear. It is imperative that coastal councils undertake risk and vulnerability assessments and many of the necessary tools / methodologies are already available.
- The George report makes 47 important recommendations to the Federal Government relating to coastal management in a changing climate. These relate to issues such as adaptation, national coastal policies, disaster mitigation and risk management. To date it appeared to conference participants that the Rudd government response has been inadequate but the National Sea Change Taskforce will push politically prior to the next Federal election for a more proactive approach.
- Non urban coastal councils could bear the brunt of population growth and pressures due to net migration, an ageing population, climate change impacts, housing affordability and infrastructure management issues.

- Nurturing local niche industries and service providers can pay big dividends to local government. This has been the case in the Byron municipality.
- The Brisbane Housing Company has a very impressive model for affordable housing provision that could be downsized and translated elsewhere with appropriate intergovernmental cooperation.
- Development approval appeals and legal decisions relating to development in sea level prone localities are becoming more numerous throughout Australia. Reviews of the regional planning system in Tasmania would be unwise to ignore these precedents.

5. FINANCE

5.1 There are no financial implications relating to this report.

6. RISK

6.1 There are no risk implications relating to this report.

7. CONCLUSION

7.1 Attendance at the National Sea Change Conference proved to be very beneficial for the Kingborough representatives despite the inclement weather (it rained virtually non stop).

7.2 From a Tasmanian local government perspective it is essential that staff and councillors are given the opportunities to interact with other coastal council's from around Australia who are facing issues that Kingborough is currently experiencing, maybe on a reduced scale, or can expect to face in the future.

8. RECOMMENDATION

Moved Cr /Seconded Cr

That it be recommended to Council that the report of the Manager Environmental Services be received and that the information be noted.

JON DOOLE
ENVIRONMENTAL SERVICES MANAGER

ENDORSED:

TONY FERRIER
DEPUTY GENERAL MANAGER

Date: 24th March 2010

VOTING

	For	Against		For	Against
Cr Bush			Cr Higgins		
Cr Chatterton			Cr Lindsay		
Cr Fox			Cr Wass		

REPORT TO: ENVIRONMENT & DEVELOPMENT COMMITTEE

SUBJECT: **AMENDMENTS TO NOISE REGULATIONS**

OFFICER: ABYILENE MCGUIRE FILE REF: 8.47

1. PURPOSE

- 1.1 The purpose of this report is to provide Council with an overview of the recent amendments to the *Environmental Management & Pollution Control (Miscellaneous Noise) Regulations 2004*.

2. BACKGROUND

- 2.1 Amendments to the *Environmental Management & Pollution Control (Miscellaneous Noise) Regulations 2004* (the Regulations) came into effect in February 2010.
- 2.2 Council made a submission on the draft Regulations in 2009.

3. STATUTORY REQUIREMENTS

- 3.1 Council's Environmental Health staff (appointed as 'Council Officers' pursuant to the *Environmental Management and Pollution Control Act 1994*) will be required to enforce these Regulations.

4. DISCUSSION

- 4.1 There are a number of amendments to the Regulations which are summarised below.

Definitions

- 4.2 The definition of 'domestic premises' has been omitted and replaced with 'residential premises'. 'Habitable room' has now been clearly defined.

Alarm systems

- 4.3 New requirements have been introduced relating to alarm systems.

Intruder alarms

- 4.4 An intruder alarm installed in a premises cannot emit noise continually for more than five minutes. This can also apply if the alarm is intermittently emitting noise.

Vehicle security alarms

- 4.5 A vehicle security alarm installed in a motor vehicle cannot emit noise continually for more than 90 seconds (if the vehicle was manufactured *before* 1st September 1997) or for more than 45 seconds (if the vehicle was manufactured *on or after* 1st September 1997).
- 4.6 The alarm provisions do not apply to noise emitted from alarm systems in certain circumstances eg – an emergency, entry/attempted entry by an intruder, motor vehicle accident.

Chainsaws

- 4.7 The chainsaw provisions have been amended to allow for greater allowance for reasonable use. The provisions have been separated into use on residential premises and use on non-residential premises close to residential premises.

