

# Kingborough



## COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on  
Wednesday, 3 April 2024 at 5.30pm

# 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**



# QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 6 to be held on Wednesday, 3 April 2024 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



David Reeve  
ACTING GENERAL MANAGER

Thursday, 28 March 2024

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## **GUIDELINES FOR PUBLIC QUESTIONS**

### ***Section 31 of the Local Government (Meeting Procedures) Regulations 2015***

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Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

#### **Questions on Notice**

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

#### **Questions Without Notice**

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

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. The Chairperson may require that a member of the public immediately put the question.



AGENDA of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Wednesday, 3 April 2024 at 5.30pm.

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**1 AUDIO RECORDING**

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The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

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**2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS**

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The Chairperson will acknowledge the traditional custodians of this land, pay respects to elders past and present, and acknowledge today's Tasmanian Aboriginal community.

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**3 ATTENDEES**

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**Councillors:**

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

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**4 APOLOGIES**

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**5 CONFIRMATION OF MINUTES**

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**RECOMMENDATION**

That the Minutes of the open session of the Council Meeting No.5 held on 18 March 2024 be confirmed as a true record.

**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

Date	Topic	Detail
25 March	Budget Discussion	Budget workshop that sought to finalise all the items for the draft budget prior to community consultation, as part of this there was a discussion on the proposed rate rise and also on the next steps associated with the consultation.

**7 DECLARATIONS OF INTEREST**

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council’s adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

**8 TRANSFER OF AGENDA ITEMS**

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

At the time the Agenda was compiled there were no Questions on Notice from the Public.

**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

**12 QUESTIONS ON NOTICE FROM COUNCILLORS**

**12.1 GRAFFITI AND STREET TREE STRATEGY**

At the Council meeting held on 18 March 2024, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

1. *Will Council undertake tree planting along fence lines with graffiti to reduce ongoing costs of graffiti removal and will that be considered as part of our Street Tree Strategy?*

2. *In terms of the total allocation of funding to tree planting on Council managed lands, is the total allocation of funding for tree planting increasing?*

**Officer's Response:**

1. Covering a surface with vegetation is a known strategy that reduces its suitability for graffiti, as it will reduce the visibility and readability of the tag. This strategy may be useful in some urban situations and will be considered as part of the development of the Street Tree Strategy. The Street Tree Strategy will provide targets for urban canopy cover and provide a strategic approach to the selection and placement of new street trees.
2. Council allocates funds to a range of projects that involve tree planting on Council land. This includes both native restoration projects in bushland and coastal areas and urban renewal projects such as road upgrades which involve street tree installation. The budget for landscaping as part of capital projects varies annually. The budget allocation to the natural area revegetation program has remained steady for the last three years. Council invested in an upgrade of the native nursery this year increasing its capacity and longevity.

*Liz Quinn, Manager Environmental Services*

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**OPEN SESSION ADJOURNS**



**PLANNING AUTHORITY IN SESSION**

**13 OFFICERS REPORTS TO PLANNING AUTHORITY**

**13.1 DA-2023-174 - DEVELOPMENT APPLICATION FOR RECYCLED WATER TREATMENT PLANT AT 112, 116 & 120 TINDERBOX ROAD, BLACKMANS BAY**

**File Number:** DA-2023-174  
**Author:** Mary McNeill, Planner  
**Authoriser:** Tasha Tyler-Moore, Manager Development Services

<b>Applicant:</b>	MC Planners Pty Ltd obo South Arm Pipeline Pty Ltd
<b>Owner:</b>	TasWater and Kingborough Council
<b>Subject Site:</b>	112, 116 & 120 Tinderbox Road, Blackmans Bay (CT 157728/2, CT 157728/1 and CT 157728/3)
<b>Proposal:</b>	Recycled water treatment plant
<b>Planning Scheme:</b>	Kingborough Interim Planning Scheme 2015
<b>Zoning:</b>	14.0 Environmental Living 19.0 Open Space 28.0 Utilities
<b>Codes:</b>	<u>112 Tinderbox Road</u> E1.0 Bushfire Prone Areas E3.0 Landslide E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E9.0 Attenuation E10.0 Biodiversity E11.0 Waterway and Coastal Protection E15.0 Inundation Prone Areas E16.0 Coastal Erosion Hazard <u>116 Tinderbox Road</u> E1.0 Bushfire Prone Areas E3.0 Landslide E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management

	<p>E9.0 Attenuation                  E10.0 Biodiversity                  E11.0 Waterway and Coastal Protection                  E16.0 Coastal Erosion Hazard  <u>120 Tinderbox Road</u>                  E5.0 Road and Railway Assets Code                  (As no development is occurring on this site, no other codes are considered relevant).</p>
<b>Use Class/Category:</b>	Utilities (sewage treatment plant)
<b>Discretions:</b>	<p><u>Environmental Living Zone</u>                  14.3.1 Non-Residential Use P1                  14.4.3 Design P1 and P4                  14.4.5 Environmental Values P1  <u>Open Space Zone</u>                  19.3.4 Commercial Vehicle Movements P1                  19.3.5 Discretionary Use P1  <u>Utilities Zone</u>                  28.4.6 Environmental Values P1  <u>Landslide Code</u>                  E3.6.1 Hazardous Use P2                  E3.7.1 Buildings and works, other than minor extensions P1  <u>Parking and Access Code</u>                  E6.7.3 Vehicular Passing Areas Along an Access P1  <u>Stormwater Management Code</u>                  E7.7.1 Stormwater drainage and disposal P1 and P2  <u>Coastal Erosion Hazard</u>                  E16.7.1 Buildings and Works P1  <u>Signs Code</u>                  E17.6.1 Use of Signs P1                  E17.7.1 Standards for Signs P1.</p>
<b>Public Notification:</b>	Public advertising was undertaken between 18 November 2023 and 15 December 2023 in accordance with section 27G(2) of the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA)
<b>Representations:</b>	20 (including one out of time)
<b>Recommendation:</b>	Approval

## 1. PROPOSAL

### 1.1 Description of Proposal

The proposal is part of the South Arm Pipeline and wastewater reuse scheme to take Class A Recycled Water by means of the existing pipeline to the South Arm Peninsula to provide irrigation to the Arm End golf course in the Gellibrand Nature Reserve Recreation Area in the Clarence municipality. This assessment is for the development at the subject site at Tinderbox Road only, related to the construction and use of the Recycled Water Treatment Plant and associated infrastructure and works. No building or works are proposed on Council land, however the proposal will result in an intensification of the use of the exiting access over Council land.

The application seeks approval for a Class A Recycled Water Treatment Plant (RWTP) at 112 and 116 Tinderbox Road, Blackmans Bay. The plant would be located upslope and to the west of the existing sewerage treatment plant (STP) and provide for tertiary treatment of output from the existing STP. The treatment system consists of a series of tanks, control systems and connecting pipework. The tertiary treated output from the STP will be delivered to the start of the undersea South Arm Pipeline. 2ML of effluent would be diverted from being discharged into the Derwent Estuary from the STP.

The RWTP is proposed to operate 24 hours a day throughout the year. Access to the proposed RWTP site is via a Right of Carriageway over Council land at 120 Tinderbox Road (Treatment Plant Road). Personnel would typically access the site for monitoring between hours of 8.00 am - 6.00 pm Monday - Friday and 9.00 am – 12 pm Saturdays.

The following elements form part of the proposal:

- Containerised Class A recycled RWTP with treatment process units, pipework and storage tanks
  - Three (3) shipping containers: 2 x 40-foot, 1 x 20-foot
  - Eight (8) tanks: 2 x 5kL, 2 x 22kL, 2 x 22kL, 1 x 100kL, 1 x 450kL
  - Pump shed
  - Storage and use of hazardous substances (Sodium Hypochlorite, Sodium Hydroxide, Citric Acid)
  - Washdown facilities
  - Hardstand area (concrete slab) and associated cut and fill and 1.9m retaining wall
- Security fencing to the perimeter of the plant (1.8m chainwire)
- Works to provide for connecting pipework between the STP, the RWTP and the South Arm Pipeline
- Pump station (attached to existing STP)
- Landscaping to provide screening of the RWTP
- Tree removal (four trees including one *E. globulus* of high conservation value – Tree 16), encroachment into the tree protection zone of four high conservation value (Trees 4, 5, 32 and 34) and eight very high conservation value trees (Tree



7, 8, 14, 15, 21, 22, 24 and 67), and removal of native understorey vegetation within degraded *Eucalyptus globulus* dry forest and woodland (DGL)

- Installation of power and potable water
- Stormwater management system
- Upgrading of the existing access and a new section of road over 112 Tinderbox Road
- Signage on entry gate.

The proposed removal of *E. risdonii* and planted melaleuca and wattle shrubs do not meet the definition of native vegetation under the Scheme.

The proposed use is defined as a 'Level 2 Activity' under the EMPCA, being a wastewater treatment plant (see details below in Background section regarding the Environment Protection Authority (EPA) referral and assessment). Council does not assess matters dealt with in the EPA assessment (see Checklist).

## 1.2 Description of Site



**Figure 1 - Aerial view of subject lots related to the proposal (Source: marked up from LISTmap)  
Note: Aerial imagery only accurate as to most recent LISTmap update)**

The subject land is located to the east of Tinderbox Road and to the south of Suncoast Drive. The site includes three lots within the Sealed Plan SP157758:

- 112 Tinderbox Road (Lot 2- 9.704 ha)
- 116 Tinderbox Road (Lot 1- 1.596 ha)
- 120 Tinderbox Road (Lot 3- 4.974 ha)

Lot 1 is contained within Lot 2. The eastern boundary of Lot 2 is the high-water mark of the River Derwent. Lots 1 and 2 together accommodate the existing STP. The existing approved Pipeline is located to the south of the existing STP on the southern edge of the right of way and service easement on Lot 2.

The access to Lots 1 and 2 is via a Right of Way over Council land at 120 Tinderbox Road (Lot 3) (Treatment Plant Road). Sections of the land on Lots 2 and 3 are used for passive recreation, being the location of part of the Suncoast Headlands Track, and provides access to the adjacent dog walking area on Lot 3. The Blackmans Bay Scout Hall is located on Lot 3 on the western section of the lot.

The development site slopes from west to east descending towards the Derwent Estuary, with a high point of approximately 62m Australian Height Datum (AHD) on the western boundary of Lot 2 falling to high-water mark.

The site is partially cleared land containing several areas of vegetation including mature native trees. The EPA assessment defined the Natural Values as:

- Dry *Eucalyptus globulus* dry forest and woodland (DGL) is present and is a listed threatened forest community under the *Nature Conservation Act 2002* (NCA).
- Potential foraging habitat for the swift parrot (*Lathamus discolor*), listed as a threatened species under the *Threatened Species Protection Act 1999* (TSPA).

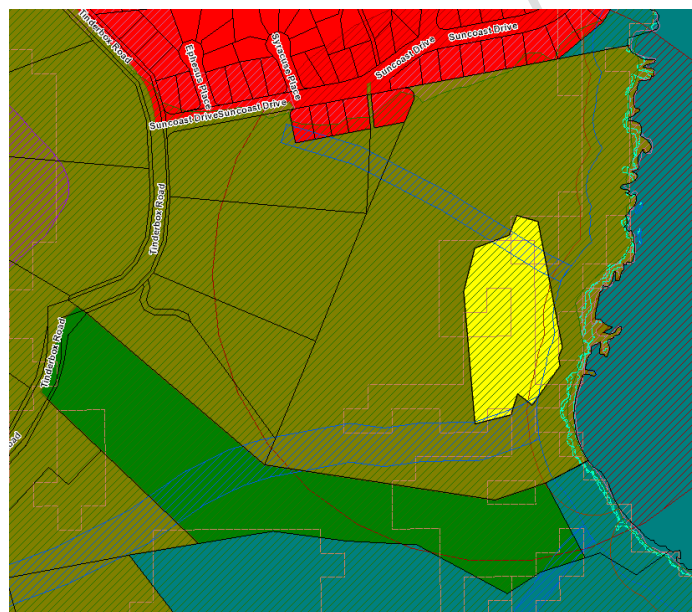
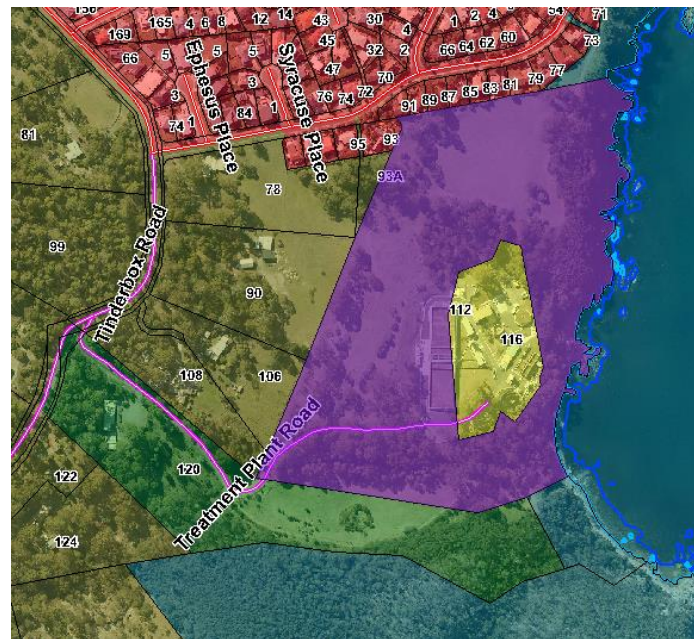


Figure 2 - Zoning and Code overlays applied to subject site (Source: LISTmap)



**Figure 3 - Mapping indicating address numbers relevant to the proposal and residential lots to the west (Source: MapInfo).**

The subject site comprises three lots zoned Environmental Living (112 Tinderbox Road), Utilities (116 Tinderbox Road), and Open Space (120 Tinderbox Road) under the Kingborough Interim Planning Scheme 2015 (the Scheme). Residential lots in the Environmental Living Zone are to the West, whilst residential lots in the General Residential Zone are to the North. To the south is recreational land in the Open Space Zone (containing the dog park).

The land associated with the proposed building and works is within the following Code overlays:

- Bushfire Prone Areas
- Landslide (Hazard Area – Low & Medium)
- Biodiversity
- Attenuation Area (Blackmans Bay Treatment Plant. Buffer distance: 300m – Odours), Waterway and Coastal Protection Area (Class 1 – Buffer width 40m, Class 3 - Buffer width 20m, Class 4 – Buffer width 10m)
- Inundation – Coastal Inundation (Low Hazard Area – This area is vulnerable to a 1% AEP storm event in 2100, Medium Hazard Area - This area is vulnerable to a 1% AEP storm event in 2050 and a 0.8m sea level rise by 2011, High Hazard Area – This area is vulnerable to the highest astronomical tide now, and to a 0.2 metre sea level rise)
- Coastal Erosion Hazard (Low – Regression & slump hazard zone (steep to cliffed hard rocks). This area has been identified as vulnerable to a coastal recession by 2100 based on current seal level rise models, soil type, and the geomorphology of the area. Or is protected by coastal defences for erosion.

The Road and Railway Assets, Parking and Access, Stormwater Management and Local Development Codes apply.



## 1.3 Background

### Creation of the lots and easements

The subject land formerly belonged to Kingborough Council and the land that forms lots 1 and 2 were sold to TasWater. Lot 3 was retained by Council and is associated with the Blackmans Bay Scout Hall (addressed as 120 Tinderbox Road). 120 Tinderbox Road provides access to the land at 112 and 116 Tinderbox Road by means of Right of Carriageway and Service Right. Council obtained an easement over Lot 2 (112 Tinderbox Road), created under dealing E173092, for the Suncoast Headlands Track. Access to this easement land associated with the track has been fenced off by TasWater. All other title restrictions are discussed in Other Matters below.

### Previous approvals

- DA-2018-402 Recycled Water Pipeline – permit was issued on 24 December 2018 and was due to expire on 24 December 2020. An extension of time was granted until 4 December 2022 in which to substantially commence the development. A further extension of time was granted until 24 December 2024. It is understood that works commenced for the drill shot in March 2023.
- DA-2018-402/A Recycled water pipeline – a minor amendment to the permit was issued due to a required change to the drill shot location and was approved in August 2021.
- DA-2020-668 Recycled water treatment plant – The application was withdrawn.
- DA-2021-242 Demolition (Existing dwelling, carport, low wall and shed approved for demolition 3 June 2021) - The now demolished dwelling and outbuildings were located on Lot 2.

### Title Restrictions

The following title restrictions are considered of relevance to the application:

SP157728 EASEMENTS in Schedule of Easements:

The subject lots are restricted by several Easements including Rights of Carriageway and Service Easements ("A" and "B" 6.00 wide over Lot 3 on the Plan, and 12.00 wide over Lot 2 shown on the Plan) and Drainage Easement (12.00 wide over Lot 2 shown on the Plan): the proposal is consistent with the appropriate use of the Easement Land.

E179624 BURDENING ELECTRICITY INFRASTRUCTURE EASEMENT with the benefit of a restriction as to user of land in favour of Tasmanian Networks Pty Ltd over the lands marked Electricity Infrastructure Easement 'B' and Electricity Infrastructure Easement 'C' on Sealed Plan 157728 (Subject to Provisions): the proposed works are outside of this easement land.

E173092 BURDENING EASEMENT: rights of way in favour of Kingborough Council over the lands marked Right of Way Variable Width 'A' and Right of Way Variable width 'B' on Sealed Plan 157728 (See Figure 4 below): the proposal does not impact the easement land.

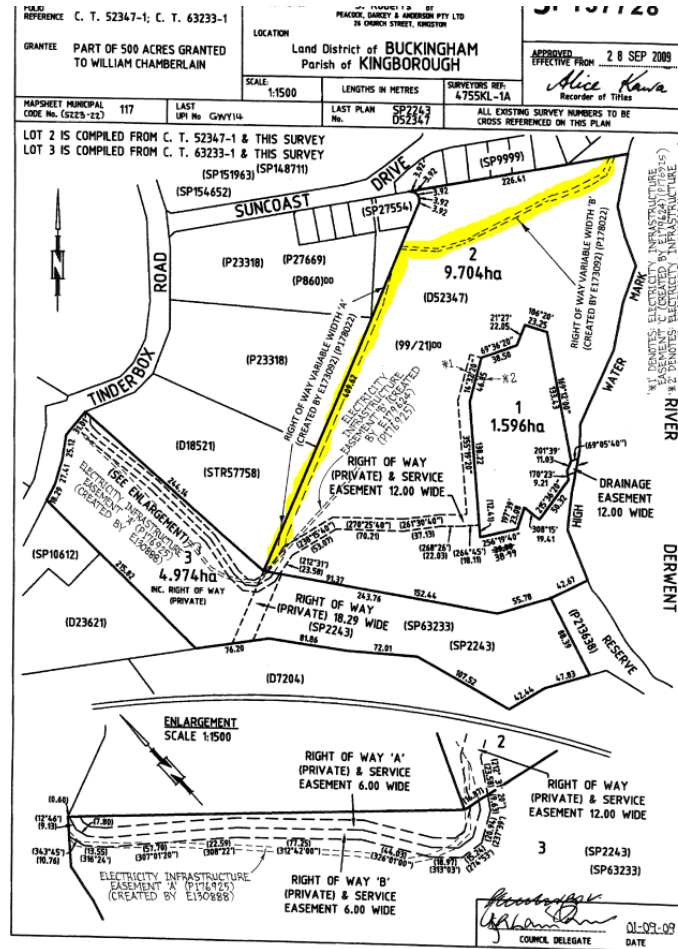


Figure 4 – SP157728 Folio Plan indicating easement land with highlighted easement for Suncoast Headlands Track (Source: Marked up Folio Plan)



**Figure 5 – Aerial imagery indicating previous alignment of Suncoast Headlands Track with blue flags indicating redirection of track along easement alignment (Source: Marked up aerial view provided by Recreation Officer)**

Council’s Recreation Officer has advised that the Right of Way was given to Council in 2020 when TasWater purchased the land from Council. The track was not re-routed at the time and people continued to walk through the grassed area. Council is working with TasWater to organise the removal of the fencing they have installed blocking off Council’s Right of Way established for the track. Council will place bollards and directional signage to delineate the new pedestrian access.

**Council consent for the making of the application.**

Due to the intensification of the use of the existing right of carriageway under the proposal, Council consent for the making of the application was required. The consent was provided in accordance with section 52 of the LUPAA on 30 October 2023. Whilst the Council land is required to form part of the proposal, no development is proposed on the Council land. The assessment below therefore does not need to include assessment against development standards in the Open Space Zone, or any code overlays mapped over the Council land at 120 Tinderbox Road. The Use Standards in the Zone and the Road and Railway Assets Code will however apply.

**Environment Protection Authority (EPA) referral and assessment**

The application was referred to, and called in by, the Environment Protection Authority, as a Level 2 activity. The below relevant dates are provided:

5 June 2023

The application was referred to the Board of the EPA as required under section 25(l) of the *Environmental Management and Pollution Control Act 1994* (EMPCA).

5 July 2023

The EPA advised Council that the Board needed to assess the activity to which the application relates as a Level 2 activity. The EPA directed Council to advertise the application at that time following the satisfaction of matters being assessed against the *Kingborough Interim Planning Scheme 2015* (the Scheme) under the *Land Use Planning and Approvals Act 1993* (LUPAA).

20 February 2024

The EPA informed Council of their decision. The decision includes EPA conditions to be included in any permit issued.

Effect on timeframe for Council decision and extension of time to determine the application

Timeframes for assessment under the LUPAA are overridden by timeframes for applications under assessment under EMPCA. Council has 42 days from when the EPA informs Council of their decision to make a decision on the application. In this case, the 42 days falls on Easter Monday. As the Council meeting is scheduled for Wednesday 3 April 2024, an extension of time to determine the application was requested by Council and granted by the applicant until Thursday 4 April 2024.

Effect on assessment under the scheme and conditions on the permit

In accordance with section 25(5)(a) EMPCA, the conditions and restrictions in the EPA Permit Part B, together with the definitions in Schedule I and the associated attachments, must be contained in any permit granted by Council for the application under the *Land Use Planning and Approvals Act 1993*.

To satisfy the requirements of section 25(8) of EMPCA, the Council must:

- Not include any other condition or restriction which is inconsistent with, or which extends the operation of, any conditions or restrictions which the Board requires to be contained in the permit; and
- Notify the Board of its decision to grant or refuse to grant a permit; and
- At the same time as it notifies the applicant of its decision on the application, provide the Environmental Assessment Report (EAR) to the applicant, via link to the EAR in the Council's letter to the applicant and to anyone who made representations.

The EPA have directed Council regarding conditions required to be placed on any permit issued.

## 2. ASSESSMENT

### 2.1 State Policies and Act Objectives

The proposal is consistent with the outcomes of the State Policies, including those of the Coastal Policy.

The proposal is consistent with the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

## 2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

There are no relevant strategies.

*Zone Purpose Statements of the Environmental Living Zone:*

The relevant zone purpose statements of the zone are:

*14.1.1.2 To ensure development is reflective and responsive to the natural or landscape values of the land.*

*14.1.1.3 To provide for the management and protection of natural and landscape values, including skylines and ridgelines.*

*14.1.1.4 To protect the privacy and seclusion that residents of this zone enjoy.*

*14.1.1.6 To encourage passive recreational opportunities through the inclusion of pedestrian, cycling and horse trail linkages.*

*Clause 14.1.2 and 14.1.3 – There are no Local Area Objectives and Desired Future Character Statements for the Environmental Living Zone.*

*Zone Purpose Statements of the Open Space Zone:*

The relevant zone purpose statements of the zone are:

*19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

*19.1.1.2 To encourage open space networks that are linked through the provision of walking and cycle trails.*

*Clause 19.1.2 and 19.1.3 – There are no Local Area Objectives and Desired Future Character Statements for the Open Space Zone.*

*Zone Purpose Statements of the Utilities Zone:*

The relevant zone purpose statements of the zone are:

*28.1.1.1 To provide land for major utilities installations and corridors.*

*28.1.1.2 To provide for other compatible uses where they do not adversely impact on the utility.*

*Clause 28.1.2 and 28.1.3 – There are no Local Area Objectives and Desired Future Character Statements for the Utilities Zone.*

## 2.3 Statutory Planning

The use is categorised as Utilities (sewage treatment plant) under the Scheme which is a:

- Discretionary use in the Environmental Living Zone.
- Permitted use in the Utilities Zone.
- Discretionary use in the Open Space Zone.

Council's assessment of this proposal should also consider the issues raised in the representations, the outcomes of any relevant State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*.

**2.4 Use and Development Standards**

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

**Environmental Living Zone**

**Clause 14.3.1 Non-Residential Use**

<b>Acceptable Solution A1</b>
<i>Hours of operation must be within:</i> (a) 8.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12.00 noon Saturdays; (c) nil Sundays and Public Holidays; except for office and administrative tasks or visitor accommodation.
<b>Performance Criteria P1</b>
<i>Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</i>
<b>Proposal</b>
Hours of operation will be continuous (24 hours, 7 days a week), and therefore the proposal must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- Personnel will access the site for monitoring, and therefore vehicle movements would only occur during the hours prescribed in the Acceptable Solution.
- A noise report was provided with the application (Noise Vibration Consulting, 27 February 2023). The predicted noise levels at the nearest sensitive receivers would be lower than the measured background noise level in the area during the night, and significantly lower than the emissions from the existing STP. The report has indicated that noise emissions are unlikely to be discernible from residential land.
- The EPA regulates odour and dust emissions and has recommended conditions on the permit accordingly.
- Lighting has not formed part of the proposal. There are no use standards that relate to lighting in the zone. Any light spill is unlikely due to the distance between the plant and adjoining residential land.
- The EPA has imposed a condition (G6 Complaints register) that requires any alleged environmental harm including environmental nuisance must be recorded, investigated and resolved.