Premises other than residential

- 4.8 A person on premises, other than residential premises, must not operate a chainsaw within 300m of residential premises unless:
- The chainsaw use is 'approved';
 - The chainsaw is operated with the consent of the occupier or the other residential premises within that distance; or
 - The occupier of the residential premises owns the premises on which the chainsaw is being operated.

Residential premises

- 4.9 A person on residential premises must not operate a chainsaw within 300m of residential premises unless:
- The chainsaw is operated for the purpose of *domestic garden maintenance* on any one day in seven consecutive days (one day a week) within the permissible periods specified below;
 - Monday – Friday 7am – 6pm
 - Saturday 9am – 6pm
 - Sunday and public holidays 10am – 6pm; or
 - The chainsaw use is 'approved'; or
 - The chainsaw is operated with the consent of the occupier or the other residential premises within that distance; or
 - The occupier of the residential premises owns the premises on which the chainsaw is being operated.
- 4.10 'Approved' use means a permit issued by the EPA, a permit issued and in force under the *Land Use Planning and Approvals Act 1993* for a level 1 or level 2 activity, an Environment Protection Notice issued by the EPA or Council or an emergency authorisation.

Musical instruments

- 4.11 New permissible times have been introduced for musical instruments and sound amplifying equipment. These are:
- Monday – Thursday 7am – 10pm
 - Friday 7am – midnight
 - Saturday 9am – midnight
 - Sunday and public holidays 10am – 10pm

Permissible periods for noise activities

Public holidays

- 4.12 Public holidays are now equivalent to Sundays in permissible times of operation. Previously, it was only Good Friday and Christmas Day which had the same 'Sunday' times; all other public holidays related to the actual day of the week that they fell on.

Audibility in a habitable room

- 4.13 The Regulations now state that a person must not operate any specified noise-generating equipment outside the permissible periods if the noise emitted is, or is likely to be, audible in a habitable room of another residential premises (whether or not all windows and doors to the habitable room are shut) unless a permit has been issued by the EPA. Previously there was a decibel level specified instead of reference to a habitable room.

Permissible times

- 4.14 The following are the current permissible times for noise activities. The only amendment to these times is the change under lawnmower use on Saturday's to 9am (this was previously 8am).

Mobile machinery (tractors, graders, cranes, fork lifts etc)

- Monday – Friday 7am – 6pm
- Saturday 9am – 6pm
- Sunday and public holidays 10am – 6pm

Lawn mowers

- Monday – Friday 7am – 8pm
- Saturday 9am – 8pm
- Sunday and public holidays 10am – 8pm

Portable apparatus (power tools, compressors, pumps, mixers etc)

- Monday – Friday 7am – 6pm
- Saturday 9am – 6pm
- Sunday and public holidays 10am – 6pm

Off-road/recreational vehicles or vessels

- 4.15 The requirements for off-road/recreational vehicles or vessels have not changed. These still cannot be used within 500m of another residential premises unless:
- The off-road/recreational vehicle or vessel is operated by or with the consent of the occupier of the other residential premises within that distance; or
 - A permit has been issued by the EPA.

If the above is achieved, the following times apply:
(unless moving into or out of a residential premises)

- Monday – Friday 7am – 6pm
- Saturday 9am – 6pm
- Sunday and public holidays 10am – 6pm

- 4.16 It should be noted that even if someone is complying with the required times and distances for activities, they must still ensure that they are not causing an environmental nuisance through excessive or unreasonable noise levels.
- 4.17 Council is planning to promote these new amendments via the website, information brochures and local publications.
- 4.18 Liaison will also need to be undertaken with Tasmania Police to clarify how complaints will be handled that relate to music noise and security alarms.

5. FINANCE

- 5.1 There are no financial implications applicable to this report. No increase in officer time is anticipated.

6. RISK

- 6.1 There is no additional risk to Council in the implementation of the Regulations following the recent amendments.

7. CONCLUSION

- 7.1 The changes to these Regulations require Council's Environmental Health staff to quickly acquire and apply new knowledge to ensure accurate enforcement.
- 7.2 The specific provisions relating to alarm systems and musical instrument/sound amplifying equipment may ensure less ambiguity in determining environmental nuisance.
- 7.3 The increased flexibility in reasonable chainsaw use (ie – one day a week) may result in a decrease in complaints and greater community acceptance.
- 7.4 The inclusion of public holidays as equivalent to Sundays (in permissible times for noise activities) should result in less complaints received from residents.
- 7.5 It is intended that the Regulations will be promoted on Council's website, information brochures and in local publications to ensure that the community are aware of both the amended and new requirements.

8. RECOMMENDATION

Moved Cr /Seconded Cr

That it be recommended to Council that the report of the Manager Environmental Services be received and that the information contained therein be noted.

ABYILENE MCGUIRE
SENIOR ENVIRONMENTAL HEALTH OFFICER

ENDORSED:

JON DOOLE
MANAGER ENVIRONMENTAL SERVICES

Date: 31st March 2010

VOTING

	For	Against		For	Against
Cr Bush			Cr Higgins		
Cr Chatterton			Cr Lindsay		
Cr Fox			Cr Wass		

REPORT TO: ENVIRONMENT AND DEVELOPMENT COMMITTEE

SUBJECT: **BIODIVERSITY OFFSET POLICY**

OFFICER: NIKKI DEN EXTER FILE REF: 8.76 / 12.155

1. PURPOSE

- 1.1 To assist Council in considering the introduction of a Biodiversity Offset Policy.

2. BACKGROUND

- 2.1 Biodiversity offsets are actions taken to compensate for the loss of biodiversity values associated with development, where the impact on these values is not unacceptably high and the development will go ahead despite the assessed impact on such values.
- 2.2 Since 2004, Council has used a range of offsetting options to mitigate the impacts of development as part of the Development Application process. These options have included the following, either through agreements with developers or through payment of funding by developers for specific purposes:
- the formal protection of significant vegetation or species habitat,
 - restoring and improving the condition of remnant native vegetation,
 - rehabilitation and management of degraded land,
 - management of threats to biodiversity values, and
 - scientific research.
- 2.3 There is a need for Council to formalise its approach to and use of offsets through the development of a publicly available Policy. The outcome of previous attempts to develop such a policy highlighted the need for consistency in approaches to offsets across municipal boundaries, resulting in the current Local Government Biodiversity Offset Guidelines project, which is being funded from a financial offset from the Kingston Bypass and hosted by the Southern Tasmanian Council's Authority.
- 2.4 This Regional Project will develop a set of guidelines for applying biodiversity offsets at the Local Government level in Southern Tasmania. However, the project is in the early stages and the guidelines are likely to be some time before completion.
- 2.5 In the meantime there is the need for a formal Policy articulating Council's current approach to and use of offsets to:
- ensure consistency and transparency both for Kingborough Council and for developers, and
 - support Council's associated planning decisions that might be subject to appeal.

3. STATUTORY REQUIREMENTS

- 3.1 The Kingborough Planning Scheme 2000 incorporates various provisions for the use of biodiversity offsets, including but not necessarily limited to:
- Alternative Solution for Clause 9.4.1.2(b) (Residential development in Environmental Management Zone) – Kingborough Council may approve an application for use or development (other than multiunit housing which is prohibited), not meeting the Acceptable Solution where it can be demonstrated that:
 - (i) measures are able to be put in place to protect flora and fauna habitats, riparian areas, any environmental values identified as part of a site analysis (such as Part 5 agreements or conservation covenants), and
 - (ii) adverse environmental impacts are able to be mitigated (such as through offsets for the removal of threatened species habitat or trees of high conservation value).
 - Clause 10.2.1.1 (b) of Schedule 10 Protected Vegetation – Kingborough Council may consider an application that would result in significant clearance /disturbance of "high priority" vegetation identified in Table S10.2 where:
 - (i) it is documented by a suitably qualified person that there is sufficient vegetation of the same species present and effectively managed/protected on adjoining/nearby lands (ie an off-site offset); or
 - (ii) a strategy for conserving the more intact areas of the vegetation community can be implemented on the subject land (ie an on site offset).
- 3.2 By-Law 4 of 2001, Clause 38 requires approval from Council to cut down, ring-bark, top, lop, remove, injure or wilfully destroy any species of tree on private land over 10 metres tall (about the size of a power pole) or with a canopy spread over six metres. Where the tree being removed is associated with a proposed development, it is assessed as part of the Development Application. Otherwise it is assessed via an application to fell trees. To date, offsets for removal of individual trees of high conservation significance have been required via the Development Application process but not via the tree application process due to the lack of an articulated policy.
- 3.3 Until recent changes to Forest Practices Regulations, the clearance or modification of threatened vegetation for developments which required a permit under the *Land Use Planning and Approvals Act 1993* also triggered the *Forest Practices Act 1985*, and required a certified forest practices plan (FPP) from the Forest Practices Authority or a written exemption. Through this process, offsets were often required by and negotiated in conjunction with the Forest Practices Authority for developments being considered by Council. Responsibility for assessment of clearance of native vegetation, including offsets required to mitigate the impacts of the clearance, now rests solely with Council where the clearance is part of a development requiring a permit under the *Land Use Planning and Approvals Act 1993*.