**Environmental Living Zone**

**Clause 14.4.3 – Design**

<p><b>Acceptable Solution – A1</b></p> <p><i>The location of buildings and works must comply with any of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) be located within a building area, if provided on the title;</i></li> <li><i>(b) be an addition or alteration to an existing building;</i></li> <li><i>(c) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline.</i></li> </ul>
<p><b>Performance Criteria – P1</b></p> <p><i>The location of buildings and works must satisfy all of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) be located in an area requiring the clearing of native vegetation only if:</i> <ul style="list-style-type: none"> <li><i>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;</i></li> <li><i>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;</i></li> <li><i>(iii) the location of clearing has the least environmental impact;</i></li> </ul> </li> <li><i>(b) be located on a skyline or ridgeline only if:</i> <ul style="list-style-type: none"> <li><i>(i) there are no other sites suitable for development due to access difficulties or excessive slope;</i></li> <li><i>(ii) there is no significant impact on the rural landscape;</i></li> <li><i>(iii) building height is minimised;</i></li> <li><i>(iv) any screening vegetation is maintained.</i></li> </ul> </li> <li><i>(c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape</i></li> </ul>
<p><b>Proposal</b></p> <p>The proposed RWTP is not located within a building area provided on the title, is not an addition or alteration to an existing building and requires the clearing of native vegetation. Therefore, it does not comply with A1(a) (b) or (c) and requires assessment against the Performance Criteria.</p>

The application was referred to Council’s Environmental Planner who has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- there are no other sites clear of native vegetation and other site constraints for the development to be constructed;
- no clearing is required for bushfire hazard management purposes and the clearing is the minimum necessary for associated infrastructure;

- the location and alignment of buildings and works have been designed in consultation with a suitably qualified ecologist and arborist to minimise clearing of native vegetation, subject to implementation of the recommended Tree Protection Plan;
- while the buildings and works are located on a ridgeline, there are no other sites suitable for the development due to significant natural values;
- there will not be any significant impact on the rural landscape the vegetated landscape is being retained and the buildings will be screened by proposed plantings;
- the building height is minimised; and
- screening vegetation is being maintained and additional plantings proposed.
- There are no Desired Future Character Statements provided for the area.

Conditions are recommended for inclusion in any permit issued limiting clearing, requiring implementation of the Tree Protection Plan, requiring engineering drawings are consistent with the arborist assessments and Natural Values Report and requiring development and implementation of a landscaping plan.

It is noted that the EPA permit includes a requirement for implementation of the Tree Protection Plan. Under s25 (8) (b) of EMPCA, the planning authority must not include any other condition or restriction which is inconsistent with, or which extends the operation of, any conditions or restrictions which the Board requires to be contained in the permit. Under s25 (8A) of EMPCA, if a permit is issued with conditions or restrictions required by the Board, the planning authority is not required or entitled to exercise any power that it could otherwise exercise under this or any other Act to enforce those conditions or restrictions unless the Director and the planning authority have, in writing, agreed otherwise.

Council has consulted the EPA about the scope of the proposed conditions and the EPA has confirmed that the conditions do not extend, restrict or enforce the Board’s conditions relating to natural values. Therefore, the proposed conditions are consistent with s25 of EMPCA.

**Environmental Living Zone**

**Clause 14.4.3 – Design**

<p><b>Acceptable Solution – A4</b></p>
<p><i>Fill and excavation must comply with all of the following:</i></p> <p>(a) <i>height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;</i></p> <p>(b) <i>extent is limited to the area required for the construction of buildings and vehicular access.</i></p>
<p><b>Performance Criteria – P1</b></p>
<p>Fill and excavation must satisfy all of the following:</p> <p>(a) there is no unreasonable impact on natural values;</p> <p>(b) does not detract from the landscape character of the area;</p> <p>(c) does not unreasonably impact upon the privacy of adjoining properties;</p>



(d) does not affect land stability on the lot or adjoining land.
<b>Proposal</b>
The depth of excavation for the access and pad exceeds 1m and in places the pad also requires fill >1m. The proposal also includes excavation for installation of the pipelines. Therefore, the proposal cannot comply with A4.

The application was referred to Council’s Environmental Planner who has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The excavation and fill do not unreasonably impact upon natural values, with works located in a predominantly cleared area, tree removal limited to four (4) individual trees, with two (2) trees not native to the area and encroachment into tree protection zones of remaining trees tolerable.
- Vegetation will be retained around the development and landscaping is proposed, maintaining the landscape character of the area.
- The cut and fill is located a minimum of 40m from adjoining properties and will be screened by landscaping and retained vegetation. Therefore, there will be no unreasonably impact on privacy.
- Fill and excavation >1m are proposed to be appropriately designed and therefore land stability on the lot or adjoining land will not be affected.

A condition should be included in any permit issued limiting clearing, requiring implementation of the proposed landscaping and requiring retaining of fill and excavation >1m.

**Environmental Living Zone**

**Clause 14.4.5 – Environmental Values**

<b>Acceptable Solution – A1</b>
<i>Development must be located within a building area on a plan of subdivision.</i>
<b>Performance Criteria – P1</b>
<i>The application is accompanied by an environmental management plan for the whole site, setting out measures to be put in place to protect flora and fauna habitats, riparian areas, any environmental values identified as part of a site analysis, and identify measures to be used to mitigate and offset adverse environmental impacts.</i>
<b>Proposal</b>
Development is not located within a building area on a plan of subdivision and therefore must be assessed against the Performance Criteria.

The application was referred to Council’s Environmental Planner who has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The application is accompanied by an environmental management plan (Enviro-dynamics, March 2023, v2.0) for the whole site.
- This plan identifies measures to protect flora and fauna habitats and other environmental values and measures to be used to mitigate and offset adverse environmental impacts.
- These measures include prescriptions around clearing of vegetation and tree protection, pipeline earthworks and rehabilitation of the site, bird strike, machinery and vehicle hygiene and monitoring and maintenance.

A condition is recommended for inclusion in any permit issued requiring implementation of the EMP.

**Open Space Zone**

**Clause 19.3.4– Commercial Vehicle Movements**

<p><b>Acceptable Solution – A1</b></p>
<p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</i></li> <li><i>(b) 9.00 am to 12 noon Saturdays;</i></li> <li><i>(c) Nil Sundays and Public Holidays.</i></li> </ul>
<p><b>Performance Criteria – P1</b></p>
<p><i>Commercial vehicle movements, (including loading and unloading and garbage removal), to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) the time and duration of commercial vehicle movements;</i></li> <li><i>(b) the number and frequency of commercial vehicle movements;</i></li> <li><i>(c) the size of commercial vehicles involved;</i></li> <li><i>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</i></li> <li><i>(e) noise reducing structures between vehicle movement areas and dwellings;</i></li> <li><i>(f) the level of traffic on the road;</i></li> <li><i>(g) the potential for conflicts with other traffic.</i></li> </ul>
<p><b>Proposal</b></p>
<p>Commercial vehicle movements would occur within 50m of a residential zone and - be confined to the hours - 8.00 am - 6.00 pm Monday - Friday and 9.00 am – 12 pm Saturdays. The proposal therefore does not comply with the Acceptable Solution and therefore must be assessed against the Performance Criteria.</p>

The proposed variation can be supported pursuant to this Performance Criteria of the Zone because personnel would visit the site an additional hour up to 6pm Monday to Friday and will only use the accessway for occasional maintenance. This additional hour of use of the access on weekdays is not considered to be unreasonable as to result in an unreasonable impact on residential amenity.

**Open Space Zone**

**Clause 19.3.5 – Discretionary Use**

<b>Acceptable Solution – A1</b>
<i>No Acceptable Solution</i>
<b>Performance Criteria – P1</b>
<i>Discretionary use must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use.</i>
<b>Proposal</b>
The use is discretionary under Table 19.2. There is no Acceptable Solution under the Clause, therefore must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The use of the land in the Open Space Zone is for access to the site only. The access is already used for access to the existing STP.
- The level of intensification of traffic generated by the new use will not be significant and is not considered that it will be in conflict with the recreational use of the land.
- The pedestrian access to the Suncoast Headlands Track will be bollarded and signed at the end of this access route.

**Utilities Zone**

**Clause 28.4.6 – Environmental Values**

<b>Acceptable Solution – A1</b>
<i>No trees of high conservation value will be impacted.</i>
<b>Performance Criteria – P1</b>
<i>Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.</i>
<b>Proposal</b>
Part of the proposed pipeline is located within the tree protection zone of high conservation value trees within the Utilities Zone.

Therefore, this part of the pipeline requires assessment against the performance criteria.

The application was referred to Council’s Environmental Planner who has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- An Arboriculture Impact Assessment Addendum (Tasmanian Arboriculture Consultants, 29/08/2023) confirms encroachment and associated impacts will be negligible, with:
  - the alteration of the pipeline route to ensure it is outside the tree protection zones of Trees 38-56; and
  - the installation of the eastern end of the pipeline above ground using concrete plinths.
- As all high conservation value trees are proposed for and capable of retention, no offsets are required.

Conditions are recommended for inclusion in any permit issued requiring installation of the eastern end of the pipeline above ground, requiring the pipeline alignment to be in accordance with the endorsed plans and requiring implementation of the tree protection plan.

**Landslide Code**

**Clause E2.6.1 – Hazardous Use**

<b>Acceptable Solution – A2</b>
<i>No acceptable solution.</i>
<b>Performance Criteria - P2</b>
<p><i>Hazardous use must satisfy all of the following:</i></p> <p><i>(a) No part of the hazardous use is in a High Landslide Hazard Area;</i></p> <p><i>(b) Landslide risk to people and the environment associated with the hazardous use is either:</i></p> <p><i>(i) acceptable risk; or</i></p> <p><i>(ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.</i></p> <p><i>(c) Landslide risk to people and the environment associated with the hazardous use must take into consideration the characteristics, nature and scale of the use to:</i></p> <p><i>(i) prevent the exposure of people and the environment to dangerous substances as a consequence of landslide;</i></p> <p><i>(ii) minimise the risk to emergency personnel.</i></p>
<b>Proposal</b>
<p>As the use involves a dangerous substance and is in the Utilities use class, the proposal meets the definition of a hazardous use under Clause E3.3.1 (b) (vii) of the Landslide Hazard Code. There is no Acceptable Solution under the Clause and therefore requires assessment against the Performance Criteria.</p>

The application was referred to Council’s Environmental Planner who has advised that an assessment of the Landslide Risk was provided by a suitably qualified person (GES,

September 2023) and this assessment confirms the proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- The hazardous use is not within a High Landslide Hazard Area.
- The landslide risk to people and the environment associated with the hazardous use is acceptable.
- The hazardous use is restricted to staff access only, with no public access. Given the minimal risk associated with this use, routine maintenance of the pipeline will serve as prevention of exposure of people and the environment to dangerous substances.
- The exposure to risk is limited to connecting to the existing pipeline, noting the hazardous substances are stored outside the Landslide Hazard Area. Given the consideration of the site's geological characteristics and the setback distance from the cliff's edge, the likelihood of a landslide event or the need for emergency personnel is very low.

**Landslide Code**

**Clause E3.7.1 - Buildings and works, other than minor extensions**

<b>Acceptable Solution – A1</b>
<i>No acceptable solution</i>
<b>Performance Criteria – P1</b>
<i>Buildings and works must satisfy all of the following: (a) no part of the buildings and works is in a High Landslide Hazard Area; (b) the landslide risk associated with the buildings and works is either: (i) acceptable risk; or (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.</i>
<b>Proposal</b>
While the new treatment plant is located outside a Landslide Hazard Area, the proposed pipelines involve works within a Landslide Hazard Area (low and medium). Therefore, the proposal requires assessment against the Performance Criteria.

The application was referred to Council's Environmental Planner who advised that an assessment of the Landslide Risk was provided by a suitably qualified person (GES, September 2023) and this assessment confirms the proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- No part of the development is within a high landslide hazard area.
- The proposed pipeline infrastructure is located a sufficient distance away from the crest of the cliff given 1% AEP scenarios for 2100.

Therefore, the risk is acceptable.

**Parking and Access Code**

**Clause E6.7.3 – Vehicle passing areas along an access**

<p><b>Acceptable Solution – A1</b></p> <p><i> Vehicular passing areas must:</i></p> <p><i>(a) be provided if any of the following applies to an access:</i></p> <p><i>(i) it serves more than 5 car parking spaces;</i></p> <p><i>(ii) is more than 30 m long;</i></p> <p><i>(iii) it meets a road serving more than 6000 vehicles per day</i></p> <p><i>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;</i></p> <p><i>(c) it meets a road serving more than 6000 vehicles per day;</i></p> <p><i>(d) have the first passing area constructed at the kerb;</i></p> <p><i>(e) be at intervals of no more than 30 m along the access.</i></p>
<p><b>Performance Criteria – P1</b></p> <p><i> Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</i></p> <p><i>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</i></p> <p><i>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</i></p> <p><i>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</i></p> <p><i>(d) ease of accessibility and recognition for Users.</i></p>
<p><b>Proposal</b></p> <p>Access works are greater than 30m long and no passing bays are provided, and therefore the proposal must be assessed against the Performance Criteria.</p>

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- Low usage of the access is anticipated as vehicles will only use the access for occasional maintenance once the facility is operational.
- It is unlikely that there will be conflicts between vehicles or cyclists/pedestrians as the pedestrian linkage to the Suncoast Headlands Track would be along the boundary to the west. Council will place bollards and directional signage to delineate the new pedestrian access to the track.
- Vehicle speeds would be low along the access.
- There are no adjoining roads.

**Stormwater Management Code**

**Clause E7.7.1 – Stormwater Drainage and Disposal**

<b>Acceptable Solution – A1</b>
<i>Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</i>
<b>Performance Criteria – P1</b>
<i>Stormwater from new impervious surfaces must be managed by any of the following: (a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles (b) collected for re-use on the site; (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</i>
<b>Proposal</b>
Stormwater will be generated by the proposal and there is no public infrastructure available. The proposal is therefore unable to comply with A1 and must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- Stormwater from the resealed access road will be disposed of on-site via dissipation devices into existing swale drains or via the new cut-off drain.
- The RWTP facility area will be sealed with concrete with its stormwater collected by two pits before being piped to the swale drain/dissipation system.

**Stormwater Management Code**

**Clause E7.7.1 – Stormwater Drainage and Disposal**

<b>Acceptable Solution – A2</b>
<i>A stormwater system for a new development must incorporate water sensitive urban design principles <sup>R1</sup> for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600 m<sup>2</sup>; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.</i>
<b>Performance Criteria – P2</b>
<i>A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.</i>
<b>Proposal</b>
The area of new impervious surface is approximately 1000m <sup>2</sup> and therefore does not comply with A2(a) and therefore must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone because a Stormwater Quality Design Memorandum (Landstorm Engineering, 3 March 2023) was provided and demonstrates that the proposed stormwater management system meets acceptable stormwater quality and quantity targets as detailed in Table E7.1 as per the State Stormwater Strategy 2010.

**Coastal Erosion Hazard Code**

**Clause E16.7.1 - Buildings and Works**

<b>Acceptable Solution – A1</b>
<i>No Acceptable Solution</i>
<b>Performance Criteria – P1</b>
<p><i>Buildings and works must satisfy all of the following:</i></p> <p><i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i></p> <p><i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i></p> <p><i>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i></p> <p><i>(d) need for future remediation works is minimised;</i></p> <p><i>(e) health and safety of people is not placed at risk;</i></p> <p><i>(f) important natural features are adequately protected;</i></p> <p><i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i></p> <p><i>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i></p> <p><i>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i></p> <p><i>(j) not be located on an actively mobile Landform.</i></p>
<b>Proposal</b>
A short section of the pipeline from the existing sewage treatment plant is located within a Coastal Erosion Hazard Area (low) and therefore the proposal requires assessment against the Performance Criteria.

The application was referred to Council’s Environmental Planner who has advised that an assessment of the Coastal Erosion Hazard Risk was provided by a suitably qualified person (GES, September 2023) and this assessment confirms the proposed variation can be supported pursuant to this Performance Criteria of the Code for the following reasons:

- The development will not increase the current level of risk to life of site users, or increase the hazard for adjoining properties, based on a 100-year cliff rockfall event.
- Mitigation of coastal erosion arising from wave run-up including impact can be adequately managed through structural design.
- No mitigation or future remediation works are required within the 50-year design life provided recommendations are adhered to.
- The health and safety of people will not be placed at risk within the design life.



- Important natural features are adequately protected providing soil and water management and tree protection measures are implemented during construction.
- Public access will not be affected by the development and access to the site will not be lost or substantially compromised by expected future erosion within the building design life.
- A developer contribution is not applicable since no mitigation works are proposed or anticipated.
- The site is not on an actively mobile landform.

Conditions are recommended for inclusion in any permit issued requiring implementation of tree protection and soil and water management measures.

**Signs Code**

**Clause E17.6.1 – Use of Signs**

<b>Acceptable Solution – A1</b>
<i>A sign must be a permitted sign in Table E17.3.</i>
<b>Performance Criteria – P1</b>
<i>A sign must be a discretionary sign in Table E.17.3.</i>
<b>Proposal</b>
A wall sign is proposed. A wall sign has discretionary status in the Environmental Living Zone under Table E17.3, and therefore must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone because a wall sign is a discretionary sign in Table E.17.3.

**Signs Code**

**Clause E17.7.1 - Standards for Signs**

<b>Acceptable Solution – A1</b>
<i>A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.</i>
<b>Performance Criteria – P1</b>
<i>A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</i>
<i>(a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;</i>
<i>(b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;</i>
<i>(c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;</i>
<i>(d) not result in loss of amenity to neighbouring properties;</i>
<i>(e) not involve the repetition of messages or information on the same street frontage;</i>
<i>(f) not contribute to or exacerbate visual clutter;</i>
<i>(g) not cause a safety hazard.</i>

<b>Proposal</b>
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The 600mm x 600mm wall sign is proposed. Whilst the sign satisfies the standards listed in Table E17.2, a wall sign has discretionary status in the Environmental Living Zone under Table E17.3, and therefore must be assessed against the Performance Criteria.
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The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The sign will provide information identifying the plant and will not be visible in the streetscape.
- It is considered that the sign is of appropriate dimensions and would not dominate the premises.
- The sign will be metal and easy to maintain.
- The sign will not face any residential properties.
- There is only one sign and no repetition of messaging, and will not create any clutter.
- The sign is internal on the site and will not cause a safety hazard.

## 2.5 Public Consultation and Representations

The application was advertised in accordance with section 27G(2) of the *Environmental Management and Pollution Control Act 1994* (EMPCA) (from 18 November 2023 to 15 December 2023).

20 representations were received during the public exhibition period (including one received out of time). 16 objections were received, and 4 supporting representations were received.

Many of the representations received related to the use of the recycled wastewater and associated impacts in the Clarence Municipality. Those representations are not relevant to the current decision before Council. Only those representations that relate to the use and development at the subject site in Kingborough subject to the application before Council are summarised and addressed below. It is noted that previous assessments and permits have been issued by Clarence City Council and under other mechanisms related to the Reuse Scheme and that the EPA has imposed monitoring requirements for the recycled water quality to be piped to South Arm.

All representations related to the application before Council were objections. These numbered five, with one received out of time.

A summary of the representations was requested by the applicant and were provided. The applicant subsequently provided a response to the issues raised and those responses have informed some of the responses below.

The following issues were raised by the representors:

### 2.5.1 Noise

- Concern that the noise report inadequate in its assessment and not indicative of noise experienced.
- Current STP facility does not operate at all times – development will produce constant noise.

Response: A Noise Assessment was provided with the application (Noise Vibration Consulting, 27 February 2023). The predicted noise levels at the nearest sensitive receivers would be lower than the measured background noise level in the area during the night, and significantly lower than the emissions from the existing STP. Noise from the plant is very unlikely to be audible at the nearest residential receivers. No change in overall level is predicted based on the cumulative impacts of the existing STP and the proposed RWTP.

The application and assessment were reviewed by Council's Environmental Health Officers and the EPA. The EPA have also applied several noise control conditions (N1, N2, N3 and N4). The Environmental Health Officer has advised that the EPA have effectively required that the proposed activity must not emit noise above background levels when measured at any noise sensitive premises (N1). This adequately addresses the concerns raised in the representations.

The EPA have also applied a condition requiring the operator to submit a noise survey within 6 months of commissioning of the plant (N2,N3) and conditioned noise related to the construction phase (N4).

#### 2.5.2 Wildlife

- Concern regarding impacts on endangered species - forty spotted pardalote and swift parrot habitat within 100m of proposed site.

Response: Only one *Eucalyptus globulus* of high conservation value, and of foraging importance to the swift parrot, is proposed for removal. Conditions have been imposed by the EPA related to Tree Protection, removal of vegetation within the *Eucalyptus globulus* dry forest and woodland, and swift parrot collision mitigation for fencing (FF1, FF2 and FF3). The conditions impose vegetation removal to be conducted outside of swift parrot breeding season. The Forty Spotted Pardalote is not known in the area.

#### 2.5.3 Visual Impact

- not adequately addressed visual impacts
- doubts that screening vegetation will be maintained
- the plant could be moved further away from dwellings and further downhill to the south-east - suggested that this could mitigate noise and visual impacts.
- Significantly impacts the character and features of the natural landscape and scenic outlook.

Response: Concerns raised in the representations are considered of relevance. There is a reasonable expectation that land in the coastal proximity in the Environmental Living Zone would retain a scenic natural state where remnant natural values of some importance are located, and it is understood by the applicant that the industrial development will disrupt the existing scenic conditions.

A Sightline Analysis was provided with the application providing an analysis of the visual impact of the proposed RWTP when viewed from neighbouring residential land to the West (90, 106 and 108 Tinderbox Road). The sightline analysis indicates a change to views from these neighbouring residential lots, however, it does not appear to dominate the outlook. The selected external colours and finishes will also help to integrate the development into the

landscape. It is considered that additional landscaping could further mitigate the appearance of the industrial facility and would be appropriate to protect the residential amenity and maintain visual landscape qualities.

A condition is recommended to be included in any permit issued requiring a Landscaping Plan to be submitted that effectively mitigates visual impact from residential and recreational land. Appropriate species selection will enhance the degraded landscape in proximity to the proposed RWTP.

The Planner raised the concerns of residents regarding visual impacts with the applicant who advised that additional landscaping can be accommodated and is satisfied to be conditioned.

#### 2.5.4 Location already determined prior to approval

- Concern that comments from KC planner indicating that there is no protection of scenic views in the Scheme meant that the location had already been determined prior to approval of the application.
- Concern that power pole was installed prior to approval of the proposal, that pre-empts approval of the development.
- Concern installation of NBN to the proposed development site occurred prior to planning approval.

Response: Nothing is predetermined until the full assessment and decision is made. An assessment against multiple locations is not part of the proposal. The assessment will determine if the use and development in the proposed location satisfies the applicable Zone and Code standards.

Whilst the development is in the coastal proximity, the Local Development Code, which does consider protection of views, only applies to residential development. The Scheme does not protect existing views in this case.

Installation of Power Poles are exempt under clause 5.2.7 of the Scheme for a Statutory authority. The installation did not form part of the application.

#### 2.5.5 Location and design contrary to Environmental Living Zone purpose statements

*To provide for residential use or development in areas where existing and natural and landscape values are to be retained.*

- The location and design impacts the existing natural and landscape values, residential amenity, scenic outlook and seclusion/privacy of local residents who intentionally purchased properties in the Environmental Living Zone, the character and features of the natural landscape and scenic outlook.

- The proposed sealed driveway runs directly over numerous tree roots.

*To provide for the management and protection of natural and landscape values including skylines and ridgelines*

- the development is located on a ridgeline and will be highly prominent.
- Impacts pristine Coastal views as enjoyed by tourists and locals.

*To protect the privacy and seclusion that residents of this zone enjoy*

- proposal does not protect the seclusion of residents.

*To provide for limited community, tourism and recreational uses that do not impact on natural values or residential amenity.*

- Impacts to residential amenity concerns - including visual impact of black shade cloth, time taken for proposed landscaping to be effectively established (noting that previous planting by TasWater for Treatment Plan was not maintained), scenic outlook, altered landscape, reduced seclusion, increased ambient noise, activity and disruptions.

*To encourage passive recreation opportunities with inclusion of pedestrian, cycling and horse riding trail linkages.*

- The development (including the driveway) impacts that open space that is enjoyed by the community.
- The linkage to the Suncoast dog park and Bush Loop nature trail is impacted.

Response: The applicable standards under the Scheme do not directly call up the Zone Purpose Statements. Inconsistency with a Zone Purpose Statement would only be grounds for refusal should consistency be a specified requirement under a Performance Criteria of any applicable standard. It is noted that the Utilities use class is discretionary in the Environmental Living Zone and therefore it anticipates that use and development can be compatible with other uses in the Zone. It can therefore be reasonably considered that a proposal is consistent with the Zone Purpose Statements if satisfying the applicable use and development standards in the Zone.

The black shade cloth for the fencing is a temporary measure to reduce risk of Swift Parrot bird strike whilst the vegetation becomes established and is considered important to be supported. The other concerns raised in relation to the statements have been discussed elsewhere in this report.

#### 2.5.6 Does not align with Kingborough Land Use Strategy

Section 5.4.1.3 – Community Consultation and Desired Future Character Statement.

- *“public access to coastal and other natural areas should be protected and enhanced”.*
- *“Visual amenity is important for both existing residents and for visitors to the beach area. Most houses have water views of the Derwent Estuary....Future development should have regard to this existing character and residential amenity”.*

Response: The strategy is not called up in any Standard of the Scheme and is therefore not able to be considered in the assessment.

#### 2.5.7 Does not satisfy Zone Standards

- Does not comply with 14.4.3 Design
- Does not comply with 14.4.5 Environmental Values

Response: An assessment against these standards has been provided in the report above. The proposal is considered to have satisfied these clauses.

#### 2.5.8 Consultation with Kingborough Residents has not been adequate

Consultation was not carried out with Kingborough residents regarding the proposal.

Response: Consultation is not required prior to the lodgement of an application for use and/or development. The public notification period allows for members of the community to review the documentation and submit a representation.

#### 2.5.9 Outstanding questions regarding the proposal

- What is the strategic plan for the land? Is there a strategic vision that the RWTP be expanded in the future? If this development is approved, what further strategic plans or development is anticipated?
- Why was the initial proposed location of the RWTP moved from within Tas Water Utilities Zone (in the first DA) to outside this zone?
- What other proposed locations have been explored and on what grounds were they deemed unsuitable/unfeasible?
- Is there an alternative complying design and location that does not impact the environmental values of the open space and residential amenity from our homes? For example, reduced height of tank, further excavation, alternative layouts.
- Can further buildings, equipment, machinery be added in the future without consultation or planning approval being required? I.e. Shed under 3m x 3m.
- Are there any internal or external lights that will be on during the night?
- What is the visual impact of this development from the Derwent River? Has this been considered?