4. DISCUSSION

- 4.1 Council first used a biodiversity offsets approach to mitigate and compensate impacts in 2004 when the 90-lot Greenhill Estate subdivision in Kingston triggered the State *Threatened Species Protection Act 1995* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- 4.2 Since 2004, Council has implemented a range of offsetting mechanisms which are widely accepted and applied in Tasmania by local government, the Department of Primary Industries, Parks, Water and the Environment, the Forest Practices Authority and Department of Environment and Heritage.
- 4.3 Some examples of offset actions used by Council include:
- Covenanted or protecting in perpetuity remaining areas on the subject land with comparable values (on-site offset)
 - Covenanted an area of sufficient size and with comparable values to those being lost, but off-site (off-site offset). For example, one of the offsets for the Kingston Bypass, where removal of 4.37 ha of *Eucalyptus ovata* (Black Gum Forest) and Swift Parrot (*Lathamus discolor*) habitat required a perpetual covenant protecting 12 hectares of *Eucalyptus ovata* forest and woodland within the core eastern habitat of the Swift Parrot and within the south east bioregion.
 - Revegetation and rehabilitation of degraded areas with the aim of restoring values equivalent to those being lost, for example the restoration of Whitewater Creek required as part of the Greenhill Estate subdivision.
 - Surveying and mapping of significant values to inform their ongoing strategic management and conservation, for example the City Light Retirement Village included resourcing the development of a management strategy for the *Chaostola* Skipper across Kingborough.
 - Financial offsets paid into Council's Tree Preservation Fund, which has been specifically set up to hold funds in trust until a suitable offset can be found. For example the clearance of priority vegetation community as a result of a subdivision at Redwood Rd required \$31,180 to be paid into Council's Tree Preservation Fund.
- 4.4 Some developments have required a mix of offset options to address the impacts on biodiversity values (such as the Kingston By-pass) and others have only required a stand alone offset.
- 4.5 Council's current approach to offsetting has been accepted and endorsed by the Department of Primary Industries, Parks, Water and the Environment, the Forest Practices Authority and Department of Environment and Heritage in the negotiation of offsets triggering State and Commonwealth legislation. The use of such offsets is consistent with current practice in Tasmania and elsewhere at all levels of government.

- 4.6 For financial offsets, a rate of \$10 000/ha has been accepted as a benchmark by Council, the Forest Practices Authority, DPIWPE and the Australian Government for the clearance of threatened or priority vegetation for previous developments within Kingborough. The offset ratio at which this rate is applied depends on whether or not financial offsets are used in conjunction with other offset mechanisms, such as protecting remaining values on site or an off-site covenant, and the condition/significance of the values being lost.
- 4.7 However, while agencies in the business of requiring and negotiating offsets are comfortable with Council's approach, the lack of an articulated policy is becoming increasingly challenging for staff, particularly in light of the recent changes to the Forest Practices Regulations.
- 4.8 Prior to these changes, where Council and the Forest Practices Authority were jointly negotiating offsets for a development being considered under the *Land Use Planning and Approvals Act* and which triggered the Forest Practices Regulations, the requirement for and specifics of the offset were formally documented by the Forest Practices Authority. This documentation provided Kingborough Council staff with clear justification for requiring offsets as part of the development.
- 4.9 While the Kingborough Planning Scheme does include provisions enabling the use of offsets, the wording in Council's Scheme is complex. Now that the Forest Practices Authority is no longer responsible for assessing clearance of vegetation for developments subject to LUPAA and hence negotiating offsets, the only formal guidance for staff has been the wording in the Scheme.
- 4.10 The need for a formal policy has also been evident as a result of a recent Tasmanian Planning Commission hearing to consider the draft amendments to the Kingborough Planning Scheme to rezone land on Tinderbox Road from Primary Industries to Residential. One of the areas of great interest to the Commission was Council's head of power to require offsets. While Council's use of offsets generally seemed to be accepted by the Commission, the existence of a formal policy would have provided clarity on the approach, saved considerable time and resources at the hearing and further strengthened Council's submission.
- 4.11 Applicants and developers are also increasingly seeking written documentation on Council's use of offsets, which currently does not exist. The absence of this documentation on the requirement for offsets means that applicants and developers are also often not aware that an offset may be required until after their application is lodged and possibly even assessed.
- 4.12 Lack of formal documentation on Council's use of offsets also means that the way in which offsets are calculated isn't evident to applicants or developers and therefore is not transparent.
- 4.13 The intent of the Regional Biodiversity Offset Guidelines Project is to resolve many of the issues and challenges around the implementation of biodiversity offsets at the regional scale and across local government boundaries. The project will include a review of offsetting options, how offsets can be best supported by provisions in planning schemes and how the use of offsets by local government is integrated and consistent with offset requirements of state and commonwealth agencies. The outcomes of the Regional Biodiversity

Offset Guidelines project will also feed into the Regional Planning project and the development of a new Kingborough Planning Scheme.

- 4.14 In the mean time however, Council continues to use biodiversity offsets and a formalisation of this approach is required to ensure that this use of offsets is consistent, transparent and defensible.

5. FINANCE

- 5.1 The endorsement of a Biodiversity Offsets Policy will not result in any additional costs to Council and is more likely to save time and resources by making the offsetting process clearer and more transparent for staff and developers.

6. RISK

- 6.1 There is a significant risk in continuing to require offsets to mitigate the impacts of developments in the absence of any formal policy, particularly now the Forest Practices Authority are no longer involved in negotiating offsets, as the use of offsets isn't transparent and therefore makes Council more open to scrutiny and challenge. While the outcome of any scrutiny may support Council's use of offsets, the time and resources involved in articulating and defending this use is considerable.

7. CONCLUSION

- 7.1 Council has and continues to use biodiversity offsets as a valid and accepted mechanism for mitigating the impacts of and ensuring there is limited net loss of biodiversity values from approved developments.
- 7.2 The proposed Biodiversity Offsets Policy would confirm Council's current practices in order to ensure the consistent, transparent and defensible use of offsets, make the process clearer to applicants and provide support for Council's associated planning decisions when objections or appeals are lodged.
- 7.3 As such, the proposed Policy does not propose adoption of new practices and is not a "legal" document per se, but does formalise current practice could be used to assist any legal interpretation of the existing provisions in the Planning Scheme and By-law.
- 7.4 A comprehensive review of how biodiversity offsets are used in local government across the Southern region is being undertaken through the Regional Biodiversity Offsets Project. This will inform both the Regional Planning Project and the development of the new Kingborough Planning Scheme.
- 7.5 Council's Biodiversity Offsets Policy will be reviewed on the basis of recommendations from and outcomes of the Regional Biodiversity Offset Guidelines project, in conjunction with the outcomes of the Regional Planning Project and the review of Kingborough's Planning Scheme, when available.

8. RECOMMENDATION

Moved Cr /Seconded Cr

That it be recommended to Council that the report of the Manager Environmental Services be received and that Council:

- a) adopts the Biodiversity Policy with immediate effect.
- b) reviews this Policy on the basis of the outcomes of the Regional Biodiversity Guidelines Project, in conjunction with the outcomes of the Regional Planning Project and the review of Kingborough's Planning Scheme, when available.