Response: Future development is not part of the application before Council. It is not known if there is any strategic plan for expansion of the facility in the future. Any further expansion would be subject to assessment at the time.

The location of the facility has been selected due to the need to be proximate to the existing STP and the connection the point of discharge to the undersea pipeline, the need for a reasonably level area and the avoidance of vegetation removal.

The plant equipment has been designed to tertiary treat the effluent in an environmentally safe manner and in a location that is practical for input and output relative to existing development.

No further development could occur without Minor Amendment or new application in the Environmental Living Zone due to the Environmental Values clause.

No internal or external lighting has been included in the application. There are no use standards that relate to lighting in the Environmental Living Zone. However, it is noted that any complaint of environmental nuisance is conditioned

by the EPA to be investigated and resolved, including any required mitigation measures undertaken.

The visual impact from the Derwent River did not require consideration under the Scheme. This would only be relevant if it was subject to the Scenic Landscapes Code.

#### 2.5.10 Gaps and inconsistencies in the development application

- Inconsistency in building heights in the report
- Questions accuracy of Report in assessment against the Parking and Access Code - indicating no conflicts between vehicles or cyclists/pedestrians as the daily experience by community members between pedestrians and cyclists and vehicles. Suncoast dog park, Bush Loop and Suncoast Headlands Track.

Response: the upper figure of 5.5m indicated in the report has been accepted and appears to be consistent with the plans.

The Suncoast Headlands Track will be redirected to the correct alignment and bollards will divide the walking track from the vehicular access to the plant.

Council's Development Engineer has not raised any issues related to the assessment against the Parking and Access Code.

It is considered that vehicular movements will be infrequent and will not significantly increase opportunities for conflict.

#### 2.5.11 Does not address access to and use of the public walking trail –

- Current walking trail passes through the development site – no consideration for impact on trails enjoyed by the local community for nature walks.
- Size, scale and prominent location of the proposed development does not enhance the open space of this natural setting which is frequently enjoyed by the local community for nature walks.
- Likely to have impacts to natural setting and “spectacular views over the mouth of the Derwent” that Kingborough Council promote as part of the Suncoast Headlands Track.

Response: As previously discussed, the track requires redirection to the correct alignment. The applicant has indicated that additional screening vegetation could be provided to protect the amenity of the track. The location of the plant is only in proximity to a small section of the extensive track and is above the existing STP. Open views will be retained for the remainder of the track.

#### 2.5.12 Other issues raised

- Significant increase in parking on the land.
- Concern that road is to be sealed and may induce usage.

Response: The assessment by Council's Development Engineer confirmed that no parking is required for the proposal and visitation to the site by personnel is

expected to be low for monitoring and maintenance and other requirements such as delivery of chemicals.

The sealing of the access on TasWater's land is not expected to induce usage as it is located on private land.

## 2.6 Other Matters

### 2.6.1 TasWater Referral

TasWater has provided a Submission to Planning Authority Notice (TWDA 2023/00712-KIN as amended 22/11/2023). Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1), TasWater imposes conditions to be included in any permit issued.

### 2.6.2 TasNetworks Referral

The application was referred to TasNetworks as per their requirements, who have advised that based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

### 2.6.3 Restrictions to Council imposed Conditions on the Permit.

Under s(8) of EMPCA, where the Board has, under subsection (5), required conditions or restrictions to be contained in a permit or has directed a planning authority to refuse to grant a permit, the planning authority–

- (a) must include any such condition or restriction in a permit granted by it or must not grant the permit; and
- (b) must not include any other condition or restriction which is inconsistent with, or which extends the operation of, any conditions or restrictions which the Board requires to be contained in the permit; and

Under s(8A) of EMPCA, if a permit is issued with conditions or restrictions required by the Board, the planning authority is not required or entitled to exercise any power that it could otherwise exercise under this or any other Act to enforce those conditions or restrictions unless the Director and the planning authority have, in writing, agreed otherwise.

### 2.6.4 Condition regarding further works

The EPA Report indicates further works may be required to satisfy stormwater conditions (see EPA Condition SW1 (3)). A condition is recommended on any permit issued that further works may require approval from Council.

## 3. CONCLUSION

The application for a recycled water treatment plant at 112, 116 & 120 Tinderbox Road, Blackmans Bay has satisfied all applicable standards of the Scheme and is therefore recommended for approval subject to conditions, including those imposed by the EPA and TasWater.

## 4. RECOMMENDATION

That the Planning Authority resolves that the development application for recycled water treatment plant at 112, 116 & 120 Tinderbox Road, Blackmans Bay for MC Planners Pty Ltd obo South Arm Pipeline Pty Ltd be approved subject to the following conditions:



1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2023-174 and Council Plan Reference No. P3 submitted on 2 November 2023.

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. Any development required to comply with conditions imposed on this permit by TasWater or the EPA and not detailed on the endorsed plans must not be undertaken unless and until the Manager Development Services has confirmed in writing that no other approval or variation of this permit is required.

3. Before the approved development commences, landscaping plans must be submitted for approval by Council's Manager Development Services.

The plan must have the effect of screening the proposed development from residential land to the West and the Suncoast Headlands Track.

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 and structures;
- (b) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (c) use of local provenance native species generally in accordance with the Tree Selection and Planting Plan (Tasmanian Arboriculture Consultants,31/07/2023);
- (d) demonstrating each tree/shrub planted has a size at maturity that will adequately provide the function for which it is intended;
- (e) earth shaping proposals, including retaining wall(s);
- (f) a planting and maintenance plan, including timing, spacing, site preparation, planting, staking and after-care and maintenance generally in accordance with the Tree Selection and Planting Plan (Tasmanian Arboriculture Consultants,31/07/2023);
- (g) be to the satisfaction of the Manager Development Services.

Any landscaping associated with and in the vicinity of the approved development must be with predominantly native species local to the area. No weeds listed under the *Tasmanian Biosecurity Act 2019* or identified as non-declared priority weeds in the *Kingborough Weed Management Strategy* are to be planted on the property.

Once endorsed, the plan forms part of the permit.

The Landscaping Plan must be implemented in accordance with specified timeframes to the satisfaction of the Manager Development Services.

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.

4. Approved tree/vegetation removal and modification:
  - (a) Must not occur prior to building approval, securing the conservation offset and approval of an 'Application for Approval of Planning Start of Works Notice'.
  - (b) Is limited to:

- (i) The removal of four (4) native trees numbered, 3, 16, 17 and 26 and as shown in Council Plan Reference No. P3 (2 November 2023) and the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 17 February 2023).
  - (ii) The removal of planted melaleuca shrubs, and wattles as detailed in the Natural Values Report (Enviro-dynamics, 3 March 2023, v2.0).
  - (iii) Pruning of Tree 4 in accordance with the Tree Protection Plan (Tasmanian Arboriculture Consultants, 17 February 2023).
  - (iv) Disturbance of *Eucalyptus globulus* dry forest and woodland within the footprint of Pipeline C and as shown in Council Plan Reference No. P3 (2 November 2023) and Figure 4 of the Natural Values Report (Enviro-dynamics, 3 March 2023, v2.0).
  - (v) Encroachment into the tree protection zones of individual trees to the extent identified in Council Plan Reference No. P3 (2 November 2023), the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 17 February 2023) and the Arboriculture Impact Assessment Addendum (Tasmanian Arboriculture Consultants, 29 August 2023).
5. To offset the loss of one (1) tree of high conservation value (comprising one *Eucalyptus globulus* tree with a DBH >40cm) a financial contribution of \$250 must be paid into Council's Environmental Fund, to be used to manage and conserve the habitat of the swift parrot in the vicinity of Blackmans Bay.

This offset must be paid prior to approval of an 'Application for Approval of Planning Start of Works Notice' and removal of the tree.

6. All remaining native vegetation and individual trees, including trees identified in for retention in Council Plan Reference No. P3 (2 November 2023), must be retained. No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Planning Scheme or otherwise in accordance with law.
7. Prior to commencement of on-site works associated with the private infrastructure to service the proposed development, 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. 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 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. Pavement construction.
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - i. Stormwater details to service the proposed development.

- 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.
- (c) Include a cut and fill plan which:
- i. details the extent and volume of all cut and fill for all elements of the development;
  - ii. demonstrates that fill and excavation >1m from natural ground level is appropriately designed and retained; and
  - iii. specifies the location for the disposal of any excess fill and demonstrates this site is either a certified landfill facility for Level 1 fill or a site that has been approved for the disposal or use of Level 1 fill under a development use permit issued by Council.
- (d) A Vegetation Protection Plan which is consistent with Council Plan Reference No. P3 (2 November 2023), the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 17 February 2023), the Arboriculture Impact Assessment Addendum (Tasmanian Arboriculture Consultants, 29 August 2023), the Tree Protection Plan (Tasmanian Arboriculture Consultants, 17 February 2023) and the Natural Values Report (Enviro-dynamics, 3 March 2023, v2.0) including:
- i. The extent of native vegetation communities and the details of individual native trees with a diameter >25cm at 1.4m from natural ground level and their associated tree protection zones relative to all development and works.
  - ii. Vegetation and trees to be removed and retained.
  - iii. The extent of encroachment into tree protection zones.
  - iv. Tree protection measures consistent with Condition 9.

Once endorsed the plans will form part of the permit.

8. Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28) and consistent with Condition 9. A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
9. All remaining individual trees identified for retention in Council Plan Reference No. P3 (2 November 2023) must be appropriately protected during and after construction in accordance with the Tree Protection Plan (Tasmanian Arboriculture Consultants, 17 February 2023) and Arboriculture Impact Assessment Addendum (Tasmanian Arboriculture Consultants, 29 August 2023). This includes, but is not limited to implementation of the following measures:
- A. Prior to the commencement of on-site works (including but not limited to demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings):
    - (i) Appointing a Project Arborist.
    - (ii) Installing protective fencing around the development footprint in accordance with Section 2 of the Tree Protection Plan (Tasmanian Arboriculture Consultants, 17 February 2023).

- (iii) Installing protective fencing around the pipeline in accordance with Section 3 of the Tree Protection Plan (Tasmanian Arboriculture Consultants, 17 February 2023).
- (iv) Installing protective fencing along the access in accordance with Appendix E of the Arboriculture Impact Assessment Addendum (Tasmanian Arboriculture Consultants, 29 August 2023).
- (v) Clearly identifying trees for removal.
- (vi) Undertaking site induction with contractors.

Written certification by the Project Arborist of satisfactory implementation of these tree protection measures must be provided to the Manager Development Services prior to the commencement of on-site works.

B. During construction:

- (i) Tree protection measures required under A above must be maintained for the duration of construction and prohibit activity within the tree protection zones.
- (ii) Ground protection measures must be implemented under any machinery movements within the tree protection zones of Trees 4, 7, 8 and 15 in accordance with Section 4 of the Tree Protection Plan (Tasmanian Arboriculture Consultants, 17 February 2023).
- (iii) Tree 4 must be pruned in accordance with Section 5 of the Tree Protection Plan (Tasmanian Arboriculture Consultants, 17 February 2023).
- (iv) The water pipeline within the existing TasWater compound must be installed above ground on concrete plinths, with excavation for the plinths hand dug. No machinery is allowed within the Tree Protection Zones of trees within this area (Trees 65-69).
- (v) The Project Arborist must be on-site to oversee:
  - (a) any movement of machinery required within the fenced off tree protection areas;
  - (b) the start of the excavation within the TPZ of tree 4; and
  - (c) the start of the excavation for the pipeline through the threatened vegetation community.
- (vi) The Project Arborist must conduct a site audit to check compliance against the permit conditions to ensure tree protection fencing is still functional and that no prohibited activities have occurred within the fenced off tree protection area.

Written certification by the Project Arborist of satisfactory implementation of these measures must be provided to the Manager Development Services upon completion of the site audit.

C. Following construction:

- (i) The Project Arborist must conduct a final inspection for compliance with the permit conditions and undertake an assessment of the health of the trees with recommendations for remediation provided where necessary.
- (ii) The following tree management measures must be adhered to following construction for all areas of native vegetation, including the tree protection zones of individual trees identified for retention and

remaining native vegetation communities, but outside the footprint of the approved works:

- (a) the existing soil level must not be altered (including the disposal of fill, placement of materials or the scalping of the soil);
- (b) the areas must be free from the storage of fill, contaminants or other materials;
- (c) machinery and vehicles are not permitted access; and
- (d) development and associated works are not permitted unless otherwise approved by Council in writing or otherwise in accordance with the law.

Written certification by the Project Arborist of satisfactory implementation of these measures must be provided to the Manager Development Services upon completion of construction.

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. All recommendations and management actions in the Environmental Management Plan prepared by Enviro-dynamics (11 September 2023, v3.0), must be implemented to the satisfaction of the Manager Development Services, encompassing clearing of native vegetation; pipeline earthworks and rehabilitation of the site; bird strike risk; machinery and vehicle hygiene; and monitoring and maintenance.

Ongoing management of the site must be in accordance with this Plan unless otherwise approved in writing by Council.

12. Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.
13. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
14. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, which the Board of the Environment Protection Authority (EPA) requires the planning authority to include in the permit, pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.

The conditions and restrictions as determined by the EPA, Schedule 1, 2 and 3 and the associated attachments 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. 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.

**ATTACHMENTS**

1. **Appendix A - TasWater SPAN with Conditions**
2. **Appendix B - EPA Conditions**
3. **Advertised Plans**
4. **Assessment Checklist**
5. **Title documentation**



## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA-2023-174	<b>Council notice date</b>	2/06/2023
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2023/00712-KIN	<b>Date of response</b>	22/11/2023
<b>TasWater Contact</b>	Shaun Verdouw	<b>Phone No.</b>	0467 901 425
<b>Response issued to</b>			
<b>Council name</b>	KINGBOROUGH COUNCIL		
<b>Contact details</b>	kc@kingborough.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	112 TINDERBOX RD, BLACKMANS BAY	<b>Property ID (PID)</b>	2983848
<b>Description of development</b>	Recycled Water Treatment Plant		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
UDM	RWTP Site Access Plan	0	24/05/2023
Landstorm Engineering	P45-LS129010-C300, C400	C	Date unreadable
<b>Conditions</b>			
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:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater’s satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer’s cost.</li> <li>3. Prior to commencing construction of the development, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol>			
<b>ASSET CREATION &amp; INFRASTRUCTURE WORKS</b>			
<ol style="list-style-type: none"> <li>4. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.</li> <li>5. Prior to applying for a Permit to Construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for water and sewerage to TasWater’s satisfaction.</li> <li>6. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater’s satisfaction.</li> <li>7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater’s requirements.</li> </ol>			





8. Prior to the issue of a Consent to Register a Legal Document, or a Certificate of Water and sewerage Compliance (Building and/or Plumbing) all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, are to be completed generally as shown on, and in accordance with, the plans listed in the schedule of drawings/documents and are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document / applying to TasWater for a Certificate of Water and Sewerage Compliance (Building and/or Plumbing), the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
  - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved.
  - b. A request for a joint on-site inspection with TasWater's authorised representative must be made.
  - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee.
  - d. Work As Constructed drawings and documentation must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.

Upon TasWater issuing a Certificate of Practical Completion, the newly constructed infrastructure is deemed to have transferred to TasWater.

10. After the Certificate of Practical Completion has been issued, a 12-month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12-month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". TasWater will release any security held for the defect's liability period.
11. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
12. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
13. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

#### **DEVELOPMENT ASSESSMENT FEES**

14. The applicant or landowner as the case may be, must pay a development assessment fee of \$389.86, and a Consent to Register a Legal Document fee of \$248.30 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

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



Advice			
<b>General</b>			
For information on TasWater development standards, please visit <a href="https://www.taswater.com.au/building-and-development/technical-standards">https://www.taswater.com.au/building-and-development/technical-standards</a>			
For application forms please visit <a href="https://www.taswater.com.au/building-and-development/development-application-form">https://www.taswater.com.au/building-and-development/development-application-form</a>			
<b>Service Locations</b>			
Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.			
(a) A permit is required to work within TasWater’s easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.			
(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <a href="https://www.taswater.com.au/building-and-development/service-locations">https://www.taswater.com.au/building-and-development/service-locations</a> for a list of companies.			
(c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.			
Declaration			
The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

Public Copy

PCE 10476 (r1)

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**PERMIT PART B**  
**PERMIT CONDITIONS - ENVIRONMENTAL No. 10476**

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Issued under the *Environmental Management and Pollution Control Act 1994*

Activity:           **The operation of a wastewater treatment works (ACTIVITY TYPE:  
Wastewater Treatment Works)  
CLASS A RECYCLED WATER TREATMENT PLANT, 112 TINDERBOX  
ROAD  
BLACKMANS BAY TAS 7052**

The above activity has been assessed as a level 2 activity under the *Environmental Management and Pollution Control Act 1994*.

Acting under Section 25(5)(a)(i) of the EMPCA, the Board of the Environment Protection Authority has required that this Permit Part B be included in any Permit granted under the *Land Use Planning and Approvals Act 1993* with respect to the above activity.

Municipality:                   **KINGBOROUGH**  
Permit Application Reference: **DA 2023-174**  
EPA file reference:           **261970**

Date conditions approved:           13 February 2024

Signed:



\_\_\_\_\_  
CHAIRPERSON, BOARD OF THE ENVIRONMENT  
PROTECTION AUTHORITY

CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

PCE 10476 (r1)

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**DEFINITIONS**

Unless the contrary appears, words and expressions used in this Permit Part B have the meaning given to them in **Schedule 1** of this Permit and in the EMPCA. If there is any inconsistency between a definition in the EMPCA and a definition in this Permit Part B, the EMPCA prevails to the extent of the inconsistency.

**ENVIRONMENTAL CONDITIONS**

The person responsible for the activity must comply with the conditions contained in **Schedule 2** of this Permit Part B.

**INFORMATION**

Attention is drawn to **Schedule 3**, which contains important additional information.

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Attachment 2: Table of Monitoring Requirements (modified: 01/02/2024 14:38).....	3 pages

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### Schedule 1: Definitions

In this Permit Part B:-

**Aboriginal Relic** has the meaning described in section 2(3) of the *Aboriginal Heritage Act 1975*.

**Activity** means any environmentally relevant activity (as defined in Section 3 of EMPCA) to which this document relates, and includes more than one such activity.

**AGWR Recycled Water Quality Management Framework** means the 12 point management framework for recycled water quality and use, in Section 2 of the *Australian Guidelines For Water Recycling (AGWR): Managing Health And Environmental Risks (Phase 1)* Environment Protection and Heritage Council, the Natural Resource Management Ministerial Council and the Australian Health Ministers' Conference, 2006.

**Authorized Officer** means an authorized officer under section 20 of EMPCA.

**Background Noise Level** is the level that exceed 90% of the time of each measurement interval and is measured in the absence of the subject site noise.

**BBWWTP** means the TasWater Blackmans Bay Wastewater Treatment Plant, which is the source of the secondary treated effluent to be converted into Class A recycled water by the WWTP.

**Commissioning** means the testing of major items of equipment and is taken to be completed once treatment to the quality standards in this permit have been demonstrated to the satisfaction of the Director. The completion of commissioning marks the commencement of operations.

**Commissioning Plan** means a plan for the commissioning of the WWTP as set out in Section 14 of the Recycled Water Quality Management Plan appended to the EER.

**Control Location (Noise)** means a location chosen to represent the general ambient sound without contribution from noise sources at the activity.

**Controlled Waste** has the meaning described in Section 3(1) of EMPCA.

**Critical Control Point 1** Point in the WWTP process focused on monitoring and controlling the entry of influent to the WWTP, located downstream of the UV disinfection unit within BBWWTP.

**Critical Control Point 3** Point in the WWTP process focused on monitoring and controlling the quality of effluent leaving the WWTP to the Wastewater Reuse Scheme, located downstream of the WWTP chlorination unit.

**Director** means the Director, Environment Protection Authority holding office under Section 18 of EMPCA and includes a delegate or person authorised in writing by the Director to exercise a power or function on the Director's behalf.

**Dominant or Intrusive Noise Characteristics** means any noise characteristic that contributes to a noise being considered louder than would be indicated by the A-weighted sound pressure level measured, or that exacerbates nuisance or harm caused by the noise.

**DRP** means Decommissioning and Rehabilitation Plan.

**Effluent** means wastewater discharged from The Land.

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**EMPCA** means the *Environmental Management and Pollution Control Act 1994*.

**Environment Protection Policy (Noise) 2009** means the *Environment Protection Policy (Noise) 2009*, made under section 96K of the EMPCA, and came into effect on 29 May 2009.

**Environmental Effects Report** means the *Environmental Effects Report (EER) for the Class A Recycled Water Treatment Plant - Blackmans Bay*, Resonance June 2023.

**Environmental Harm** and **Material Environmental Harm** and **Serious Environmental Harm** each have the meanings ascribed to them in Section 5 of EMPCA.

**Environmental Nuisance** and **Pollutant** each have the meanings ascribed to them in Section 3 of EMPCA.

**Environmentally Hazardous Material** means any substance or mixture of substances of a nature or held in quantities which present a reasonably foreseeable risk of causing serious or material environmental harm if released to the environment and includes fuels, oils, waste and chemicals but excludes sewage.

**EPA Board** means the Board of the Environment Protection Authority established under section 13 of EMPCA and includes a delegate or person authorised in writing by the EPA Board to exercise a power or function on the EPA Board's behalf.

**Guidelines and recommendations for swift-parrot safe building design** means *Minimising the swift parrot collision threat - Guidelines and recommendations for parrot-safe building design*, dated April 2008, and prepared by WWF-Australia.

**Median** means the value at which the median of all results for the relevant parameter from the previous 12-month period is below the stated value.

**Noise Measurement Procedures Manual** means the document titled *Noise Measurement Procedures Manual*, by the Department of Environment, Parks, Heritage and the Arts, dated July 2008, and any amendment to or substitution of this document.

**Noise Sensitive Premises** means residences and residential zones (whether occupied or not), schools, hospitals, caravan parks and similar land uses involving the presence of individual people for extended periods, except in the course of their employment or for recreation.

**Normal Ambient Noise** refers to the ambient noise of the receiver location in the absence of the subject site noise. Ambient noise level is measured in  $L_{Aeq}$ .

**Person Responsible** is any person who is or was responsible for the environmentally relevant activity to which this document relates and includes the officers, employees, contractors, joint venture partners and agents of that person, and includes a body corporate.

**Planning Authority** means the Council(s) for the municipal area(s) in which The Land is situated.

**Pollutant** has the meaning ascribed to it in Section 3 of EMPCA.

**Recycled Water** means wastewater treated to an applicable standard and supplied to a Wastewater Reuse Scheme.

**Reporting Period** means the financial year.

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**Stormwater** means water runoff as a consequence of a rainfall event, whether surface flow, piped flow, or flow within conduits, including any contaminants collected by the water during its passage.

**The Land** means the land on which the activity to which this document relates may be carried out, and includes: buildings and other structures permanently fixed to the land, any part of the land covered with water, and any water covering the land. The Land falls within the area defined by:

- 1 Certificate of title 157728/2; and
- 2 as further delineated at Attachment 1.

**Tree Protection Plan** means the document entitled *Tree Protection Plan, Recycled Water Treatment Plant, Blackmans Bay*, prepared by Tasmanian Arboriculture Consultants Pty Ltd and dated 17 February 2023.

**Wastewater** means spent or used water (whether from industrial or domestic sources) containing a pollutant and includes stormwater which becomes mixed with wastewater.

**Wastewater Reuse EMP** means the document entitled *Class A Recycled Water Irrigation and Environmental Management Plan - Arm End Public Recreation Reserve And Golf Course*, and any other Wastewater Reuse EMP approved under the Wastewater Reuse Scheme, and includes any amendment to or substitution of these document(s) approved in writing by the Director.

**Wastewater Reuse Scheme** means the South Arm Peninsula Class A Recycled Water Irrigation Scheme as described in the Recycled Water Quality Management Plan.

**Wastewater Reuse Scheme customer** means a person or organisation receiving recycled water from the South Arm Peninsula Class A Recycled Water Irrigation Scheme.

**Wastewater Reuse Scheme Manager** means the operator of the South Arm Peninsula Class A Recycled Water Irrigation Scheme.

**Weed** means a plant species that has, or is likely to have, an adverse impact on the environment because of the introduction, spread or increase in population size of the species in an area; and includes a declared weed as defined in the *Biosecurity Act 2019* and subordinate regulations.

**Weed And Disease Guidelines** means the document titled *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania*, by the Department of Primary Industries, Parks, Water and Environment, dated March 2015, and any amendment to or substitution of this document.

**WWTP** means the wastewater treatment plant, also known as the Class A Recycled Water Treatment Plant located on The Land.

## Schedule 2: Conditions

### Maximum Quantities

#### **Q1 Regulatory limits**

- 1 The activity must not exceed the following limits :
  - 1.1 2,600 kilolitres per day of design capacity to treat an average dry weather flow of sewage or wastewater

### General

#### **G1 Access to and awareness of conditions and associated documents**

A copy of these conditions and any associated documents referred to in these conditions must be held in a location that is known to and accessible to the person responsible for the activity. The person responsible for the activity must ensure that all persons who are responsible for undertaking work on The Land, including contractors and sub-contractors, are familiar with these conditions to the extent relevant to their work.

#### **G2 Incident response**

If an incident causing or threatening environmental nuisance, serious environmental harm or material environmental harm from pollution occurs in the course of the activity, then the person responsible for the activity must immediately take all reasonable and practicable action to minimise any adverse environmental effects from the incident.

#### **G3 Proposed change to activity**

- 1 The person responsible must notify the Director in writing prior to implementing any change to the activity authorised by this document that may cause or increase the emission of a pollutant or which may result in environmental harm or environmental nuisance (even temporarily). A change includes, but is not limited to, any of the following:
  - 1.1 an increase in the discharge of a pollutant, or the location of its discharge.
  - 1.2 the construction, installation, alteration or removal of any structure or equipment used in the course of carrying out the activity.
  - 1.3 any clearance of native vegetation or earthworks.
  - 1.4 a change in the quantity or characteristics of materials used in carrying out the activity.
- 2 The notification must be in an approved form and include the following:
  - 2.1 details of the proposed change;
  - 2.2 an assessment of the environmental impacts that may result from the change;
  - 2.3 any relevant approvals held by the person responsible; and
  - 2.4 any advice from the relevant planning authority to the effect that approval is not required.
- 3 The person responsible must provide additional information as requested by an Authorized Officer.
- 4 The proposed change must not be implemented until the Director has confirmed in writing that they are satisfied that no other approval or variation of this document is required.