NIKKI DEN EXTER
NATURAL RESOURCE MANAGEMENT FACILITATOR


ENDORSED:

JON DOOLE
MANAGER ENVIRONMENTAL SERVICES

Date: 31st March 2010

VOTING

	For	Against		For	Against
Cr Bush			Cr Higgins		
Cr Chatterton			Cr Lindsay		
Cr Fox			Cr Wass		

 Kingborough	<h2>Biodiversity Offset Policy</h2>	(Policy No.)		
		<small>LAST REVIEW</small> <small>(Date)</small>	<small>NEXT REVIEW</small> <small>(Date)</small>	<small>MINUTE REF</small> <small>(*No.)</small>
POLICY STATEMENT:	<p>1.1 To provide for the consistent and transparent use of biodiversity offsets as a mechanism to mitigate and compensate for the loss of biodiversity values associated with development where a development will go ahead despite the assessed impact.</p>			
OBJECTIVE:	<p>2.1 The objective of the Biodiversity Offset Policy is to:</p> <ul style="list-style-type: none"> • Ensure as a minimum there is no long-term net loss of biodiversity and environmental values, and aim to achieve a net gain, and • Protect, conserve and restore native vegetation parcels of a size, quality and configuration that will enable the current biodiversity values to be viable in the long-term. 			
SCOPE:	<p>3.1 This policy applies to all applications assessed under the Kingborough Planning Scheme or By-Law 4 of 2001, Clause 38</p>			
PROCEDURE: (POLICY DETAIL)	<p>8.1 Biodiversity offsets will be required where a development approved under the Kingborough Planning Scheme 2000 or tree removal approved under By-Law 4 impacts upon significant biodiversity values, including:</p> <ul style="list-style-type: none"> • Priority vegetation listed under Schedule 10 of the Kingborough Planning Scheme • Threatened vegetation listed under Schedule 3A of the <i>Nature Conservation Act 2002</i> • Threatened species, listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and/or their habitat • Individual trees of conservation value (as per Table 3) • Native vegetation in good condition that provides key landscape linkages or buffers other significant values • Other significant biodiversity values recognised under Commonwealth, State and local government legislation and policy. <p>8.2 Offsets will only be considered where:</p> <ul style="list-style-type: none"> • The proposed development is an appropriate use of the land, as assessed under the Kingborough Planning Scheme 2000 • The environmental impact is not unacceptably high • The proponent has adequately demonstrated the need for an offset, including that all effort has been made to avoid and minimise impacts on natural values, including alternative locations or designs for the development 			

	<ul style="list-style-type: none"> • The policy objectives and relevant guidelines have been adequately addressed. <p>8.3 The impact of the proposal will be assessed to determine the scale, scope and suitability of offset options in accordance with the objectives and guidelines of this policy.</p> <p>8.4 Offset options must be in accordance with Table 1 and Table 2.</p> <p>8.5 A replacement ratio consistent with Table 3 is required for offsets to ensure the impacts of a development are adequately offset and the objectives of the policy are achieved, where:</p> <ul style="list-style-type: none"> • The result is a reduction in the area of bushland within the municipal area • Restoring ecological communities (due to its complexity and time lags) <p>The replacement ratio applied must be consistent with the policy and guidelines and depends on the condition/significance of the values being lost and whether or not there are additional offset o required.</p> <p>8.6 The suite of offset mechanisms appropriate for a particular development and the replacement ratio applied must be to the satisfaction of Council.</p> <p>8.7 Biodiversity offsets involving protection, restoration or revegetation must be accompanied by an “offsetting plan” that is consistent with this policy and outlines the ameliorating measures proposed, and cover a 5 year period at a minimum.</p> <p>8.8 As a result of implementing the “offsetting plan” the site must become “secure conservation land” that is effectively and permanently managed for conservation (eg covenanted, reserved or transferred to public ownership).</p> <p>8.9 Management costs for the first 5 years (eg fencing, weed control) will be met by the offset proposal and after this by the land owner or manager. Council will monitor the management of sites to ensure covenant conditions are undertaken.</p> <p>8.10 Where possible, recipient land is to be of comparable value to that being impacted, such as being the same ecological community or habitat type within the same catchment. Offsetting one ecological community with another or having recipient land outside of the municipal area will only be considered where it is demonstrated that this achieves the best possible conservation outcome.</p> <p>8.11 Council will assess each offset on a case-by-case basis to ensure a diverse range of ecological community and habitat types is conserved across the municipal area and that the best possible conservation outcome is achieved. Council may reject a proposal where it considers the proposal does not provide the best possible outcomes.</p>
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	<p>8.12 This policy should be reviewed on the basis of the recommendations from and outcomes of the Regional Biodiversity Offset Guidelines project, in conjunction with the outcomes of the Regional Planning Project and the review of Kingborough's Planning Scheme.</p>														
<p>GUIDELINES:</p>	<p style="text-align: center;">Table 1: Offsetting Options</p> <table border="1" data-bbox="534 533 1457 1496"> <thead> <tr> <th data-bbox="534 533 818 566">Option</th> <th data-bbox="818 533 1457 566">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="534 566 818 674">In situ conservation covenant or Part V Agreement</td> <td data-bbox="818 566 1457 674">Covenanted or protecting in perpetuity remaining areas on the subject land with comparable values.</td> </tr> <tr> <td data-bbox="534 674 818 813">Ex-situ conservation covenant or Part V Agreement</td> <td data-bbox="818 674 1457 813">Covenanted or protecting in perpetuity an area of sufficient size and with comparable values to those being lost, but off-site.</td> </tr> <tr> <td data-bbox="534 813 818 983">Restoration</td> <td data-bbox="818 813 1457 983">Restoration of areas on or off site with similar values but in poorer condition to improve their condition and increase their long-term viability. Note this option should be used in conjunction with other offsetting options.</td> </tr> <tr> <td data-bbox="534 983 818 1153">Rehabilitation</td> <td data-bbox="818 983 1457 1153">Revegetation and rehabilitation of degraded areas on or off site with the aim of restoring values equivalent to those being lost. Note this option should be used in conjunction with other offsetting options.</td> </tr> <tr> <td data-bbox="534 1153 818 1292">Survey/mapping</td> <td data-bbox="818 1153 1457 1292">Surveying and mapping of significant values to inform their ongoing strategic management and conservation. Note this option should be used in conjunction with other offsetting options.</td> </tr> <tr> <td data-bbox="534 1292 818 1496">Financial offsets</td> <td data-bbox="818 1292 1457 1496">Financial offsets at a rate of \$10 000/ha or up to \$500/tree of high conservation significance paid into Council's Tree Preservation Fund, to be held in trust to enable the value being lost to be protected or re-established elsewhere when a suitable offset is found.</td> </tr> </tbody> </table> <p data-bbox="571 1496 1426 1552" style="text-align: center;"><i>Note: offsets may include one or more of the above options and may require the replacement ratio to be applied.</i></p>	Option	Description	In situ conservation covenant or Part V Agreement	Covenanted or protecting in perpetuity remaining areas on the subject land with comparable values.	Ex-situ conservation covenant or Part V Agreement	Covenanted or protecting in perpetuity an area of sufficient size and with comparable values to those being lost, but off-site.	Restoration	Restoration of areas on or off site with similar values but in poorer condition to improve their condition and increase their long-term viability. Note this option should be used in conjunction with other offsetting options.	Rehabilitation	Revegetation and rehabilitation of degraded areas on or off site with the aim of restoring values equivalent to those being lost. Note this option should be used in conjunction with other offsetting options.	Survey/mapping	Surveying and mapping of significant values to inform their ongoing strategic management and conservation. Note this option should be used in conjunction with other offsetting options.	Financial offsets	Financial offsets at a rate of \$10 000/ha or up to \$500/tree of high conservation significance paid into Council's Tree Preservation Fund, to be held in trust to enable the value being lost to be protected or re-established elsewhere when a suitable offset is found.
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Table 2: Conservation Value of Individual Trees