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- 5 For the avoidance of doubt, a notification of a proposed change under this provision is not required if the proposed change is part of a referral to the EPA Board for assessment under sections 24, 25 or 27 of EMPCA.

**G4 Change of responsibility**

If the person responsible for the activity intends to cease to be responsible for the activity, that person must notify the Director in writing of the full particulars of any person who will become the person responsible for the activity, before such cessation.

**G5 Change of ownership**

If the owner of The Land upon which the activity is carried out changes or is to change, then, as soon as reasonably practicable but no later than 30 days after becoming aware of the change or intended change in the ownership of The Land, the person responsible must notify the Director in writing of the change or intended change of ownership.

**G6 Complaints register**

- 1 A public complaints register must be maintained. The public complaints register must, as a minimum, record the following detail in relation to each complaint received in which it is alleged that environmental harm (including an environmental nuisance) has been caused by the activity:
  - 1.1 the date and time at which the complaint was received;
  - 1.2 contact details for the complainant (where provided);
  - 1.3 the subject matter of the complaint;
  - 1.4 any investigations undertaken with regard to the complaint; and
  - 1.5 the manner in which the complaint was resolved, including any mitigation measures implemented.
- 2 Complaint records must be maintained for a period of at least 3 years.

**G7 Notification prior to commencement**

The Director must be notified in writing of the commencement of operations at least 14 days before that occurs.

**G8 Annual Environmental Review**

Unless otherwise approved by the Director a publicly available Annual Environmental Review must be submitted each year within 3 months of the end of the Reporting Period. The Annual Environmental Review must be prepared using the latest version of the Annual Environmental Review Guidelines which is available on request from the Director.

**G9 Additional annual reporting information for wastewater reuse schemes**

- 1 Annual Environmental Reviews submitted in accordance with these conditions must include the following additional information:
  - 1.1 a list of all wastewater supplier-user agreements;
  - 1.2 the volume of treated wastewater discharged to the wastewater reuse scheme during each calendar month of the reporting period and the reuse rate as a proportion of total wastewater discharged from the WWTP;
  - 1.3 a summary of reuse activities including water and nutrient budgets;
  - 1.4 results of monitoring undertaken in accordance with the Wastewater Reuse EMP and an assessment of those results. This information should be presented in graphical form where possible and should include comparison with the results of previous reporting periods;

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- 1.5 discussion of any significant trends observable in the monitoring results over time, including comparison with previous monitoring periods, must be provided;
  - 1.6 verification that the wastewater is only being used in the manner and on crops described in the Wastewater Reuse EMP and how this has been verified; and
  - 1.7 details of any proposed variations to the operation of the reuse scheme from those described in the Wastewater Reuse EMP.
- 2 Where the Director is of the opinion that the Wastewater Reuse EMP needs updating to reflect the current practices and potential environmental impacts associated with the reuse scheme the Director may direct the person responsible to cause a new Wastewater Reuse EMP to be prepared and submitted for approval and the responsible person must comply with the direction or cease the discharge to the wastewater reuse scheme.

**G10 Amendment of required plans and reports**

- 1 The plans and reports required by these conditions must be amended to address any matter required by the Director, as advised by notice in writing.
- 2 Amended plans and reports must be resubmitted within the timeframe that the Director specifies.

**G11 Wastewater Reuse EMP review**

- 1 Unless otherwise specified in writing by the Director, a review of the Wastewater Reuse EMP(s) and its(their) operation must be undertaken, and an updated Wastewater Reuse EMP(s) must be provided to the Director within two (2) years of commencement of operations and every five (5) years thereafter.
- 2 The updated Wastewater Reuse EMP(s) must include a statement by the General Manager, Chief Executive Officer or equivalent for the activity acknowledging the contents of the updated Wastewater Reuse EMP(s). The updated Wastewater Reuse EMP(s) must include, but not necessarily be limited to, the following information:
  - 2.1 details of any variation to the operation of the reuse scheme from those described in the original Wastewater Reuse EMP; and
  - 2.2 a comparison of the environmental performance of the activity predicted in the original Wastewater Reuse EMP with the actual operation and performance of the reuse scheme taking into account monitoring and data analysis undertaken in accordance with the original Wastewater Reuse EMP; and
  - 2.3 a description of the circumstances where environmental performance is below the actual performance predicted in the original Wastewater Reuse EMP; and
  - 2.4 a strategy to improve the environmental performance to the level predicted in the original Wastewater Reuse EMP or proposed alternative sustainable practices; and
  - 2.5 a description of the potential environmental impacts arising from the ongoing operation of the activity over the next 5 years, including a strategic consideration of potential changes to the activity during that period and consideration of opportunities to implement continuous improvement.

**G12 Agreement with Wastewater Reuse Scheme Customer**

- 1 The person responsible must enter into an agreement with the customers of the Wastewater Reuse Scheme to clarify arrangements and responsibilities regarding:
  - 1.1 provision of a Wastewater Reuse EMP;
  - 1.2 operation of irrigation using recycled water according to the Wastewater Reuse EMP;
  - 1.3 prompt and regular information on the quality and volume of effluent delivered to the wastewater reuse customer; and

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- 1.4 management of the wastewater reuse scheme including operation, monitoring, reporting and auditing.
- 2 The agreement must be maintained and provided to an Authorized Officer upon request.

**Atmospheric**

**A1 Odour management**

The person responsible must institute such odour management measures as are necessary to prevent odours causing environmental nuisance beyond the boundary of The Land.

**A2 Control of dust emissions**

Dust emissions from The Land must be controlled to the extent necessary to prevent environmental nuisance beyond the boundary of The Land.

**Commissioning**

**CM1 Notification prior to commissioning**

At least 14 days prior to the commencement of commissioning of the WWTP, the person responsible for the activity must notify the Director of the date on which commissioning is expected to commence.

**CM2 Commissioning Plan**

- 1 Unless otherwise approved by the Director in writing, prior to the commencement of the commissioning of the WWTP, a Commissioning Plan must be submitted to the Director for approval. The Commissioning Plan is to have the aim of describing in detail how the plant will be commissioned, and the recycled water treatment process verified.
- 2 Without limitation, the Commissioning Plan must include details of the following:
  - 2.1 as-built details of the WWTP;
  - 2.2 as-built performance targets of the WWTP;
  - 2.3 a detailed verification program for verifying WWTP treatment performance;
  - 2.4 roles and responsibilities for commissioning;
  - 2.5 a table containing all of the major commitments made in the Commissioning Plan;
  - 2.6 an implementation timetable for key aspects of the Commissioning Plan; and
  - 2.7 a reporting program to regularly advise the Director of the results of the Commissioning Plan.
- 3 Once approved the person responsible must act in accordance with the approved Commissioning Plan.
- 4 The person responsible may apply to the Director to vary or substitute the Commissioning Plan. Any variation or substitution of the commissioning plan approved by the Director, by notice in writing, replaces the earlier approval with affect from the date specified in the notice.

**CM3 Recycled Water Quality Management Plan**

- 1 Unless otherwise approved by the Director in writing, prior to the completion of commissioning, a Recycled Water Quality Management Plan must be submitted to the Director for approval. The plan is to describe the organisational framework for supplying recycled water to Wastewater Reuse Scheme customers. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition.
- 2 The plan must be consistent with the AGWR Recycled Water Quality Management Framework.

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- 3 The Recycled Water Quality Management Plan must include details of the following:
  - 3.1 all Wastewater Reuse Scheme customers;
  - 3.2 water quality objectives for recycled water supplied under the plan;
  - 3.3 roles and responsibilities for the person responsible, Wastewater Reuse Scheme Manager and Wastewater Reuse Scheme Customers;
  - 3.4 governance arrangements for ensuring the sustainable use of recycled water by Reuse Scheme Customers;
  - 3.5 mechanisms for ensuring compliance with the water quality objectives;
  - 3.6 a table containing all of the major commitments made in the plan;
  - 3.7 an implementation timetable for key aspects of the plan; and
  - 3.8 a reporting program to regularly advise the Director of the results of the plan.
- 4 Once approved the person responsible must act in accordance with the approved Recycled Water Quality Management Plan.
- 5 The person responsible may apply to the Director to vary or substitute the Recycled Water Quality Management Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with affect from the date specified in the notice.

**CM4 Plant verification**

- 1 Unless otherwise approved in writing by the Director, the person responsible must, before Commissioning is deemed to be complete, demonstrate to the written satisfaction of the Director, that the:
  - 1.1 verification program detailed in the Commissioning Plan has been fully implemented; and
  - 1.2 the WWTP produces recycled water compliant with effluent quality limits specified in these conditions.

**Decommissioning And Rehabilitation**

**DC1 Temporary suspension of activity**

- 1 Within 30 days of becoming aware of any event or decision which is likely to give rise to the temporary suspension of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to suspend or has suspended.
- 2 During temporary suspension of the activity The Land must be managed and monitored by the person responsible for the activity to ensure that emissions from The Land do not cause serious environmental harm, material environmental harm or environmental nuisance.
- 3 If required by the Director, a Care and Maintenance Plan for the activity must be submitted to the Director for approval, by a date specified in writing by the Director. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition.
  - 3.1 The plan must be prepared in accordance with any reasonable guidelines provided by the Director.
  - 3.2 Once approved the person responsible must act in accordance with the approved Care and Maintenance Plan.

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- 3.3 The person responsible may apply to the Director to vary or substitute the Care and Maintenance Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with affect from the date specified in the notice.
- 4 Unless otherwise approved in writing by the Director, if the activity on The Land has substantially ceased for 2 years or more, rehabilitation of The Land must be carried out in accordance with the requirements of these conditions as if the activity has permanently ceased.

**DC2 Notification of cessation**

Within 30 days of becoming aware of any event or decision which is likely to give rise to the permanent cessation of the activity, the person responsible for the activity must notify the Director in writing of that event or decision. The notice must specify the date upon which the activity is expected to cease or has ceased.

**DC3 DRP requirements**

Unless otherwise approved in writing by the Director, a Decommissioning and Rehabilitation Plan (DRP) for the activity must be submitted for approval to the Director within 30 days of the Director being notified of the planned cessation of the activity or by a date specified in writing by the Director. The DRP must be prepared in accordance with any guidelines provided by the Director.

**DC4 Rehabilitation following cessation**

- 1 Following permanent cessation of the activity, and unless otherwise approved in writing by the Director, The Land must be rehabilitated including:
  - 1.1 stabilisation of any land surfaces that may be subject to erosion;
  - 1.2 removal or mitigation of all environmental hazards or land contamination, that might pose an ongoing risk of causing environmental harm; and
  - 1.3 decommissioning of any equipment that has not been removed.
- 2 Where a Decommissioning and Rehabilitation Plan (DRP) has been approved by the Director, decommissioning and rehabilitation must be carried out in accordance with that plan.
- 3 The person responsible may apply to the Director to vary or substitute the DRP. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with affect from the date specified in the notice.

**Effluent**

**EF1 Effluent discharge location**

- 1 Effluent from the activity must only be discharged at the following discharge location:
  - 1.1 discharge to the South Arm Peninsula Class A Recycled Water Irrigation Scheme at the **start of the South Arm Pipeline** as shown on Attachment 1.
- 2 Effluent must not be discharged to the point referred to in clause 1.1 unless the effluent is managed in accordance with the relevant Wastewater Reuse EMP.

**EF2 Notification of discharge other than to a reuse scheme**

The person responsible must notify the Director as soon as reasonably practicable after becoming aware of a discharge or the need for discharge of effluent other than to the wastewater reuse scheme.

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**EF3 Influent quality limits to the WWTP**

- 1 Influent received by the WWTP from BBWWTP must comply with the influent quality limits set out in Table 1 Influent Quality Limits for discharge to the WWTP, as recorded at 'Critical Control Point 1'.
- 2 **Table 1 Influent Quality Limits to the WWTP**

Column 1	Column 2	Column 3
Substance or measurement	Unit of measurement	Maximum limit
Turbidity	NTU	5
Ammonia Nitrogen	mg/L	10
Conductivity	µS/cm	1,000

**EF4 Effluent quality limits for discharge to the Wastewater Reuse Scheme**

- 1 Effluent discharged to Wastewater Reuse Scheme must comply with the effluent quality limits set out in Table 2, at the Effluent Quality monitoring point 'Critical Control Point 3' of the WWTP.
- 2 **Table 2 Reuse Effluent Quality Limits for discharge to the South Arm Peninsula Class A Recycled Water Irrigation Scheme**

Column 1	Column 2	Column 3	Column 4
Substance or measurement	Unit of measurement	Minimum limit	Maximum limit
Biochemical Oxygen Demand	mg/L	-	10
<i>Escherichia coli</i>	cfu/100 mL	-	<1
coliphages	pfu/100 mL	-	<1
Clostridia perfringens	cfu/100 mL	-	<1
pH	pH units	5.5	8
Conductivity	µS/cm	-	1,000
Total Suspended Solids	mg/L	-	30
Chlorine	mg/L	2.5	5

**EF5 WWTP control systems**

- 1 The person responsible must ensure all control systems for ensuring recycled water quality are fully functional while the WWTP is producing recycled water.
- 2 In the event any of the control systems for ensuring recycled water quality fails, supply of recycled water to the Wastewater Reuse Scheme must cease immediately.
- 3 In the event of any control system failure where the supply of recycled water to the Wastewater Reuse Scheme continues to occur, the Director and the operator of the Wastewater Reuse Scheme must be notified as soon as reasonably practical.
- 4 The person responsible shall maintain records for a period of at least three (3) years to demonstrate the ongoing function and maintenance of the control systems for managing recycled water quality and to document all control system failures.

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**Flora And Fauna**

**FF1 Tree Protection Plan**

- 1 Unless otherwise approved in writing by the Director, construction works associated with the activity must be conducted in accordance with the Tree Protection Plan.
- 2 The person responsible may apply to the Director to vary or substitute the Tree Protection Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with effect from the date specified in the notice.

**FF2 Removal of vegetation associated with *Eucalyptus globulus* dry forest and woodland**

Unless otherwise approved in writing by the Director, removal of vegetation within the *Eucalyptus globulus* dry forest and woodland community must occur outside of the swift parrot (*lathamus discolor*) breeding season (1 September to 31 January).

**FF3 Swift parrot (*lathamus discolor*) collision mitigation - Fencing**

Unless otherwise approved in writing by the Director, fencing associated with the activity must be designed in accordance with the Guidelines and recommendations for swift-parrot safe building design.

**Hazardous Substances**

**H1 Storage and handling of hazardous materials**

- 1 Unless otherwise approved in writing by the Director, environmentally hazardous materials held on The Land must be:
  - 1.1 stored within maintained and functional impervious bunded areas, spill trays or other containment systems; and
  - 1.2 managed to prevent unauthorised discharge, emission or deposition of pollutants:
    - 1.2.1 to soils within the boundary of The Land in a manner that is likely to cause serious or material environmental harm;
    - 1.2.2 to groundwater;
    - 1.2.3 to waterways; or
    - 1.2.4 beyond the boundary of The Land.

**H2 Hazardous materials (< 250 litres)**

- 1 Unless otherwise approved in writing by the Director, each environmentally hazardous material, including chemicals, fuels and oils, stored on The Land in discrete volumes not exceeding 250 litres, but not including discrete volumes of 25 litres or less, must be stored within bunded containment areas or spill trays which are designed and maintained to contain at least 110% of the volume of the largest container.
- 2 Bunded containment areas and spill trays must be made of materials that are impervious to any environmentally hazardous materials stored within the bund or spill tray.

**H3 Spill kits**

Spill kits appropriate for the types and volumes of materials handled on The Land must be kept in appropriate locations and maintained in a functional condition to assist with the containment of spilt environmentally hazardous materials.

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**H4 Inventory of hazardous materials**

An inventory must be kept of all environmentally hazardous materials stored and handled on The Land. The inventory must specify the location of storage facilities and the maximum quantities of each environmentally hazardous material likely to be kept in storage and must include safety data sheets for those environmentally hazardous materials.

**Monitoring****M1 Monitoring requirements**

1 Unless otherwise specified in writing by the Director, monitoring must be undertaken in accordance with the Table of Monitoring at Attachment 2, as follows:

- 1.1 the items listed in Column 1 must be sampled or tested at the locations listed in Column 2 for the parameters listed in Column 3 at the frequencies listed in Column 5 using the techniques listed in Column 6; and
- 1.2 resultant monitoring data must be reported to the Director, and to the Wastewater Reuse Scheme Customers in accordance with the requirements set out in Column 7 and in the units listed in Column 4.

**M2 Samples and measurements for monitoring purposes**

1 Any sample or measurement required under these conditions must be taken and processed in accordance with the following:

- 1.1 sampling and measuring must be undertaken by a person with training, experience, and knowledge of the appropriate procedure;
- 1.2 the integrity of samples must be maintained prior to delivery to a testing facility;
- 1.3 sample analysis must be conducted by a testing facility accredited by the National Association of Testing Authorities (NATA), or a testing facility approved in writing by the Director, for the specified test;
- 1.4 details of methods employed in taking samples and measurements and results of sample analysis, and measurements must be retained for at least three (3) years after the date of collection; and
- 1.5 sampling and measurement equipment must be maintained and operated in accordance with manufacturer's specifications and records of maintenance must be retained for at least three (3) years.

**M3 Monitoring reporting and record keeping**

1 Unless otherwise specified in writing by the Director, a Monthly Monitoring Report, in an electronic format approved by the Director, must be submitted to the Director by the 21<sup>st</sup> day of the following month. As a minimum, the Monthly Monitoring Report must include the following information:

- 1.1 the laboratories at which sample analyses were carried out
- 1.2 contact details for a person responsible for managing monitoring programs;
- 1.3 the estimated or measured average daily flow to the wastewater treatment plant; and
- 1.4 for each sample or measurement:
  - 1.4.1 a sample or measurement identification which allows the location from which the sample or measurement was taken to be clearly identifiable;
  - 1.4.2 the date and time at which each sample or measurement was taken;
  - 1.4.3 the parameters for which analyses or measurements were carried out and the units in which the results are reported; and

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- 1.4.4 the results for all sample analyses and measurements.
- 2 A record of all Monthly Monitoring Reports submitted to the Director must be maintained and copies of all test reports referenced to the relevant Monthly Monitoring Reports kept for a minimum period of three (3) years.

**M4 Signage of monitoring points**

- 1 With the exception of open water sampling and monitoring locations external to The Land, all monitoring points must be clearly marked to indicate the location and name of the monitoring point.
  - 1.1 The location of monitoring points external to The Land must be recorded with sufficient accuracy to ensure that monitoring can be undertaken at the same location repeatedly and in accordance with these conditions.

**M5 Flow monitoring equipment**

- 1 Flow monitoring equipment must be maintained in accurate working order in accordance with the manufacturer's specifications and, unless otherwise approved in writing by the Director, must be validated at least once every 12 months.
- 2 The dates on which flow monitoring equipment has been validated must be recorded and validation records kept for a minimum of 3 years.
- 3 For the purposes of this condition:
  - 3.1 'validate' means to undertake a set of actions including inspecting the flow monitoring equipment to check that it is installed in compliance with any relevant standards and is maintained to an acceptable state of repair, which provides an acceptable level of confidence that the flow monitoring equipment operates within an acceptable range of error under normal operating conditions.
  - 3.2 'Flow monitoring equipment' means an instrument, including a flow meter, that measures and may record a flow or level of liquid and includes any ancillary device attached to or incorporated into the instrument.

**M6 Exceedance of emission limits**

- 1 In the event that any of the emission limits specified in these conditions are exceeded:
  - 1.1 The Director must be notified within 24 hours of the person responsible becoming aware of the exceedance.
    - 1.1.1 The notification must include details of the limit that has been exceeded, the amount of the exceedance, the nature of the exceedance, and any immediate actions taken in response to the exceedance; known at the time of the notification.
  - 1.2 A report must be forwarded to the Director within 30 days of becoming aware of the exceedance. The report must include, but not necessarily be limited to, the following:
    - 1.2.1 the reported concentration;
    - 1.2.2 an explanation as whether the exceedance is likely to have caused or threatened environmental harm and or nuisance;
    - 1.2.3 an explanation as to why the emission limit was exceeded;
    - 1.2.4 actions taken to control the exceedance;
    - 1.2.5 the results of re-sampling of the monitoring point/s at which the exceedance was recorded;
    - 1.2.6 proposed actions to limit the likelihood of a recurrence of the exceedance; and

- 1.2.7 any other information that would assist the Director to understand the exceedance.
- 1.3 Unless otherwise approved in writing by the Director, the proposed actions to limit the likelihood of a recurrence must be implemented once approved by the Director. These actions may be amended from time to time with the written approval of the Director.

**Noise Control**

**N1 Noise emission limits**

- 1 Operational noise emissions from the activity when measured at any noise sensitive premises in other ownership when expressed as the equivalent continuous A-weighted sound pressure level must not exceed the background noise level for day time (0800 hours and 1800 hours), evening (1800 hours and 2200) and night time (2200 hours and 0800 hours).
- 2 The time interval over which noise levels are averaged must be 10 minutes or an alternative time interval specified in writing by the Director.
- 3 Measured noise levels must be adjusted for tonality, impulsiveness, modulation, and low frequency in accordance with the Tasmanian Noise Measurement Procedures Manual.
- 4 All methods of measurement must be in accordance with the Tasmanian Noise Measurement Procedures Manual.
- 5 As per the *Environment Protection Policy (Noise) 2009*, best practice environmental management should be employed in every activity to reduce noise emissions to the greatest extent that is reasonably practical.

**N2 Noise survey requirements**

- 1 Unless otherwise specified by the Director in writing a noise survey must be carried out:
  - 1.1 within six (6) months from the date of completion of commissioning;
  - 1.2 within six (6) months from the date of any notification under these conditions of a change to the activity which is likely to substantially alter the character or increase the volume of the noise emitted from The Land; and
  - 1.3 at such other times as may reasonably be required by the Director.

**N3 Noise survey method and reporting requirements**

- 1 Noise surveys must be undertaken in accordance with a survey method approved in writing by the Director, as may be amended from time to time with written approval of the Director.
- 2 Without limitation, the survey method must address the following:
  - 2.1 measurements must be carried out at day, evening and night times (where applicable) at each location; and
  - 2.2 measurement locations, and the number thereof, must be specified, with one location established as a control location (noise).
- 3 Measurements and data recorded during the survey must include:
  - 3.1 operational status of noise producing equipment and throughput of the activity;
  - 3.2 subjective descriptions of the sound at each location;
  - 3.3 details of meteorological conditions relevant to the propagation of noise;
  - 3.4 the equivalent continuous ( $L_{eq}$ ) and  $L_{max}$ ,  $L_1$ ,  $L_{10}$ ,  $L_{50}$ ,  $L_{90}$ ,  $L_{90}$  and  $L_{min}$  A-weighted sound pressure levels measured over a period of 10 minutes or an alternative time interval approved by the Director;

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- 3.5 a data set containing periods capturing normal and worst operating conditions;
- 3.6 A-weighted and C-weighted one-third octave spectra (including low frequency) over suitably representative periods of not less than 1 minute presented in tabulated and graph format; and
- 3.7 narrow-band spectra over suitably representative periods of not less than 1 minute.
- 4 A noise survey report must be forwarded to the Director within 30 days from the date on which the noise survey is completed.
- 5 The noise survey report must include the following:
  - 5.1 the results and interpretation of the measurements required by these conditions;
  - 5.2 a map of the area surrounding the activity with the boundary of The Land, measurement locations, and noise sensitive premises clearly marked on the map;
  - 5.3 any other information that will assist with interpreting the results and whether the activity is in compliance with these conditions and EMPCA; and
  - 5.4 recommendations of appropriate mitigation measures to manage any noise problems identified by the noise survey.

**N4 Operating hours - Construction**

- 1 Unless otherwise approved in writing by the Director:
  - 1.1 Construction activities must not be undertaken outside 0700 hours to 1800 hours Monday to Friday; and 0800 hours to 1800 hours Saturdays
  - 1.2 Notwithstanding the above paragraph, the construction activities must not be carried out on Sundays or Public Holidays that are observed State-wide (Easter Tuesday excepted).

**Operations**

**OP1 Contingency management**

- 1 A Contingency Management Plan must be prepared and submitted to the Director for approval prior to the commencement of operation and maintained with relevant and contemporary information. The plan must detail measures to prevent and mitigate environmental harm if an unplanned event occurs. Unplanned events that must be addressed by the plan include but are not limited to:
  - 1.1 sudden or long-term fluctuations in influent quality;
  - 1.2 incidents, accidents, power failures and malfunctions with the potential to cause the release of effluent that does not comply with these conditions;
  - 1.3 pipe ruptures leading to discharge of wastewater; and
  - 1.4 fire and flooding.
- 2 The Contingency Management Plan must include communication procedures that ensure that water users and land holders that may be adversely impacted, the general public, and relevant government agencies are informed of any unplanned event to the extent necessary to allow them to take precautions against adverse impacts upon the environment, human health and livestock health.
- 3 As far as is reasonable and practicable, the Contingency Management Plan must include contact details for all water users and land holders that may be impacted by an unplanned event and must be kept up to date by the person responsible.
- 4 The person responsible must ensure that all personnel are aware of the Contingency Management Plan and their responsibilities in relation to unplanned events and have access at all times to the Contingency Management Plan.

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- 5 Once approved the person responsible must act in accordance with the approved Contingency Management Plan.
- 6 The person responsible may apply to the Director to vary or substitute the Contingency Management Plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with affect from the date specified in the notice.

**OP2 Operational Procedures and Maintenance Manual**

- 1 An Operational Procedures and Maintenance Manual ('the Manual') must be developed prior to the commencement of operation or by a date specified in writing by the Director. The Manual must provide detailed information relating to the activity and must detail operational procedures as required to ensure compliance with these conditions.
- 2 The Manual must be prepared in accordance with any reasonable guidelines provided by the Director. If no guidelines are provided, the Manual must:
  - 2.1 include Standard Operating Procedures for all Control Points and other key process steps.
  - 2.2 be written in an easy to understand format, with checklists, diagrams, instructions and photographs as appropriate.
  - 2.3 be available for easy reference by operational staff, including any documents referenced by the Manual.
  - 2.4 be clear about who is responsible for carrying out tasks, as well as how, when, or how often tasks should be performed.
- 3 The Manual must be kept up to date, and reviewed at least annually, and must take into account environment related complaints, incidents and changes to the activity.

**OP3 Machinery washdown**

Prior to entering The Land, machinery must be washed in accordance with the Weed and Disease Guidelines, or any subsequent revisions of that document.

**OP4 Weed management**

- 1 At least 30 days prior to the commencement of construction, or by a date otherwise specified in writing by the Director, a Weed & Disease Management Plan must be submitted to the Director for approval. This requirement will be deemed to be satisfied only when the Director indicates in writing that the submitted document adequately addresses the requirements of this condition.
- 2 The plan must be consistent with the Weed and Disease Guidelines, or any subsequent revisions of that document.
- 3 Once approved the person responsible must act in accordance with the approved plan.
- 4 The person responsible may apply to the Director to vary or substitute the plan. Any variation or substitution of the plan approved by the Director, by notice in writing, replaces the earlier approval with affect from the date specified in the notice.

**Stormwater Management**

**SW1 Stormwater**

- 1 Other than drainage from access road runoff that drains to Treatment Plant Road, polluted stormwater that will be discharged from The Land must be collected and treated prior to discharge to the extent necessary to prevent serious or material environmental harm, or environmental nuisance.

CHAIRPERSON, BOARD OF THE ENVIRONMENT PROTECTION AUTHORITY

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- 2 Notwithstanding the above, all stormwater that is discharged from The Land must not carry pollutants such as sediment, oil and grease in quantities or concentrations that are likely to degrade the visual quality of any receiving waters outside The Land.
- 3 All reasonable measures must be implemented to ensure that solids entrained in stormwater are retained on The Land. Such measures may include appropriately sized and maintained sediment settling ponds or detention basins.

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**Schedule 3: Information**

**Legal Obligations**

**LO1 EMPCA**

The activity must be conducted in accordance with both the conditions in this document and the obligations of the *Environmental Management and Pollution Control Act 1994* (EMPCA) and subordinate regulations. The conditions of this document do not replicate legislated obligations; therefore, you should ensure you are aware of your obligations under EMPCA and subordinate regulations.

**LO2 Storage and handling of dangerous goods, explosives and dangerous substances**

1 The storage, handling and transport of dangerous goods, explosives and dangerous substances must comply with the requirements of relevant State Acts and any regulations thereunder, including:

1.1 *Work Health and Safety Act 2012* and subordinate regulations;

1.2 *Explosives Act 2012* and subordinate regulations; and

1.3 *Dangerous Goods (Road and Rail Transport) Act 2010* and subordinate regulations.

**LO3 Change of responsibility**

If the person responsible for the activity ceases to be responsible for the activity, they must notify the Director in accordance with Section 45 of the EMPCA.

**LO4 Controlled waste transport**

Transport of controlled wastes to and from The Land must be undertaken only by persons authorised to do so under EMPCA or subordinate legislation.

**LO5 Discharges to sewer**

In accordance with the *Water and Sewerage Industry Act 2008* wastewater, including treated wastewater is not to be discharged to sewerage infrastructure without consent.

**LO6 Aboriginal relics requirements**

1 Aboriginal relics, objects, sites, places and human remains regardless of whether they are located on public or private land, are protected under the *Aboriginal Heritage Act 1975*.

2 Unanticipated discoveries of Aboriginal heritage must be reported to Aboriginal Heritage Tasmania on **1300 487 045** as soon as possible.

**Other Information**

**OI1 Waste management hierarchy**

1 Wastes should be managed in accordance with the following hierarchy of waste management:

1.1 waste should be minimised, that is, the generation of waste must be reduced to the maximum extent that is reasonable and practicable, having regard to best practice environmental management;

1.2 waste should be re-used or recycled to the maximum extent that is practicable; and



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- 1.3** waste that cannot be re-used or recycled must be disposed of at a waste depot site or treatment facility that has been approved in writing by the relevant planning authority or the Director to receive such waste, or otherwise in a manner approved in writing by the Director.

**O12 Notification of incidents under section 32 of EMPCA**

Where a person is required by section 32 of EMPCA to notify the Director of the release of a pollutant, the Director can be notified by telephoning **1800 005 171** (a 24-hour emergency telephone number).

**O13 Release of Relevant Information**

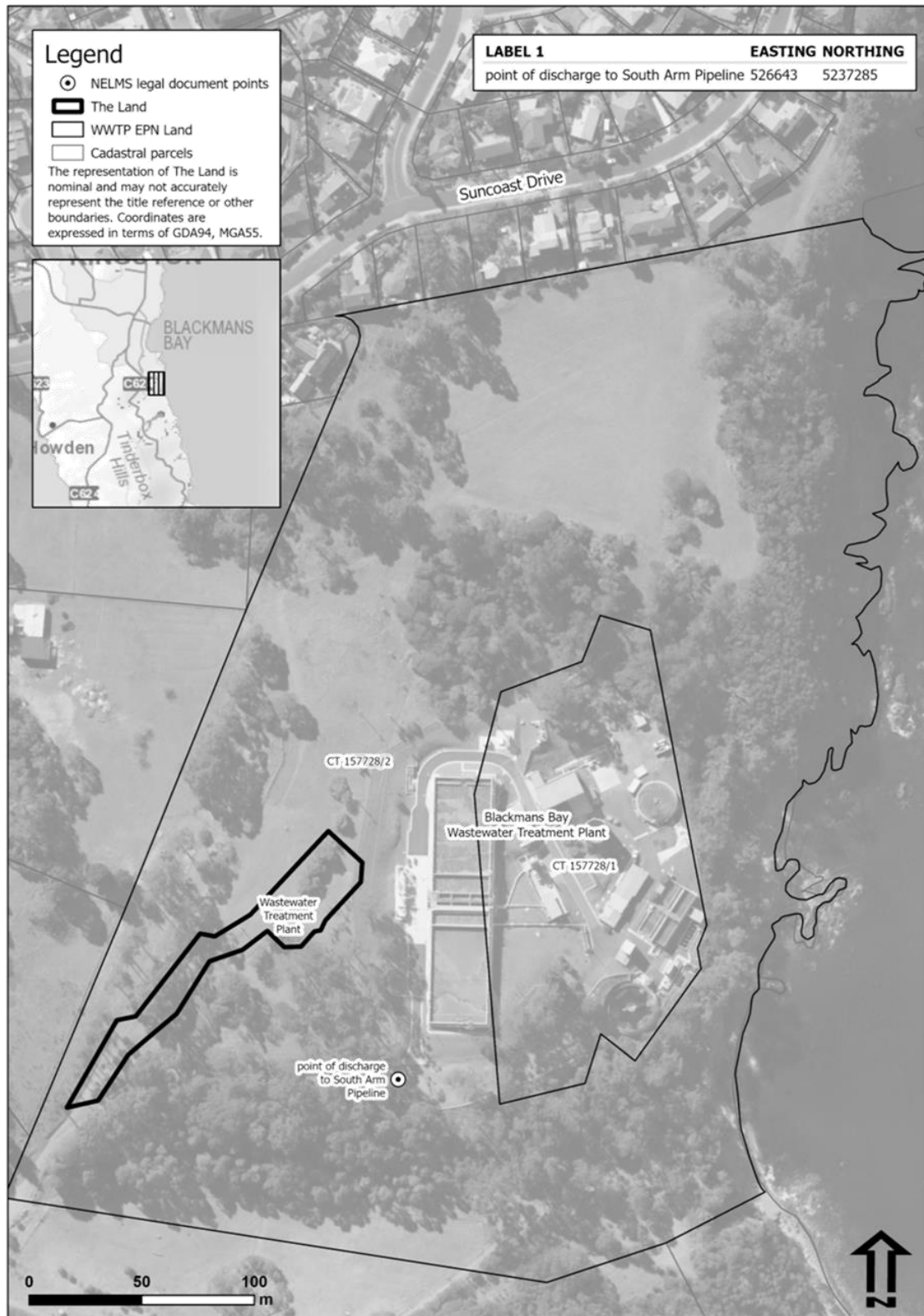
Under the provisions of Section 23AA of EMPCA relevant information relating to monitoring of environmental impacts required under these conditions may be subject to publishing or public release by the Director.

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### Attachment 1: The Land



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### ATTACHMENT 2: TABLE OF MONITORING REQUIREMENTS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Locations	Parameter	Unit of Measure	Frequency	Technique	Reporting requirements
Influent wastewater flow to the activity	<b>WWTP Inlet</b>	Flow	kL/day	Continuous measurement	On-line Flow Meter	<ol style="list-style-type: none"> <li>To be reported in the Monthly Monitoring Report as an average for the reporting period of daily flow.</li> <li>To be reported in the Monthly Monitoring Report or Annual Environmental Review as monthly averages of daily flow.</li> </ol>
Effluent	<b>WWTP Outlet (CCP3)</b>  Effluent Quality Monitoring Location	Flow	kL/day	Continuous or periodic measurement or estimate based on approved method	On-line Flow Meter	<ol style="list-style-type: none"> <li>To be reported in the Monthly Monitoring Report or Annual Environmental Review as monthly flows for each calendar month, based on daily flows for that month.</li> <li>To be included in mass load calculations within the Annual Environmental Review.</li> </ol>
		pH	-	Weekly	Field Test	
		Temperature	°C			
		Conductivity	dS/m			
		Total Residual Chlorine	mg/L			
		Biochemical Oxygen Demand	mg/L			24-hour flow-weighted composite sample
		Suspended Solids	mg/L			
		Ammonia-Nitrogen	mg/L			
Nitrate-Nitrogen	mg/L					

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Locations	Parameter	Unit of Measure	Frequency	Technique	Reporting requirements
		Nitrite-Nitrogen	mg/L	Annually		
		Total Nitrogen	mg/L			
		Total Phosphorus	mg/L			
		Oil and Grease	mg/L			
		Arsenic	mg/L			
		Cadmium	mg/L			
		Chromium	mg/L			
		Copper	mg/L			
		Lead	mg/L			
		Manganese	mg/L			
		Mercury	mg/L			
		Nickel	mg/L			
		Selenium	mg/L			
		Zinc	mg/L			
		Alkalinity (as bicarbonate)	mg/L	Annually	24-hour flow-weighted composite	
		Calcium	mg/L			
		Chloride	mg/L			
		Potassium	mg/L			
		Magnesium	mg/L			
		Molybdenum	mg/L			
		Sodium	mg/L			
		Sulphate	mg/L			
		<i>E.coli</i>	cfu/100 mL	Weekly	Grab sample	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Item	Locations	Parameter	Unit of Measure	Frequency	Technique	Reporting requirements
		Clostridia perfringens	cfu/100 mL	Monthly		1. Results to be reported in the Monthly Monitoring Report 2. A summary of results to be provided in the Annual Environmental Review.
		Coliphages (Somatic)	pfu/100 mL			

For the purposes of the Table of Monitoring Requirements the following definitions apply:

**Flow Meter** means an instrument that measures and records a flow or level of liquid and includes any ancillary device attached to or incorporated into the instrument.

**Continuous measurement** means automatic ongoing measurement at all times.

**On-line** means measurements or analyses are carried out automatically and the results electronically recorded for remote viewing and analysis.

**Field test / on-site test** means either *in situ* testing or analysis of samples immediately with appropriate instrumentation.

**Grab sample** means a discrete sample collected in a manner that ensures it is a representative sample.

**Flow-weighted 24-hour composite sample** means a composite sample consisting of grab samples taken and mixed in such as way the sample volume is proportional to the wastewater flow, or a sample collected continuously over a 24-hour period at a rate proportional to wastewater flow.

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## **DEVELOPMENT APPLICATION**

<b><u>Application Number:</u></b>	DA-2023-174
<b><u>Proposed Development:</u></b>	Recycled water treatment plant
<b><u>Location:</u></b>	112, 116 & 120 Tinderbox Road, Blackmans Bay
<b><u>Applicant:</u></b>	MC Planners Pty Ltd obo South Arm Pipeline Pty Ltd
<b><u>Responsible Planning Officer:</u></b>	Mary McNeill
<p><b><u>Referral to the Board of the Environmental Protection Authority</u></b></p> <p>The application has been referred to the Board of the Environmental Protection Authority (the Board) for assessment under the Environmental Management and Pollution Control Act 1994 (EMPCA). An Environmental Effects Report (EER) has been lodged in support of the application.</p> <p>A copy of the full development application is available for public inspection during the notification period at Council offices at the Civic Centre, 15 Channel Highway, Kingston.</p> <p>The EER can also be viewed at: <a href="https://epa.tas.gov.au/consultations">https://epa.tas.gov.au/consultations</a></p> <p>A guide for preparing a public submission can be found at: <a href="https://epa.tas.gov.au/public-submission-guide">https://epa.tas.gov.au/public-submission-guide</a></p> <p>Copies of the EER may be requested from James MacAlpine, Project Manager, Resonance on 0427072 449 or <a href="mailto:james.macalpine@resonance.com.au">james.macalpine@resonance.com.au</a></p> <p><b><u>Associated Documents available for viewing at Council offices:</u></b></p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Certificate of Title</li> <li>• Application plans</li> <li>• Planning Report</li> <li>• Natural Values Report &amp; Environmental Management Plan</li> <li>• Arboricultural Assessment &amp; Addendum</li> <li>• Tree Protection Plan</li> <li>• Tree Selection and Planting</li> <li>• Coastal Vulnerability Assessment &amp; Landslide Risk Assessment</li> <li>• Stormwater Quality Design Memorandum</li> <li>• Noise Assessment</li> <li>• Environmental Monitoring Plan &amp; Amendment</li> <li>• Recycled Water Quality Management Plan</li> <li>• Environmental Effects Report (EER) &amp; Appendix A plans</li> <li>• Irrigation and Environmental Management Plan – Arm End.</li> <li>• Sightlines from 90, 106 &amp; 108 Tinderbox Road</li> </ul>	





**NOTES:**  
 1. Contour Interval: 5m.  
 2. Contours and topographical data derived from the LIST Map.  
 3. Title boundary information is from the LIST Cadastre and may be up to 30 meters out in position.  
 4. Boundary dimensions are subject to final survey.  
 5. Access to RWTP via a Right of Way (3.60m Wide) as shown. Position subject to final survey.  
 6. All work within the work site area is to be proposed infrastructure. All elements outside the work site area is existing.

**Kingborough Council**  
 Development Application: DA-2023-174  
 Plan Reference No.: P3  
 Date Received: 2/11/2023  
 Date placed on Public Exhibition: 18/11/2023

Horizontal Datum	GDA94
Height Datum	AHD(TAS)1983
Horizontal Authority	SPM9428
	E: 526668.621 N: 5237747.982
Height Authority	SPM9428
	67.293
Combined Scale Factor MGA->Planar	1.000401981

**GENERAL COMMENTS AND DISCLAIMER:**  
 This survey has been compiled using a combination of conventional and UG Service Detection survey techniques.

The survey from which this model was created was carried out to comply with the requirements of the client as set out in the scope of works contained in the survey instructions/brief for this project. Anybody who uses this survey for any purpose other than that for which it was carried out does so at his or her own risk.

Any public utilities and services shown in this model have been located by using visible surface features and underground service detection techniques.

Please note that not all buried pipes, cables and ducts can be detected and mapped in consideration of their depth, location, material type, geology and proximity to other utilities. Even an appropriate and professionally executed survey may not be able to achieve a 100% detection rate.

Property boundary overlays, where supplied, vary in accuracy but are generally to 0.5m. Therefore a Land Survey, as defined under the Surveying Act 2002, should be undertaken before any construction activity is carried out on or near the land boundaries depicted by this model.

Survey control information is regarded as suitable for the survey and correct at the time of survey, but should be verified before being used for any purpose.

**WARNINGS:**  
 1. Classification of subsurface utility information refer to ASS488.1:2019.  
 2. No design should be undertaken outside of survey extents. If design exceeds survey extents additional survey data should be acquired.



Rev No	Date	Revision Note	Dim	Ver	App
Rev 3					
Rev 4					
Rev 5	25/10/23	Update drawing to Kingborough Council QA	SZ	1	RB
Rev 2	08/09/23	Update Class A Delivery	SZ	1	RB
Rev 1	28/08/23	Site Access Plan outlines by Resonance	SZ	1	RB

**UDM**  
 Utility Detection & Mapping  
 12/10 Seaton Road, Cambridge, TAS 7050  
 www.udmgroup.com.au  
 08131 42444

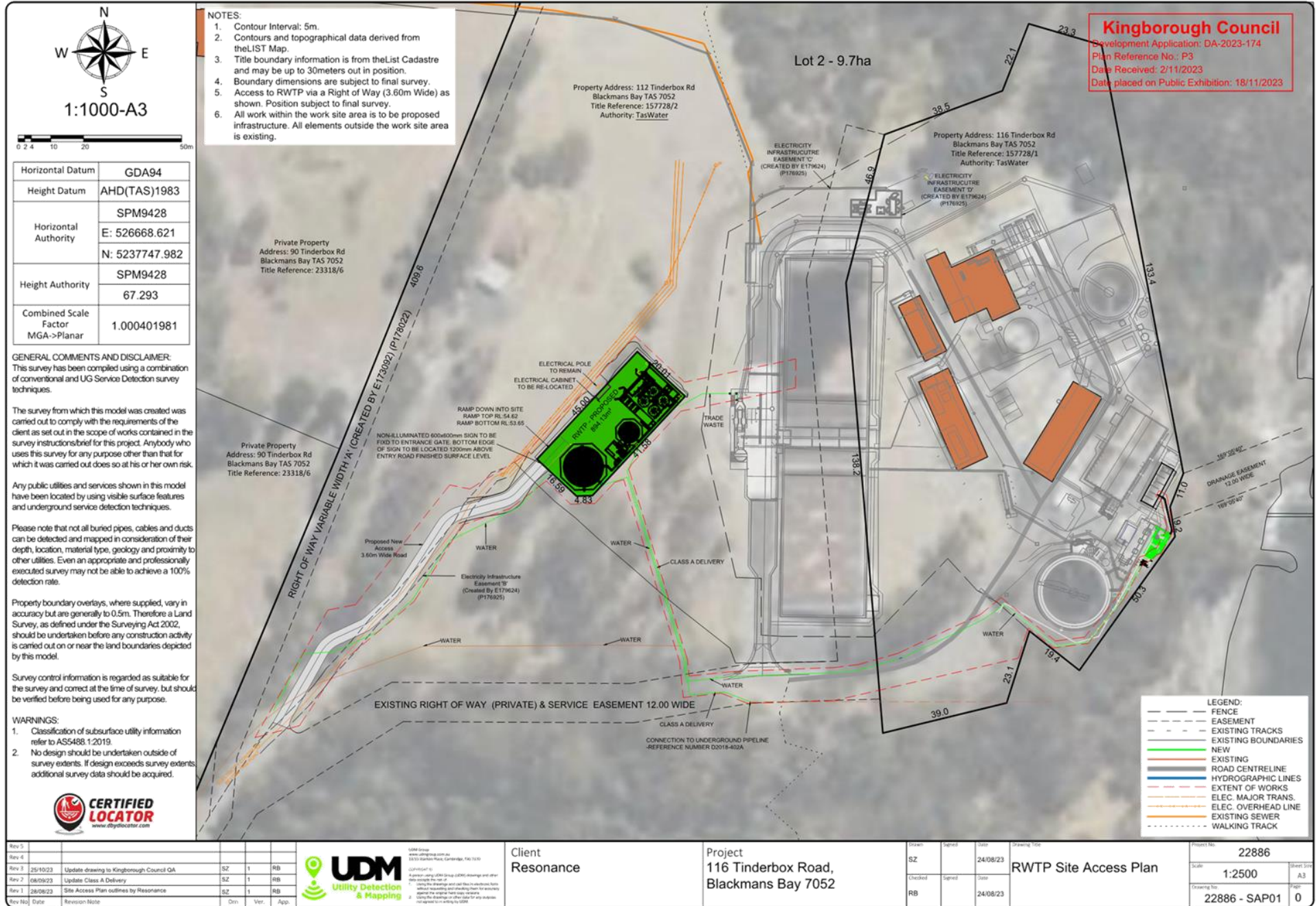
Client  
**Resonance**

Project  
**116 Tinderbox Road,  
 Blackmans Bay 7052**

Drawn	Signed	Date	Drawing Title
SZ		24/08/23	RWTP Site Access Plan
Checked	Signed	Date	
RB		24/08/23	

Project No.	22886
Scale	1:2500
Sheet Size	A3
Drawing No.	22886 - SAP01
Page	0







# ARM END RECYCLED WATER TREATMENT PLANT for SOUTHLAND FILTRATION

## CIVIL WORKS



LOCALITY PLAN  
SCALE 1:2000

TASWATER STP

AREA OF WORKS

DO NOT SCALE THIS DRAWING. Use only dimensions shown. All dimensions should be checked on site. Drawing to be read in conjunction with the associated notes and specifications. Drawing to be read in conjunction with all other services, architectural and structural. These drawings, drawings and specifications are copyright and must not be altered, reproduced or copied wholly or in any part without the written permission of Landstorm Pty Ltd. All rights reserved.

**Kingborough Council**  
Development Application: DA-2023-174  
Plan Reference No.: P3  
Date Received: 2/11/2023  
Date placed on Public Exhibition: 18/11/2023

DRAWING NO.	TITLE
P45-LS129.010-C000	COVER PAGE, LOCALITY PLAN AND DRAWING SCHEDULE
P45-LS129.010-C001	PROJECT SPECIFICATION
P45-LS129.010-C100	SITE LAYOUT
P45-LS129.010-C101	BULK EARTHWORKS
P45-LS129.010-C102	PAD AND EQUIPMENT SETOUT
P45-LS129.010-C200	STORMWATER LAYOUT
P45-LS129.010-C300	TRADE WASTE LAYOUT
P45-LS129.010-C400	WATER LAYOUT
P45-LS129.010-C500	ENTRY ROAD LONG SECTION AND SETOUT
P45-LS129.010-C501	ENTRY ROAD CROSS SECTIONS
P45-LS129.010-C502	PAD LONGSECTION AND SECTIONS
P45-LS129.010-C700	TRADE WASTE LONG SECTION
P45-LS129.010-A100	CLASS A BOOSTER PUMP STATION (BPS) EXTERNAL ELEVATIONS