Species (> 10m height)	Characteristics	Rationale	Conservation Value
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >40cm and/or canopy spread >6m	Swift parrot foraging habitat	Very high
<i>E. viminalis</i>	Within or directly adjacent to a known forty-spotted pardalote colony	Forty-spotted pardalote habitat	Very high
Native trees with known or potential nesting hollows	DBH > 70cm and/or hollows present	Habitat for hollow dependent species	Very high
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH <40cm and canopy spread <6m	Swift parrot foraging habitat	High
<i>E. viminalis</i>	Within 3,000m of a known forty-spotted pardalote colony or within forty-spotted pardalote habitat	Forty-spotted pardalote habitat	High
Dominant species in priority or threatened vegetation community	-	Key component of Schedule 10 and/or threatened vegetation community	Moderate

Table 3: Replacement Ratios for Offsets

Value	Multiplier		
	Good condition	Moderate Condition	Poor Condition
High priority vegetation under KPS or threatened vegetation under NCA	5	4	3
Medium priority vegetation under KPS or bioregionally threatened vegetation	4	3	2
Known threatened species habitat	5	4	3
Potential threatened species habitat	4	3	2
Native vegetation providing key landscape linkages or buffering significant values	1	1	-

COMMUNICATION:	<p>Councillors</p> <p>Council staff</p> <p>Applicants</p> <p>Botanical Consultants</p> <p>Regional Planning Project team</p> <p>Biodiversity Offsets Working Group</p>
LEGISLATION:	<p>Kingborough Planning Scheme 2000</p> <p>Health and Environmental Services By-Law</p> <p>Forest Practices Regulations and Forest Practices Amendment Regulations 2009</p> <p><i>Nature Conservation Act 2002</i></p> <p><i>Threatened Species Protection Act 1995</i></p> <p><i>Environment Protection and Biodiversity Conservation Act 1999</i></p>
DEFINITIONS:	<p><i>Ecological vegetation community</i> – refers to the vegetation community descriptions, codes and mapping units used in the TASVEG statewide vegetation map and Kingborough Priority Plant Community mapping</p> <p><i>High conservation value trees</i> - trees which provide habitat for threatened species and/or form an important component of a threatened or priority vegetation community.</p> <p><i>Recipient land</i> – refers to the land upon which an offset is implemented.</p>
RELATED DOCUMENTS:	<p>Report on the Interim Biodiversity Offset Policy</p>
AUDIENCE	<p>Kingborough Council staff</p> <p>Applicants</p> <p>Botanical Consultants</p> <p>Tasmanian Planning Commission</p> <p>State and Commonwealth agencies</p>

MATTERS OF GENERAL INTEREST

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

INFORMATION SECTION



GUIDELINES FOR PUBLIC QUESTION TIME

At each meeting of Council or a Council Committee there will be an opportunity for question to be asked by any member of the public. A question may either be in writing, or may be verbally asked at the meeting. You are reminded that the forum is designed to accommodate questions only. Neither the questions nor answers will be debated.

A period of 15 minutes, if required, will be set aside and the Chairperson will endeavour to deal with as many questions as possible at each meeting. If a response to a question cannot be provided at the meeting a written response will be provided as soon as practicable. If time constraints do not permit all questions to be put, the Council will reply to any question that is put in writing.

A Question must not relate to any matter that is listed on the agenda for the meeting.

Questions in Writing

A member of the public may give written notice to the General Manager 7 days before a meeting of a question to be put to the meeting. The question will appear in the agenda of the meeting, and a written response will be read at the meeting and will subsequently be recorded in the minutes. There is no standard form for such questions, but they should be clearly headed Question(s) on Notice.

Questions asked at the Meeting

At the commencement of Question Time the Chairperson will ask members of the public present, if there are any questions, and if so what are those questions. This procedure is to permit the Chairperson to determine an appropriate time limit for Question Time and perhaps limit the opportunity for multiple questions, and to determine whether each question is appropriate. There is to be no discussion, preamble or embellishment of any question at this time.

The Chairperson will then determine which of those questions will be accepted and will provide the reason for any refusal; will determine the order of the questions, and may set a time limit for Question Time. The Chairperson may require a question to be put on notice and in writing.

A member of the public present may only ask one question at a time. The Chairperson may give preference to questions from other members of the public before permitting second or further questions from a member of the public. The Chairperson may rule that a multi-part question is in fact two or more questions, and deal with them accordingly.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session.

Lengthy preambles or introductions are discouraged, and the Chairperson may require that a member of the public immediately put the question.