**LANDSTORMENGINEERING**  
brady@landstorm.com.au



PROJECT: ARM END RECYCLED WATER TREATMENT PLANT

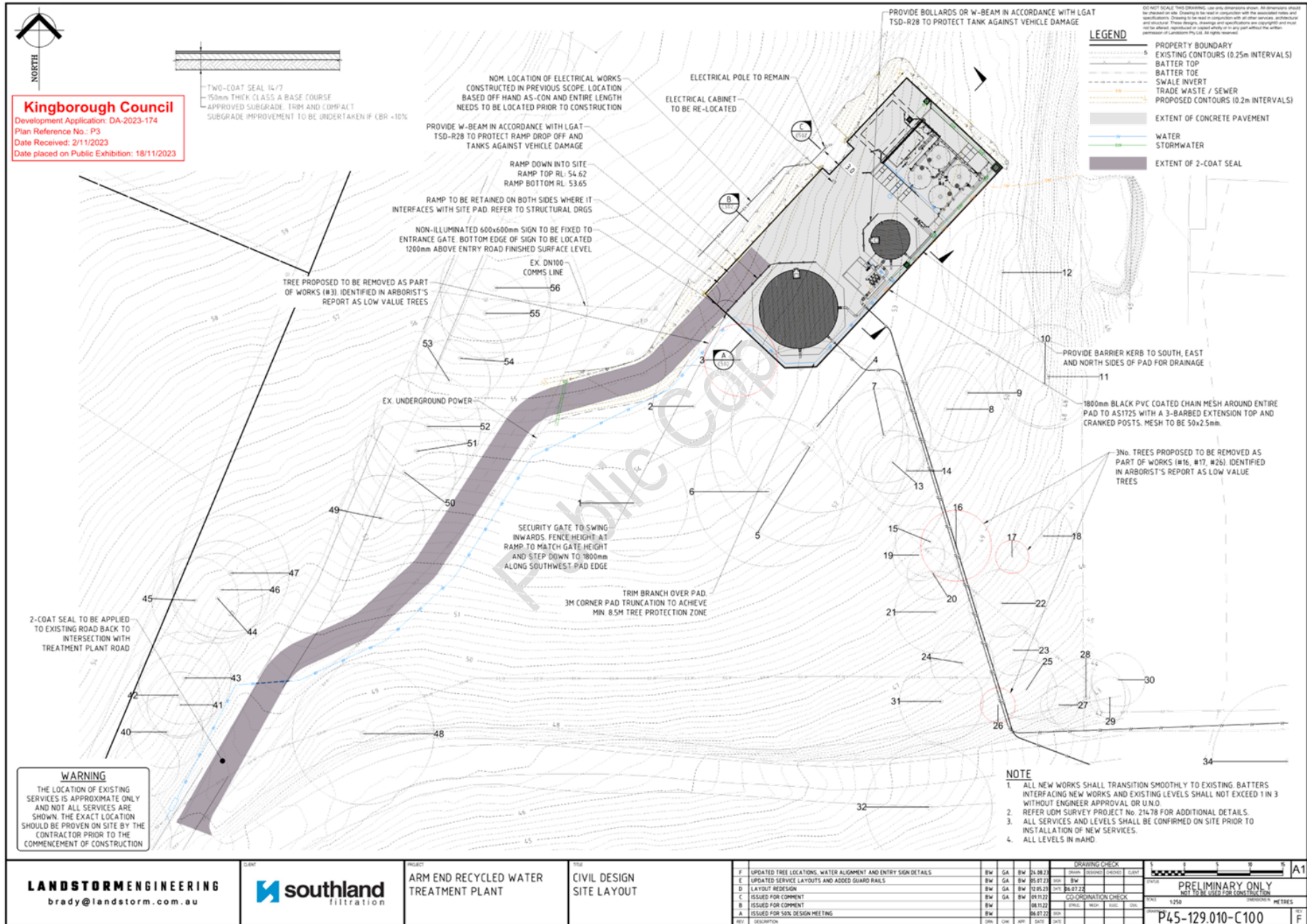
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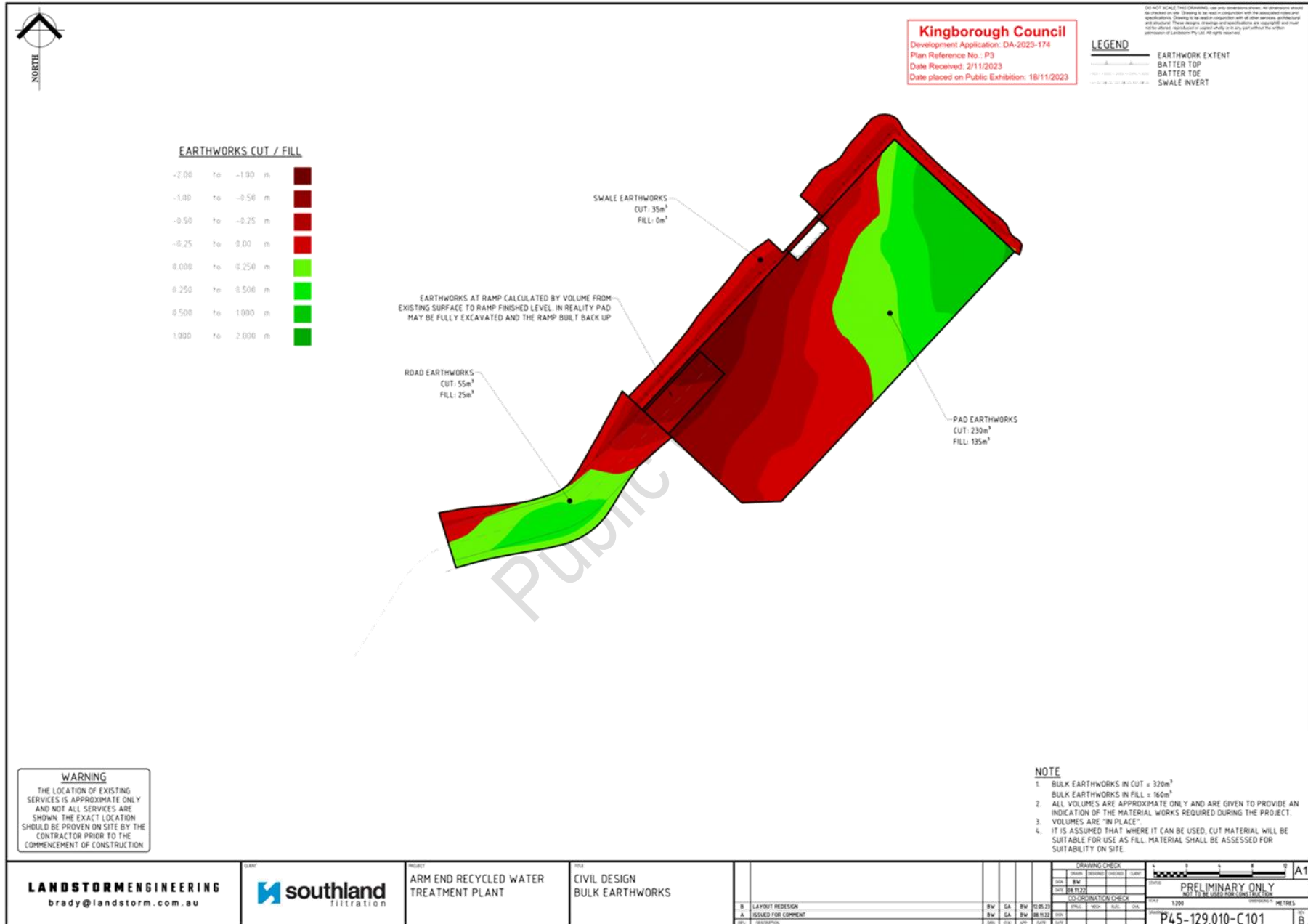
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		ISSUED	REVISED	CHECKED	CLEAN				
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B	LAYOUT REDESIGN	BW	GA	BW	02/05/23				
A	ISSUED FOR COMMENT	BW	GA	BW	08/03/22				
REL.	DESCRIPTION	SW	USE	SW	DATE				

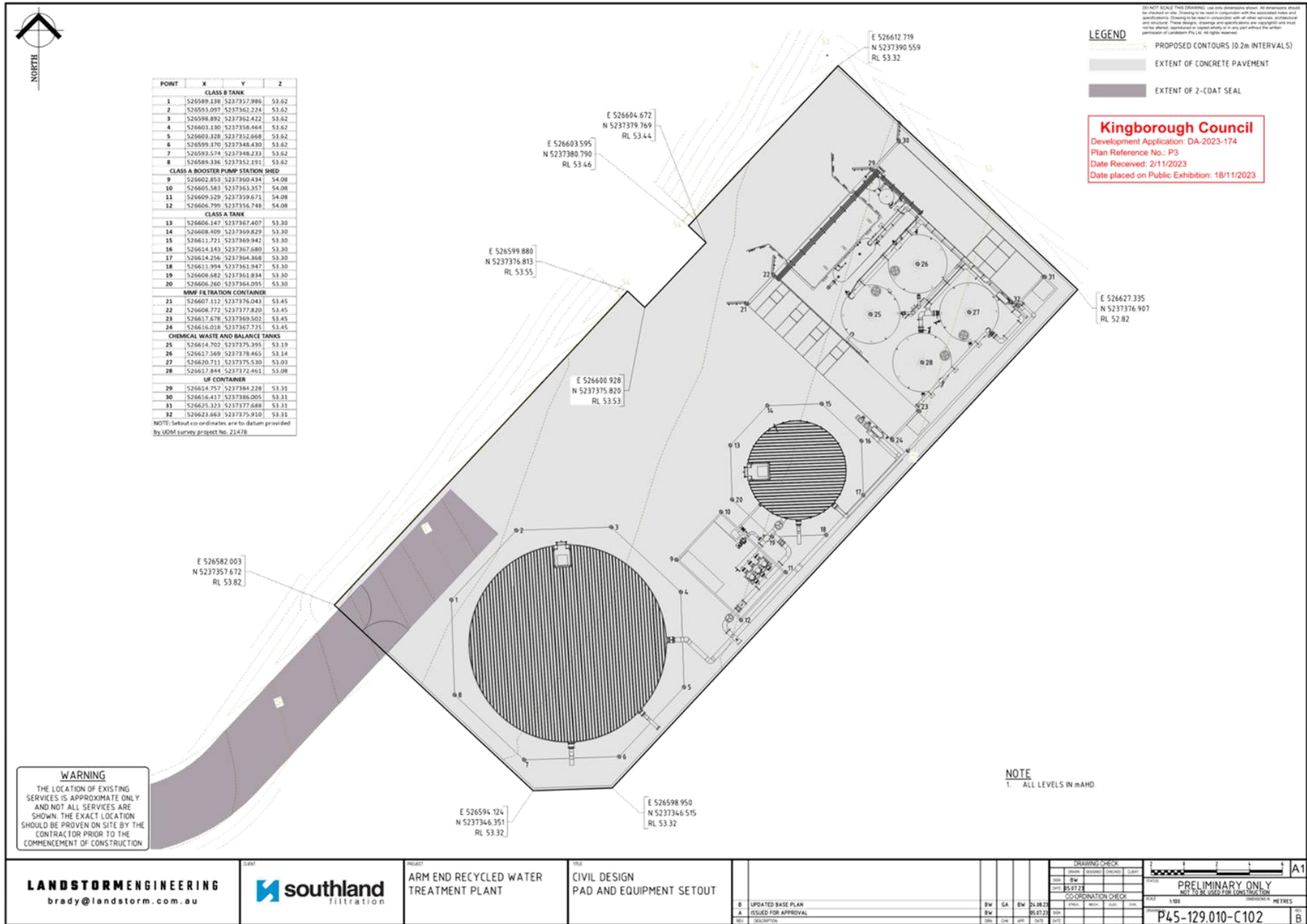
PRELIMINARY ONLY  
NOT TO BE USED FOR CONSTRUCTION  
P45-129.010-C000











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CLIENT: ARM END RECYCLED WATER TREATMENT PLANT

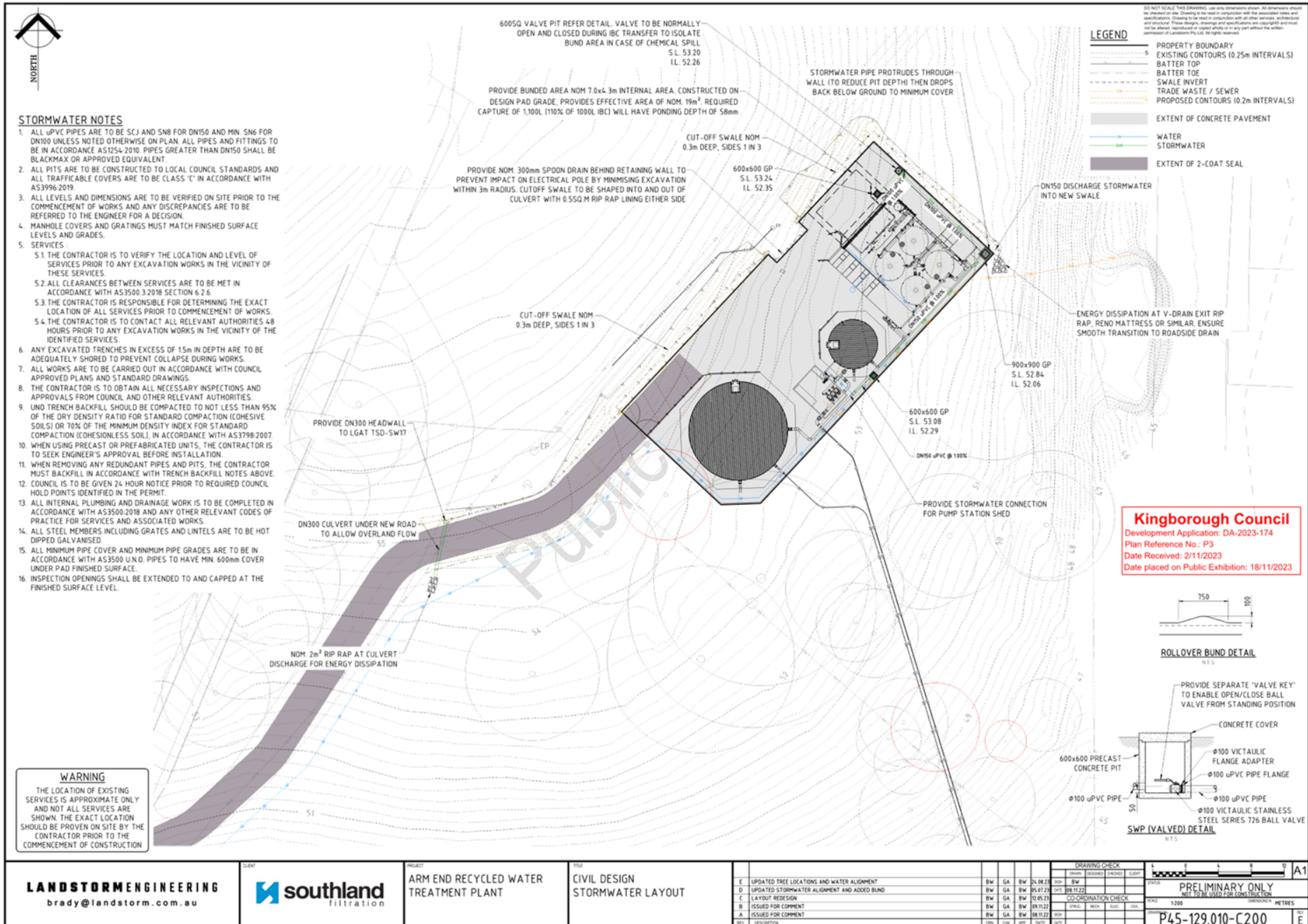
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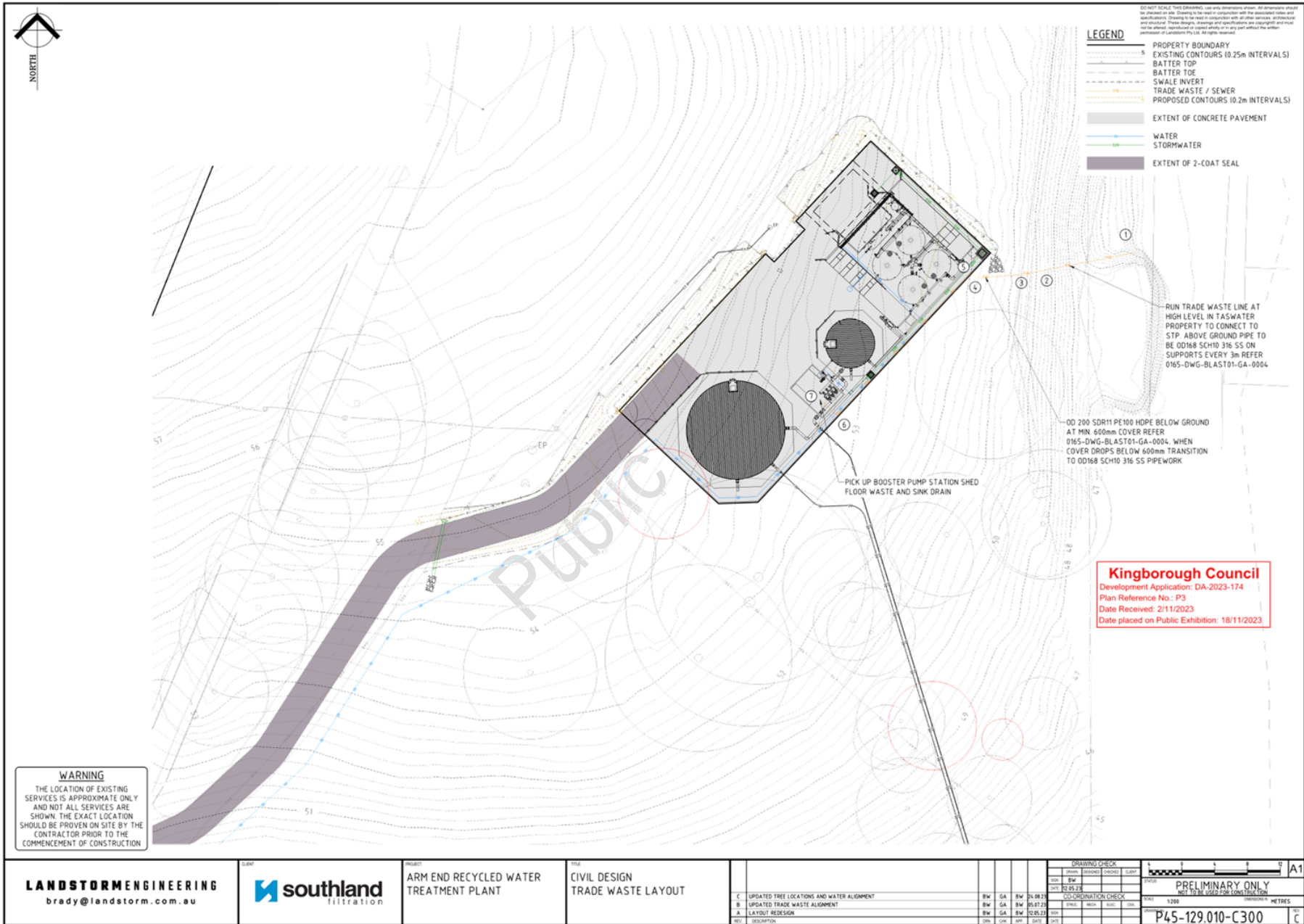
DRAWING CHECK		SCALE		DATE	
NO.	BY	NO.	BY	NO.	BY
1	BW	1	GA	1	BW
2	BW	2	GA	2	BW
3	BW	3	GA	3	BW

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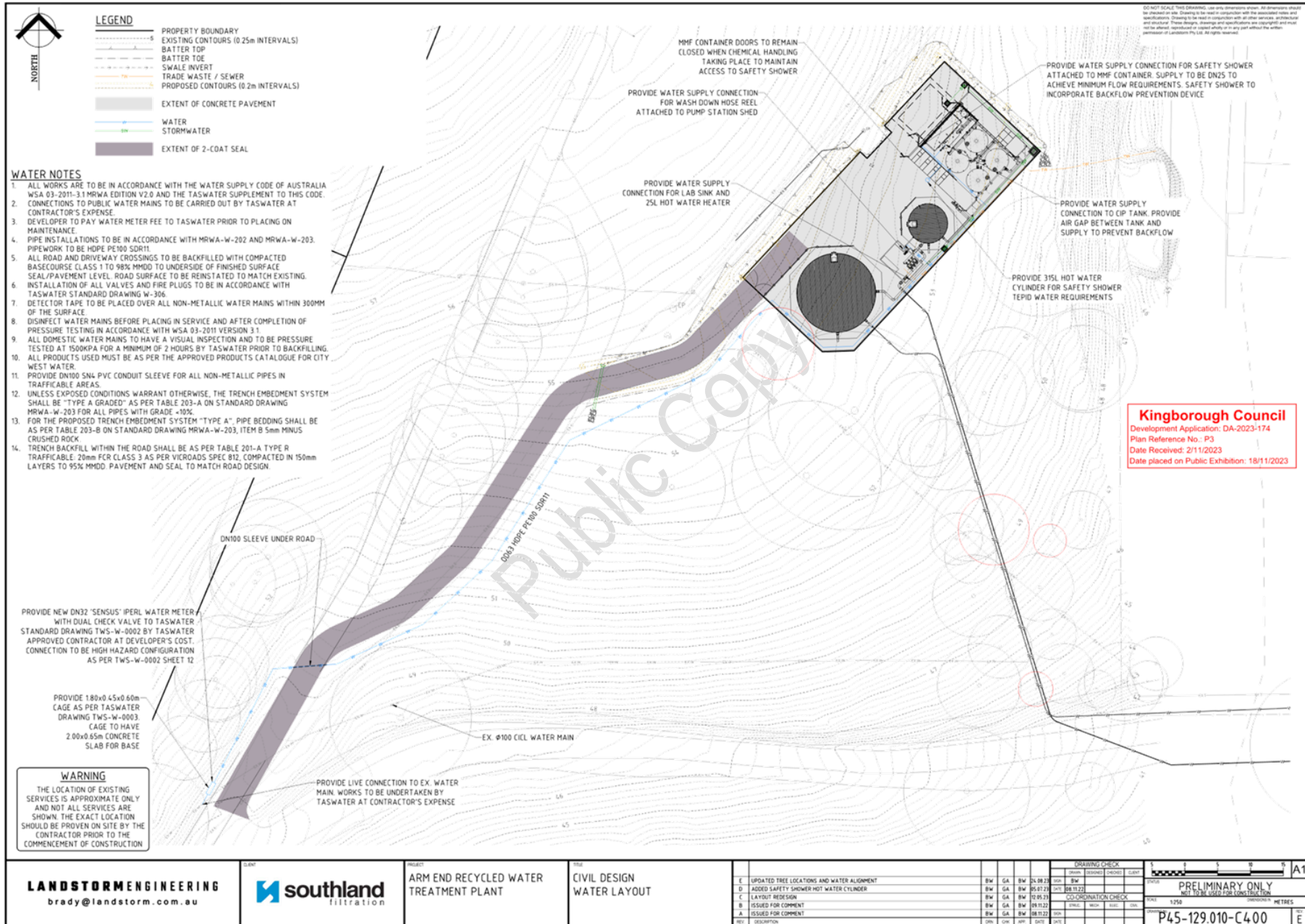
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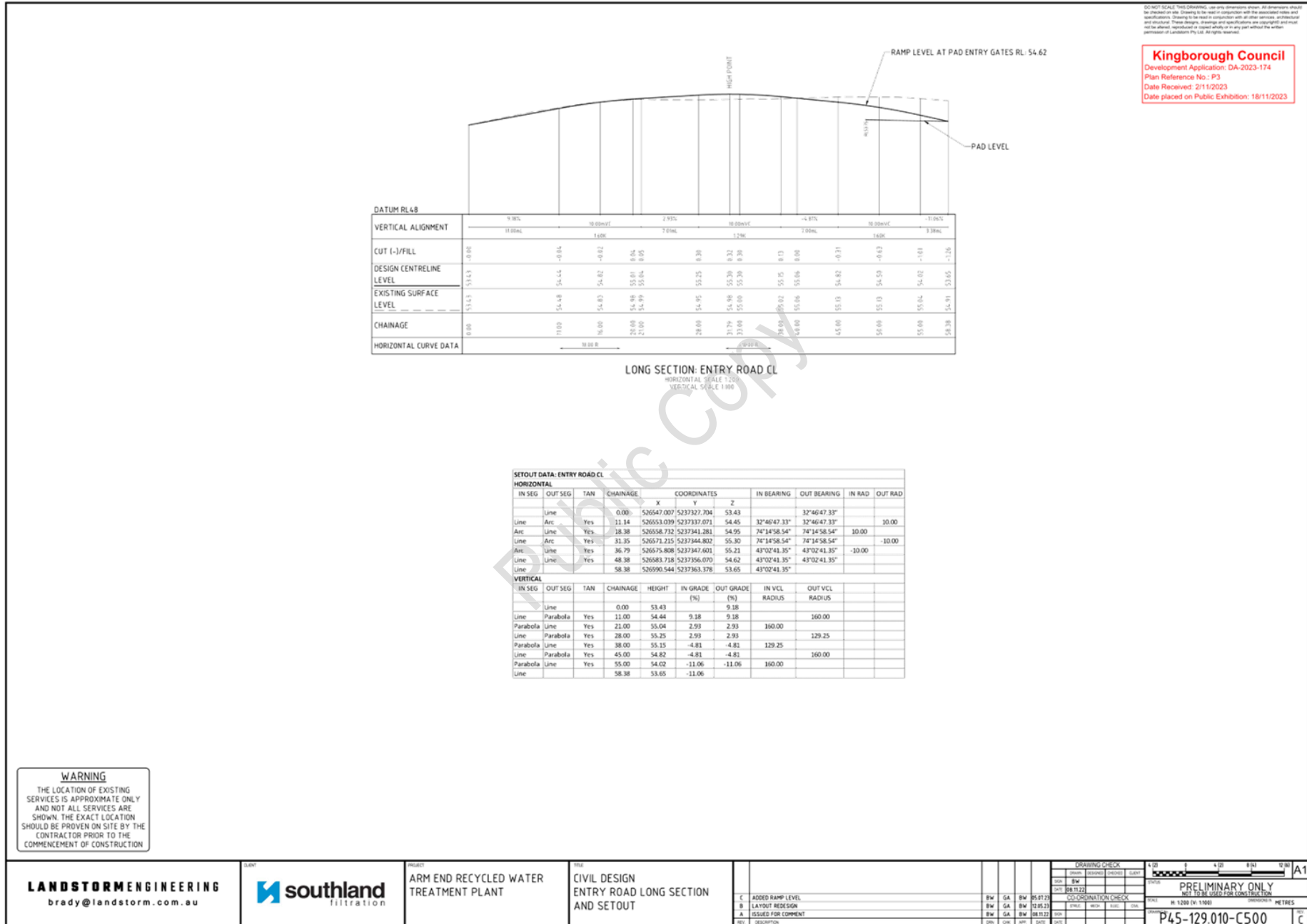












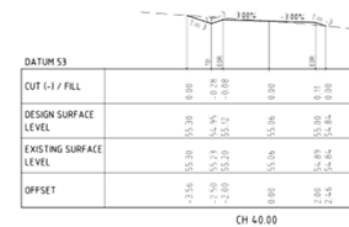
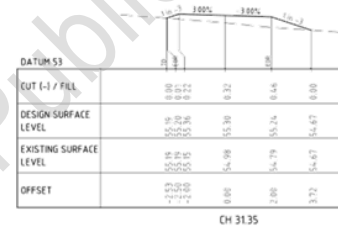
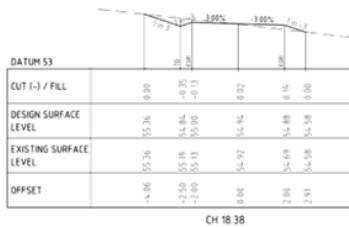
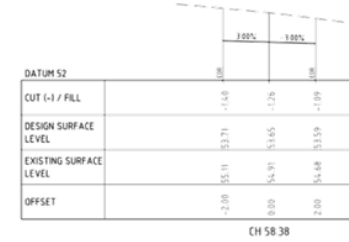
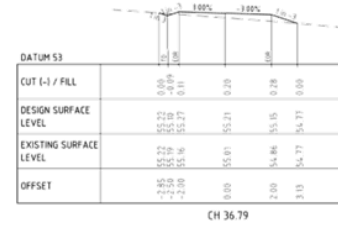
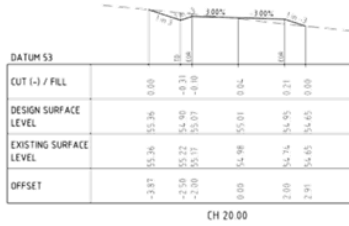
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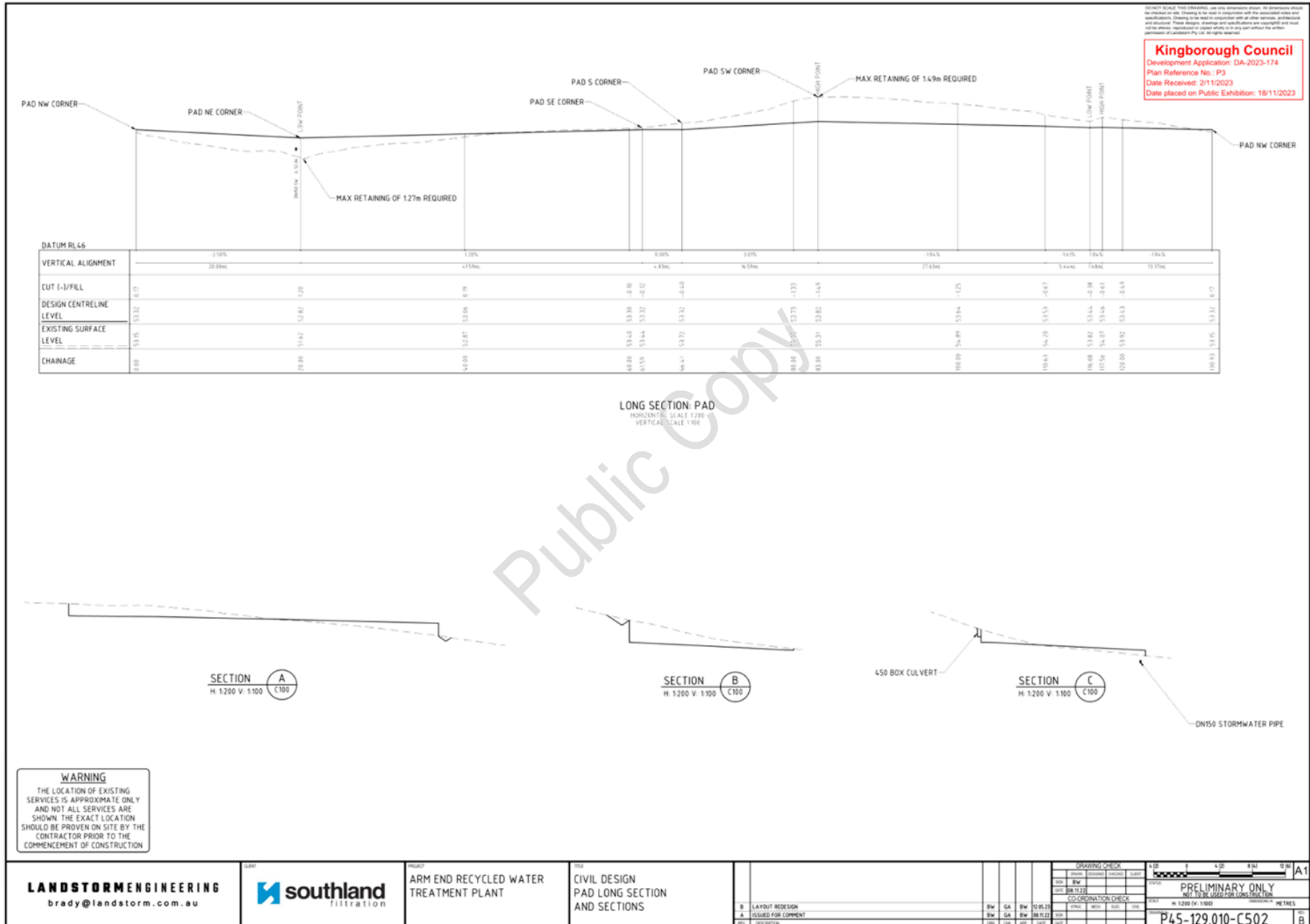
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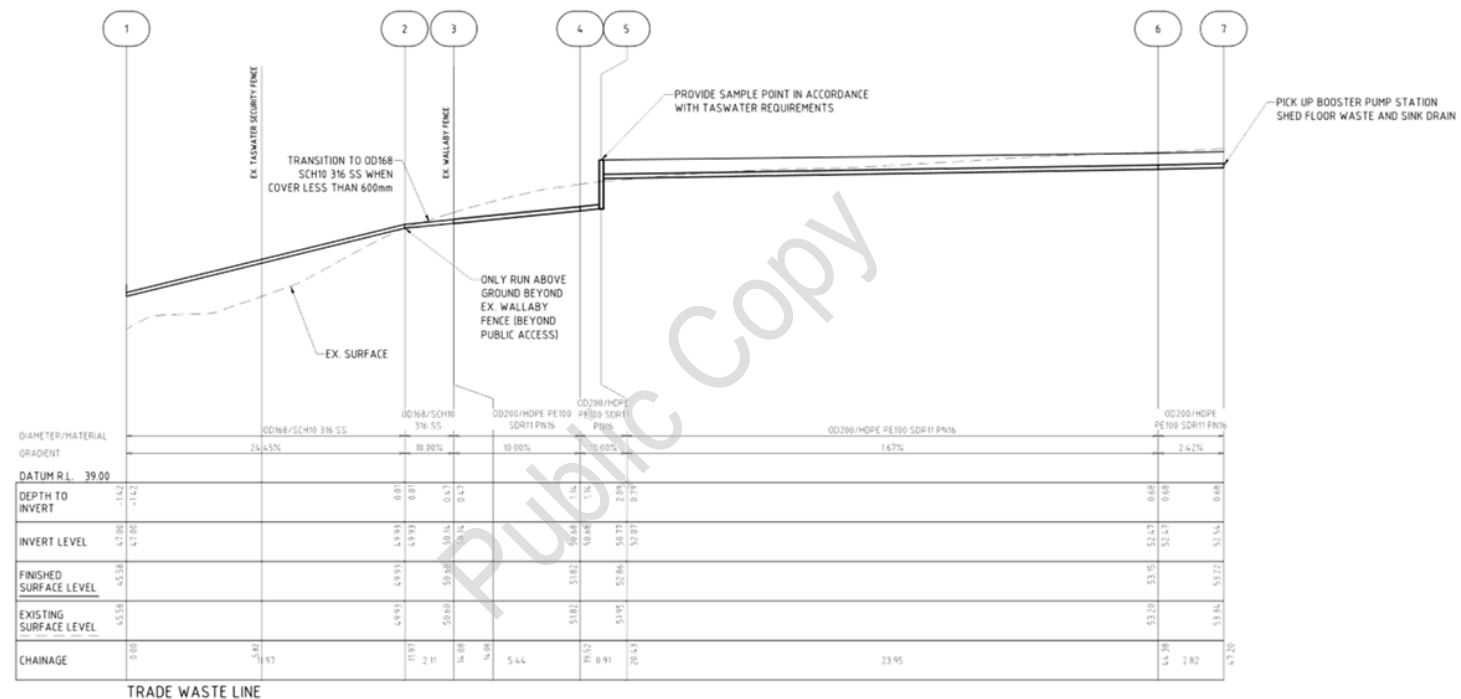
**WARNING**  
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<b>LANDSTORMENGINEERING</b> brady@landstorm.com.au		PROJECT ARM END RECYCLED WATER TREATMENT PLANT	TITLE CIVIL DESIGN ENTRY ROAD CROSS SECTIONS	DRAWING CHECK DATE: 08.11.23 BY: GA	COORDINATION CHECK DATE: 08.11.23 BY: GA	SCALE: 1:50 DIMENSIONS: METRES	PRELIMINARY ONLY NOT TO BE USED FOR CONSTRUCTION	SHEET: P45-129.010-C501 OF: B



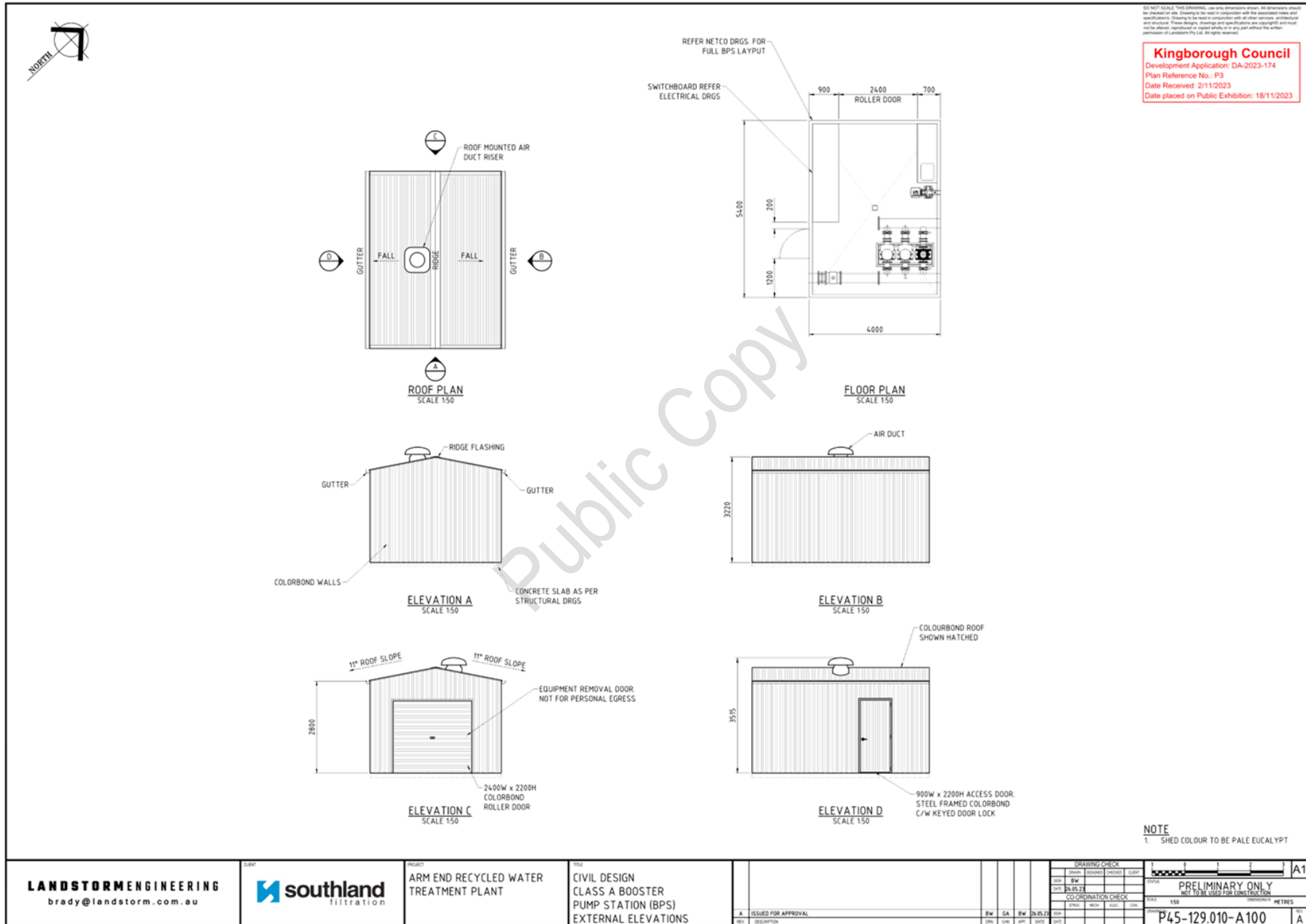
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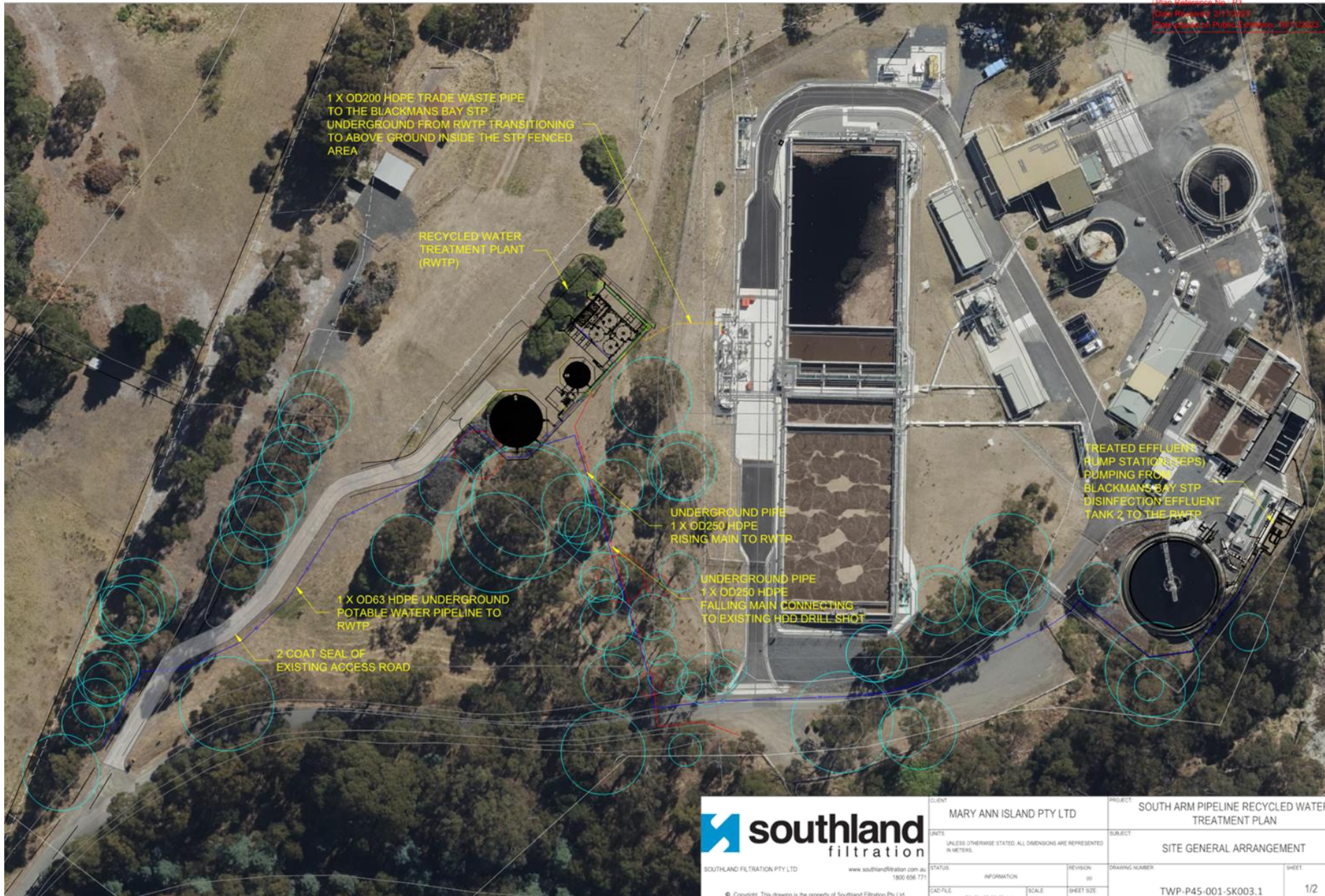


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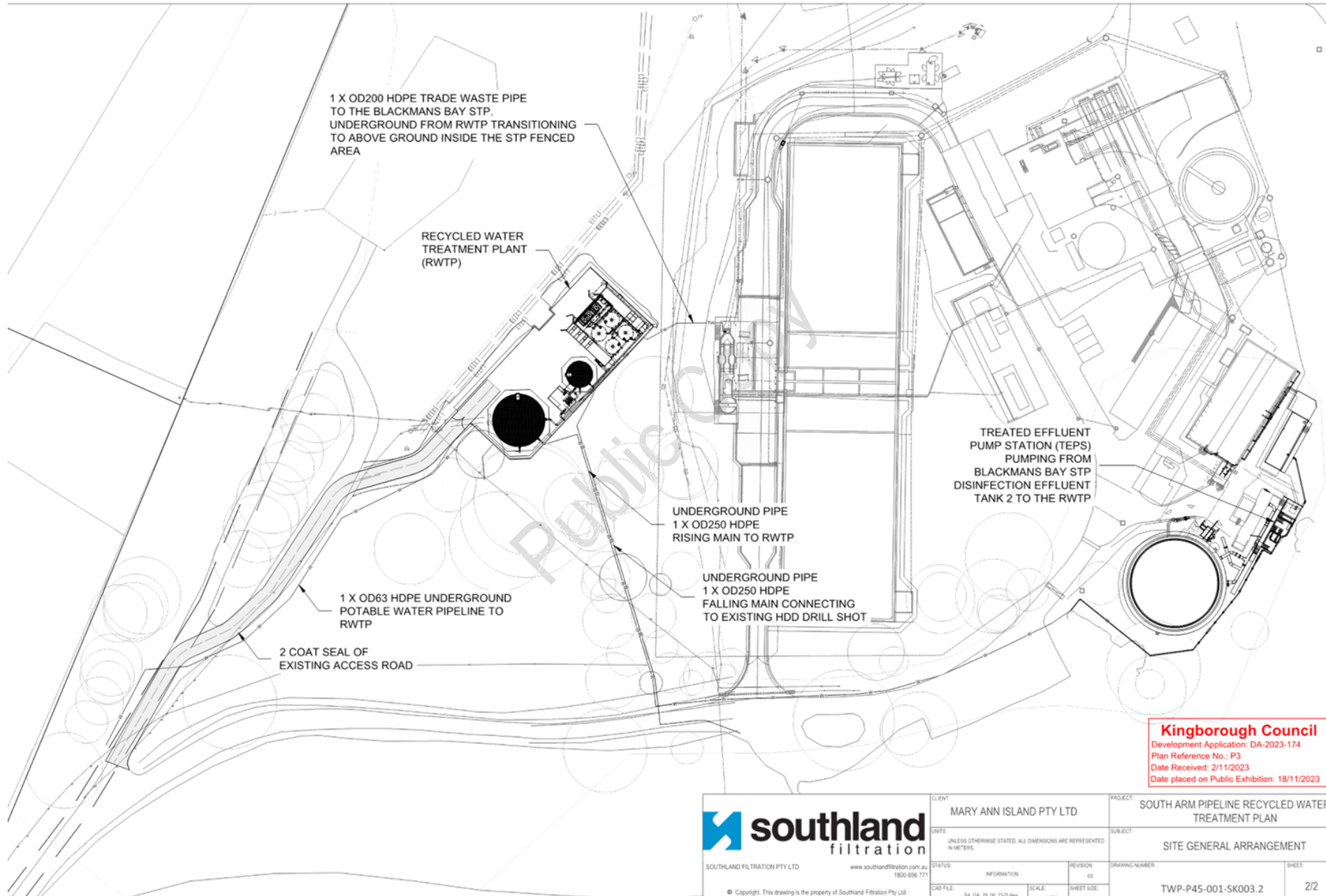
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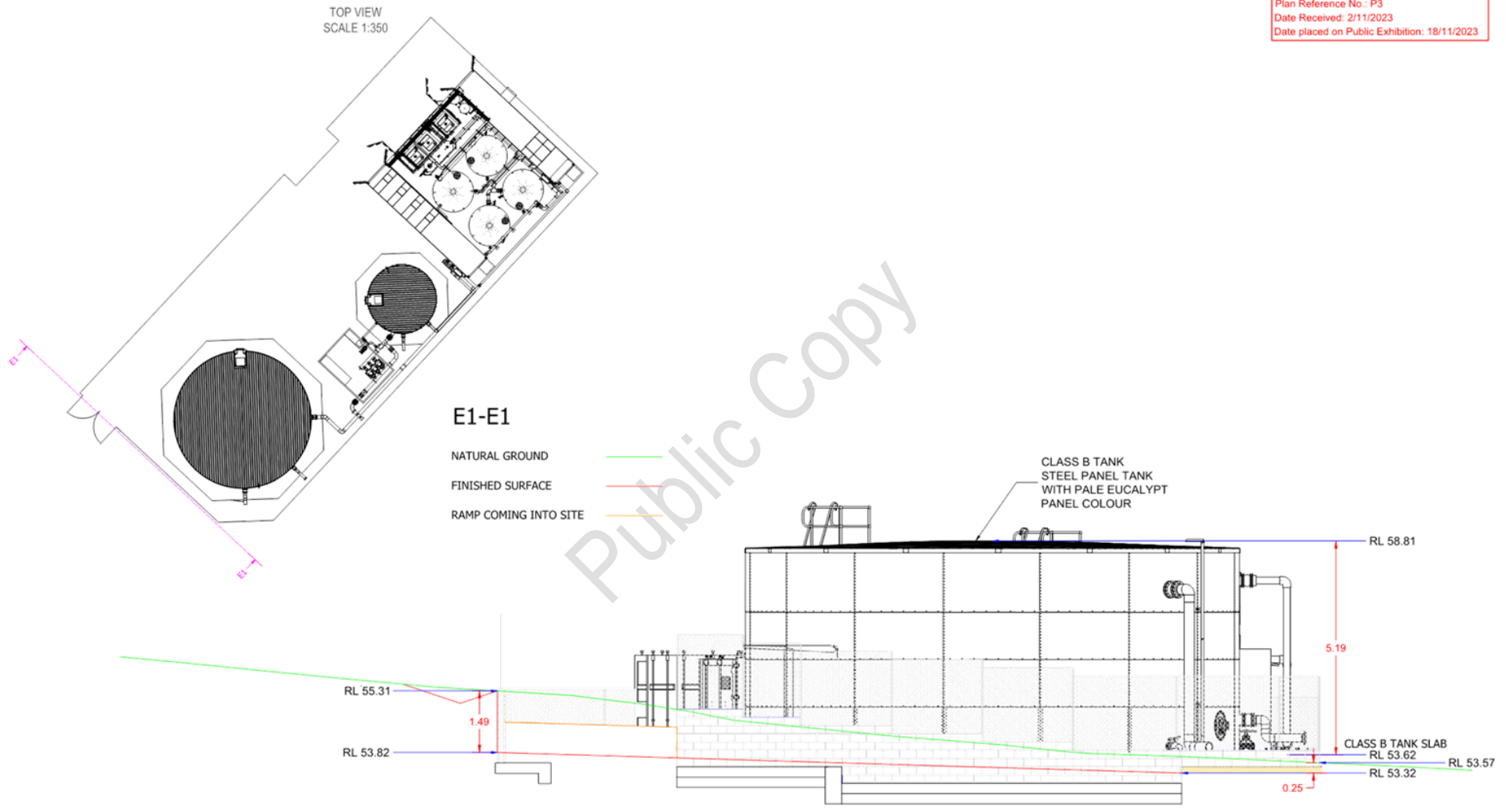




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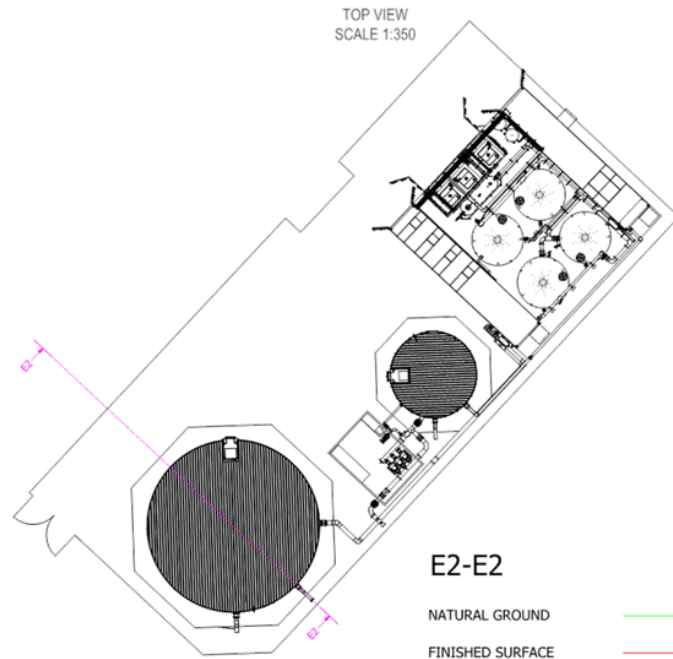
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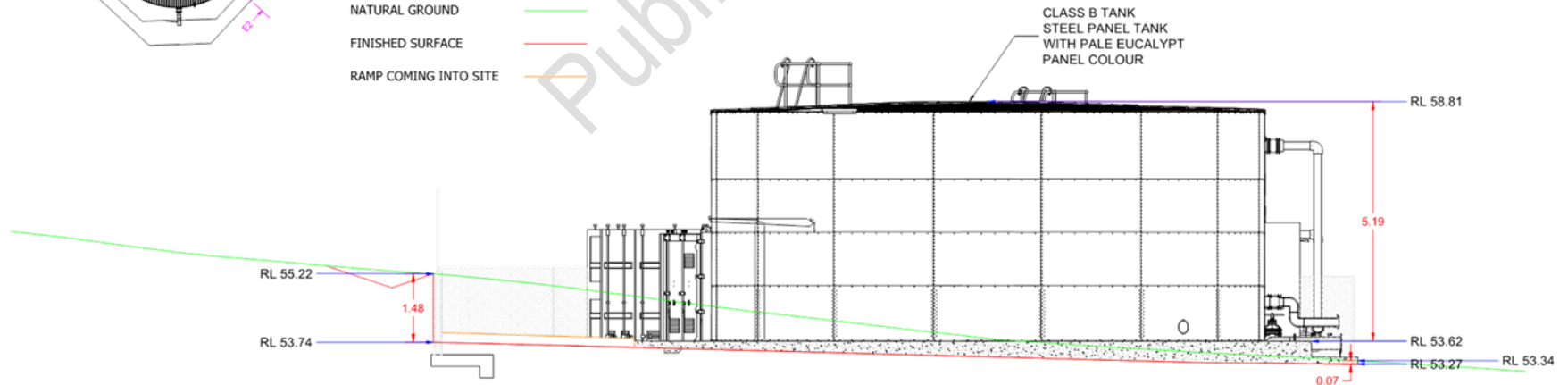


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E2-E2

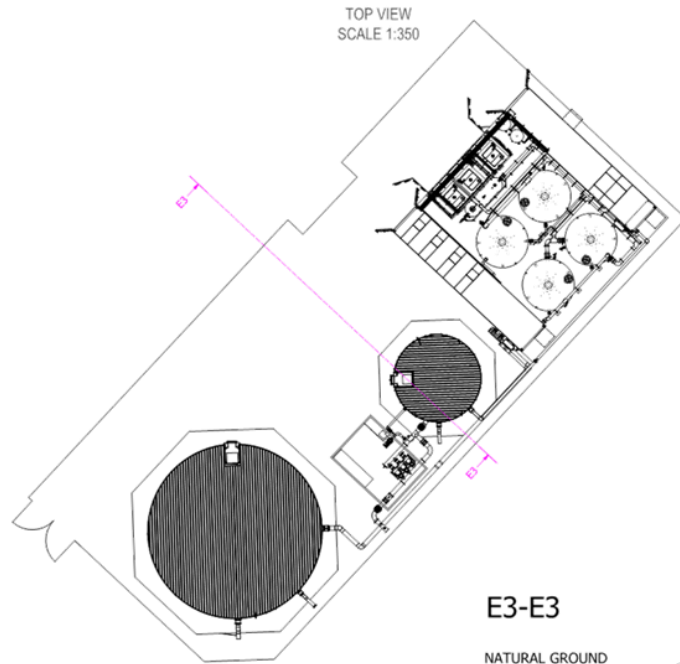
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- FINISHED SURFACE —
- RAMP COMING INTO SITE —



ALL LEVELS IN MARS

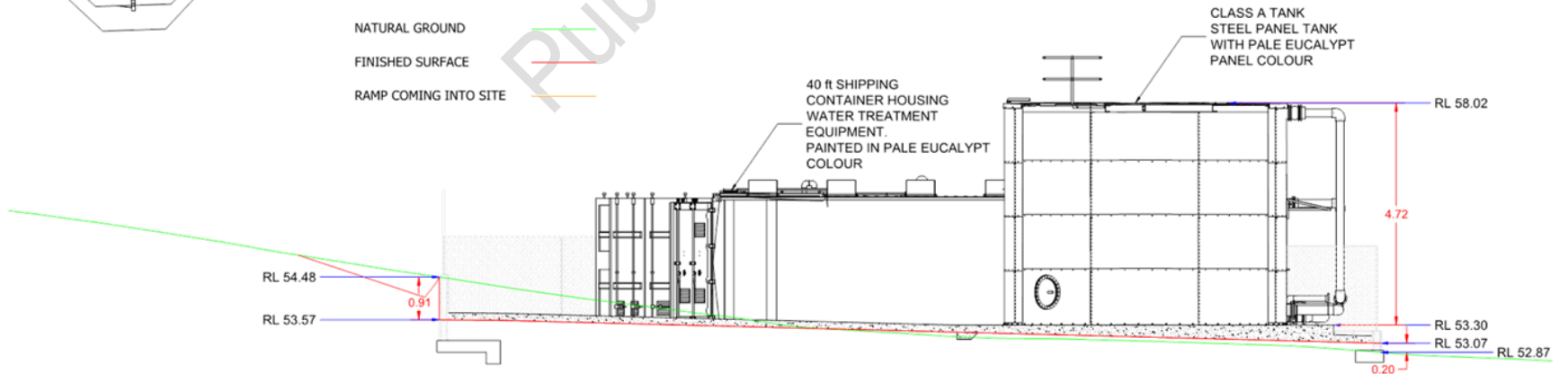
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STATUS INFORMATION	REVISION 00	DRAWING NUMBER TWP-P45-001-SK002.2
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E3-E3

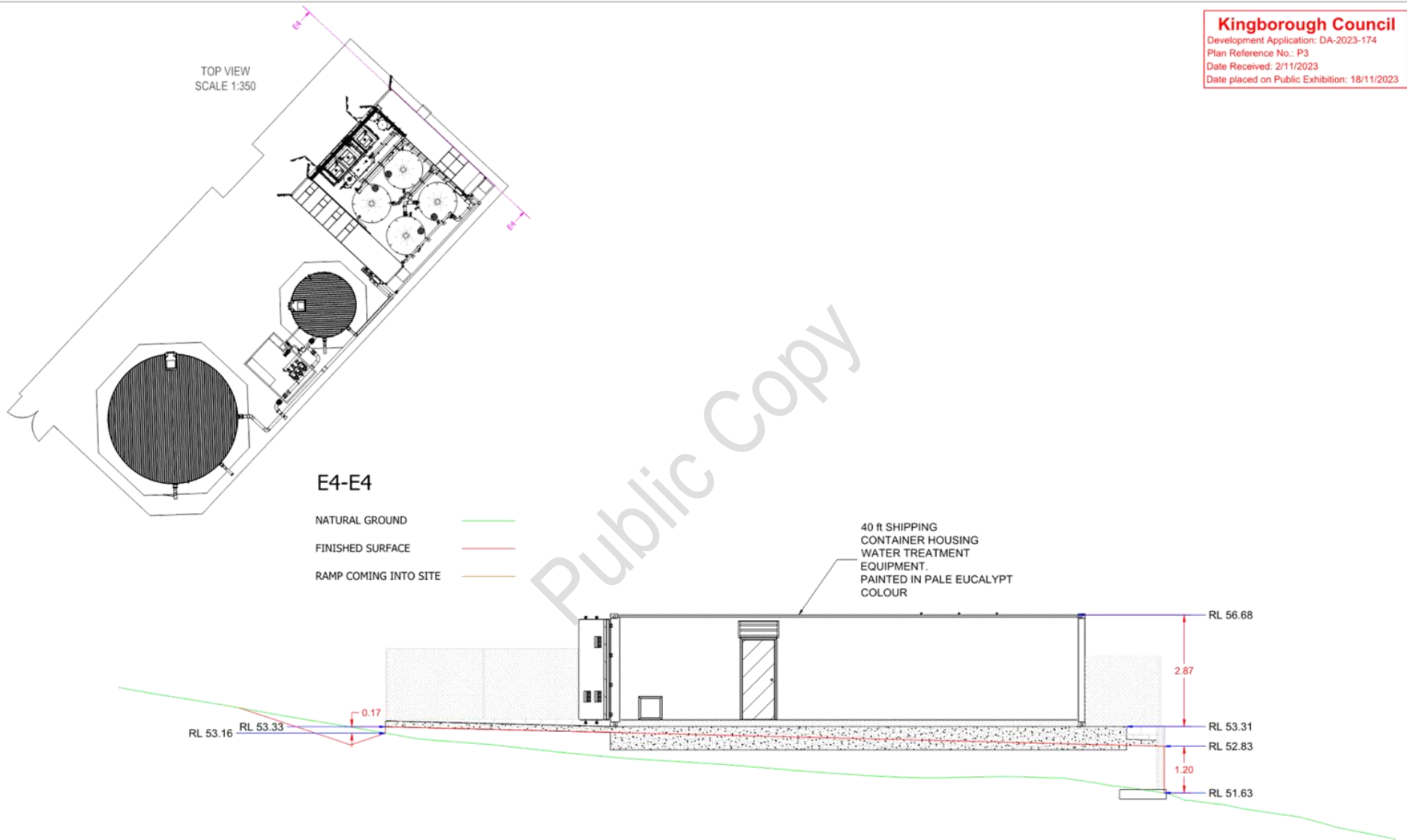
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- FINISHED SURFACE
- RAMP COMING INTO SITE



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ALL LEVELS IN MAND

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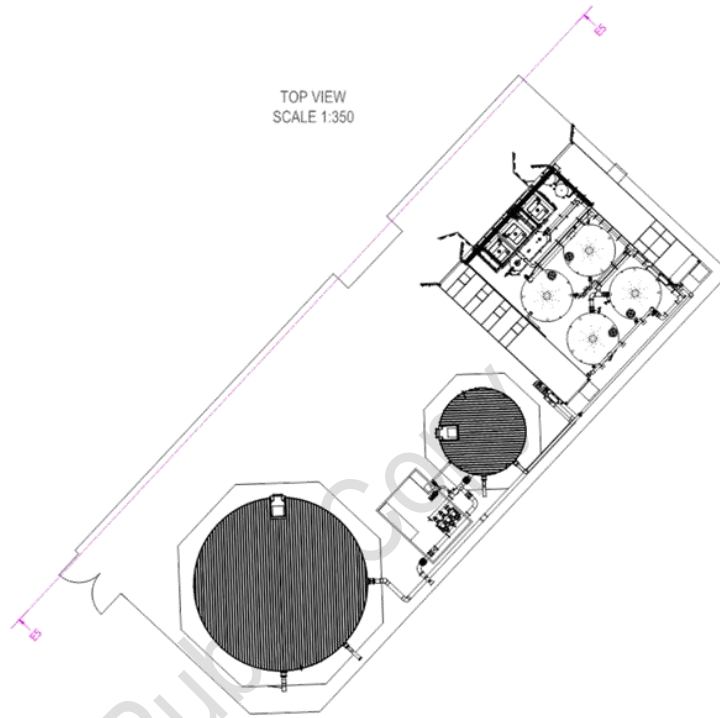
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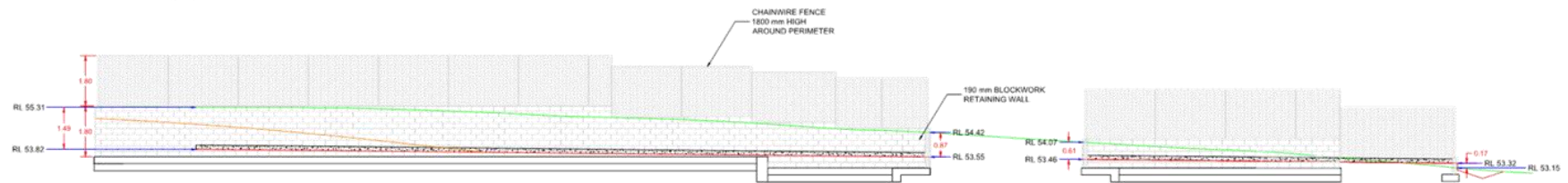
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TOP VIEW  
 SCALE 1:350



**E5-E5**  
 NATURAL GROUND ———  
 FINISHED SURFACE ———  
 RAMP COMING INTO SITE ———

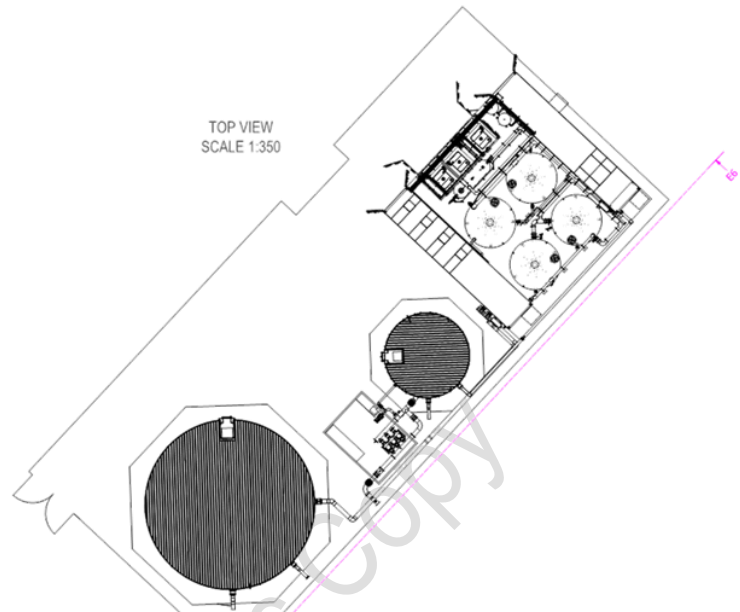


ALL LEVELS IN MAND

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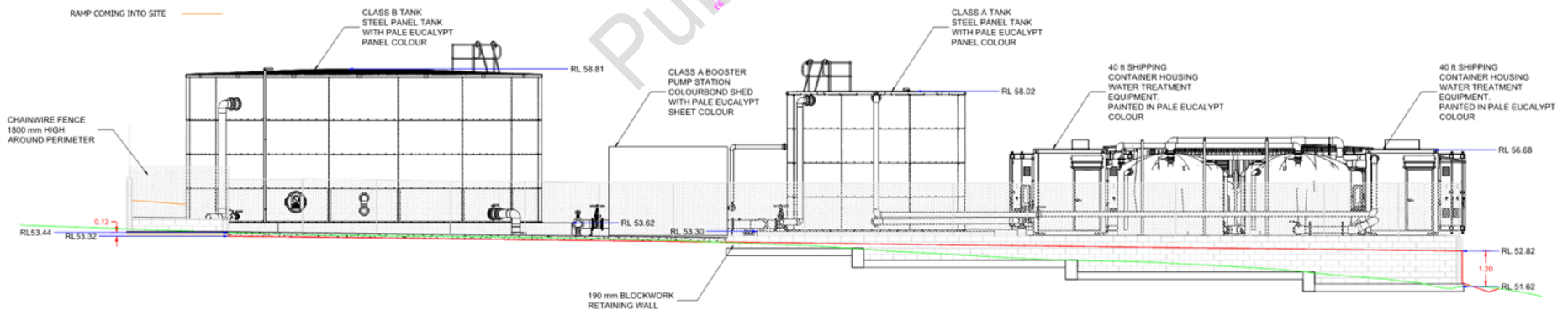
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TOP VIEW  
 SCALE 1:350



E6-E6

- NATURAL GROUND —
- FINISHED SURFACE —
- RAMP COMING INTO SITE —



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ALL LEVELS IN MAND



Development Application: DA-2023-174  
Plan Reference No.: P3  
Date: 27/11/2023  
Local Council of Potts Point, Sydney, NSW



DEVELOPMENT APPLICATION NUMBER: DA-2023-174

**Assessment Checklist for Development Applications for Non-Residential Use and/or Development within the Environmental Living, Open Space and Utilities Zones**

<b>Application No:</b> DA-2023-174	<b>Description:</b> Recycled water treatment plant
<b>Applicant:</b> MC Planners Pty Ltd obo South Arm Pipeline Pty Ltd	<b>Owner:</b> TasWater & Kingborough Council
<b>Location:</b> 112,116 & 120 Tinderbox Road, Blackmans Bay	

**Use Status in Environmental Living Zone**

<b>Use Class</b>	<b>Utilities (collecting, treating, or disposing of storm or floodwater, sewerage, or sullage). (sewage treatment plant)</b>
<b>Use Status</b>	<b>Discretionary</b> The Utilities use is an existing discretionary use of the land in the Environmental Living Zone, however, as it is considered that the use will be substantially intensified under the proposal, it is not considered that the use could be considered Permitted under Clause 9.2.1.

**Use Status in Utilities Zone**

<b>Use Class</b>	<b>Utilities (collecting, treating, or disposing of storm or floodwater, sewerage, or sullage) (sewage treatment plant)</b>
<b>Use Status</b>	<b>Permitted</b>

**Use Status in Open Space Zone**

<b>Use Class</b>	<b>Utilities (collecting, treating, or disposing of storm or floodwater, sewerage, or sullage) (sewage treatment plant)</b>
<b>Use Status</b>	<b>Discretionary</b> The Utilities use is an existing discretionary use of the land in the Open Space Zone, however, as it is considered that the use will be substantially intensified under the proposal, it is not considered that the use could be considered Permitted under Clause 9.2.1.

**Environmental Living Zone Provisions (non-residential use and/or development)**

*Checklist is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)*

<b>Clause</b>	<b>Compliance/Comments</b>
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DEVELOPMENT APPLICATION NUMBER: DA-2023-174

<b>14.3 Use Standards</b>	
<p><b>Clause 14.3.1 – Non-Residential Use</b></p> <p><b>A1</b> – Hours of operation must be within:</p> <p>(a) 8.00 am to 6.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12.00 noon Saturdays;</p> <p>(c) nil Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>	<p><b>A1 – Does not comply.</b></p> <p>Hours of operation will be 24/7.</p> <p>It is noted that personnel will access the site for monitoring between hours of 8-6 M-F, 9-12 Sat.</p>
<p><b>A2</b> – Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</p>	<p><b>A2 – Complies</b></p> <p>A Noise Report was provided with the application (Noise Vibration Consulting, 27 February 2023).</p> <p>Predicted noise level at the nearest boundary of the site would be 26dBA.</p>
<b>14.4 Development Standards for Buildings and Works</b>	
<p><b>Clause 14.4.1 – Building Height</b></p> <p><b>A1</b> – Building height must not be more than:</p> <p>7.5 m.</p>	<p><b>A1 – Complies.</b></p> <p>Maximum height of buildings (including structures as per definition under LUPAA) proposed to be 5.5m from natural ground level – Class B Tank.</p>
<p><b>Clause 14.4.2 – Setback</b></p> <p><b>A1</b> – Building setback from frontage must be no less than:</p> <p>30 m.</p> <p><b>A2</b> – Building setback from side and rear boundaries must be no less than:</p> <p>30 m.</p>	<p><b>A1 – Complies.</b></p> <p>Frontage is via a fee simple right of way compliant with A1.</p> <p>Setback from Tinderbox Road is approximately 240m.</p> <p><b>A2 – Complies.</b></p> <p>Setback to boundary with 116 Tinderbox Road (Lot 1) is approximately 51m.</p> <p>Setback from north-western side boundary minimum of 57.14m.</p>
<p><b>Clause 14.4.3 – Design</b></p> <p><b>A1</b> – The location of buildings and works must</p>	<p><b>A1 – Does not comply with (a),(b) or (c).</b></p>



**DEVELOPMENT APPLICATION NUMBER: DA-2023-174**

<p>comply with <u>any</u> of the following:</p> <ul style="list-style-type: none"> <li>(a) be located within a building area, if provided on the title;</li> <li>(b) be an addition or alteration to an existing building;</li> <li>(c) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline.</li> </ul>	<p><b>A1(a)</b> – Does not comply. Is not located within a building area provided on the title.</p> <p><b>A1(b)</b> – Does not comply. Is not an addition or alteration to an existing building.</p> <p><b>A1(c)</b> – Does not comply. Requires the clearing of native vegetation and is located on a ridgeline.</p>
<p><b>A2</b> - Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p><b>A2 – Complies.</b></p> <p>“Pale Eucalypt” proposed, LRV is 25. Other finishes proposed to be textured to absorb light to an LRV no greater than 40%. To be conditioned on any permit issued.</p>
<p><b>A3</b> - The combined gross floor area of buildings must be no more than:</p> <p>300 m<sup>2</sup>.</p>	<p><b>A3 – Complies</b></p> <p>Combined gross floor area of buildings would be 250m<sup>2</sup> including tanks.</p>
<p><b>A4</b> – Fill and excavation must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;</li> <li>(b) extent is limited to the area required for the construction of buildings and vehicular access.</li> </ul>	<p><b>A4 – Does not comply.</b></p> <p><b>A4(a)</b> – Depth of excavation for the access and pad exceeds 1m and in places the pad also requires fill in excess of 1m.</p> <p>Maximum of 1.27m of fill, and maximum of 1.49m cut from ngl for RWTP foundation.</p> <p><b>A4(b)</b> – Does not comply. Excavation is not limited to construction of buildings and vehicular access. The proposal includes excavation for installation of the pipelines.</p>

**DEVELOPMENT APPLICATION NUMBER: DA-2023-174**

<p><b>Clause 14.4.4 – Outbuildings</b></p> <p><b>A1</b> – Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:</p> <p>(a) have a combined floor area no more than 80 m<sup>2</sup>;</p> <p>(b) have a wall height no more than 5.5 m and a building height not more than 6.5 m;</p> <p>(c) have setback from frontage no less than that of the existing or proposed dwelling on the site.</p>	<p><b>A1 – N/A</b></p> <p>No outbuildings proposed.</p> <p><b>A1(a) – n/a</b></p> <p><b>A1(b) – n/a</b></p> <p><b>A1(c) – n/a</b></p>
<p><b>Clause 14.4.5 – Environmental Values</b></p> <p><b>A1</b> – Development must be located within a building area on a plan of subdivision.</p>	<p><b>A1 – Does not comply.</b></p> <p>Development is not located within a building area on a plan of subdivision.</p>

**Open Space Zone Provisions**

*Checklist is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)*

Clause	Compliance/Comments
<b>19.3 Use Standards</b>	
<p><b>Clause 19.3.1 – Hours of Operation</b></p> <p><b>A1</b> – Hours of operation of a use within 50 m of a residential zone must be within:</p> <p>(a) 8.00 am to 6.00 pm Mondays to Saturdays inclusive;</p> <p>(b) 10.00 am to 4.00 pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks.</p>	<p><b>A1 – Complies.</b></p> <p>Whilst the operation of the plant is 24/7, the use of the access would be limited to personnel traffic movements and this is proposed to occur between hours of 8.00 am - 6.00 pm Monday - Friday and 9.00 am – 12 pm Saturdays.</p>
<p><b>Clause 19.3.2 – Noise</b></p> <p><b>A1</b> – Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</p>	<p><b>A1 – Complies.</b></p> <p>A Noise Report was provided with the application (Noise Vibration Consulting, 27 February 2023).</p> <p>Predicted noise level at the nearest boundary of the site would be 26dBA</p>

**DEVELOPMENT APPLICATION NUMBER: DA-2023-174**

<p><b>A2</b> – External amplified loud speakers or music must not be used within 50m of a residential zone.</p>	<p><b>A2 – Not applicable.</b> No external amplified noise proposed in the Open Space Zone.</p>
<p><b>Clause 19.3.3 – External Lighting</b></p> <p><b>A1</b> – External lighting within 50 of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 6.00 pm ad 8.00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</p>	<p><b>A1 – Not applicable.</b> No external lighting proposed in the Open Space Zone.</p>
<p><b>Clause 19.3.4 Commercial Vehicle Movements</b></p> <p><b>A1</b> – 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:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12 noon Saturdays;</p> <p>(c) Nil Sundays and Public Holidays.</p>	<p><b>A1 – Does not comply.</b></p> <p>Commercial vehicle movements would occur within 50m of a residential zone and - be confined to the hours - 8.00 am - 6.00 pm Monday - Friday and 9.00 am – 12 pm Saturdays. The proposal therefore does not comply with the Acceptable Solution.</p>
<p><b>Clause 19.3.5 Discretionary Use</b></p> <p><b>A1</b> – No Acceptable Solution</p>	<p><b>A1 – Does not comply.</b></p> <p>The use is discretionary under Table 19.2. There is no Acceptable Solution under the Clause.</p>
<p><b>19.4 Development Standards for Buildings and Works</b></p>	
<p><b>Not Applicable</b> – No Building or Works proposed in the Open Space Zone</p>	

**Utilities Zone Provisions**

*Checklist is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)*

Clause	Compliance/Comments
<p><b>28.3 Use Standards</b></p>	
<p><b>Clause 28.3.1 – Hours of Operation</b></p> <p><b>A1</b> – Hours of operation of a use within 50 m of a residential zone must be within 7.00 am to 7.00 pm, except if::</p> <p>(i) for office and administrative tasks; or</p> <p>(ii) a Utilities use.</p>	<p><b>A1 – Complies.</b></p> <p>For utilities use, therefore complies with A1(ii).</p>

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<p><b>Clause 28.3.2 – Noise</b></p> <p><b>A1</b> – Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <ul style="list-style-type: none"> <li>(a) 55 dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;</li> <li>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;</li> <li>(c) 65dB(A) (LAm<sub>ax</sub>) at any time.</li> </ul>	<p><b>A1 – Complies</b></p> <p>A Noise Report was provided with the application (Noise Vibration Consulting, 27 February 2023).</p> <p>Predicted noise level at the nearest boundary of the site would be 26dBA.</p>
<p><b>Clause 28.3.3 – External Lighting</b></p> <p><b>A1</b> – External lighting (not including street lighting) within 50 of a residential zone must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) be turned off between 10.00 pm ad 6.00 am, except for security lighting;</li> <li>(b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.</li> </ul>	<p><b>A1 – Not applicable.</b></p> <p>The Utilities Zone is not within 50m of a residential zone.</p>
<p><b>Clause 28.3.4 Commercial Vehicle Movements</b></p> <p><b>A1</b> – 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:</p> <ul style="list-style-type: none"> <li>(d) 7.00 am to 7.00 pm Mondays to Fridays inclusive;</li> <li>(e) 9.00 am to 5.00 pm Saturdays;</li> <li>(f) Nil Sundays and Public Holidays.</li> </ul>	<p><b>A1 – Not applicable</b></p> <p>The land in the Utilities Zone is not within 50m of a residential zone.</p>
<p><b>Clause 28.3.5 Discretionary Use</b></p> <p><b>A1</b> – No Acceptable Solution</p>	<p><b>A1 – Not applicable</b></p> <p>Not a discretionary use in the Utilities Zone (Permitted use).</p>
<p><b>28.4 Development Standards for Buildings and Works</b></p>	
<p><b>Clause 28.4.1 – Building Height</b></p> <p><b>A1</b> – Building height must not be more than: 10 m.</p>	<p><b>A1 – Not applicable.</b></p> <p>No buildings proposed in Utilities Zone. Pipework/pump only.</p>
<p><b>A2</b> - Building height within 10 m of a residential zone must be no more than 8.5 m</p>	<p><b>A2 – Not applicable.</b></p> <p>No building proposed. Pipework/pump only.</p>

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<p><b>Clause 28.4.2 – Setback</b></p> <p><b>A1</b> – Building setback from frontage must be no less than: 10 m.</p> <p><b>A2</b> – Building setback from a residential zone must be no less than:  (a) 5 m; (b) half the height of the wall, whichever is the greater.</p>	<p><b>A1 – Not applicable.</b> No building proposed. Pipework/pump only. Site has no frontage.</p> <p><b>A2 – Not Applicable.</b> No building proposed. Pipework/pump only.</p>
<p><b>Clause 28.4.3 – Landscaping</b></p> <p><b>A1</b> – Landscaping is not required along the frontage of a site if the building has nil setback to frontage.</p>	<p><b>A1 – Not applicable.</b> No frontage.</p>
<p><b>A2</b> – Along a boundary with a residential zone landscaping must be provided for a depth no less than; 10m.</p>	<p><b>A2 – Not applicable.</b> The lot in the Utilities zone does not share a boundary with a residential zone.</p>
<p><b>Clause 28.4.4 – Outdoor Storage Areas</b></p> <p><b>A1</b> – Outdoor storage areas for non-residential uses must comply with all of the following: (a) be located behind the building line; (b) all goods and materials stored must be screened from public view; (c) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p><b>A1 – Not applicable</b> No outdoor storage areas proposed in the Utilities Zone.</p>
<p><b>Clause 28.4.5 – Fencing</b></p> <p><b>A1</b> – Fencing must comply with all of the following: (a) fences and gates of greater height than 2.1 m must not be erected within 10 m of the frontage; (b) fences along a frontage must be 50% transparent above a height of 1.2m; (c) height of fences along a common boundary with land in a residential zone must be no more than 2.1 m and must not contain barbed wire.</p>	<p><b>A1 – Not applicable.</b> No fencing is proposed in the Utilities Zone.</p>
<p><b>Clause 28.4.6 – Environmental Values</b></p> <p><b>A1</b> – No trees of high conservation value will be</p>	<p><b>A1 – Does not comply.</b> Trees of high conservation value will</p>



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impacted.	be impacted as part of the proposed pipeline is located within the tree protection zones of high conservation values trees in the Utilities Zone.
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**Code Provisions**

Clause	Compliance/Comments
<b>E1.0 Bushfire-Prone Areas Code</b>	
While the proposed development is located within a Bushfire Prone Area, the proposal does not involve a hazardous or vulnerable use as defined under the Code and does not trigger any bushfire requirements.	
<b>E3.0 Landslide Code</b>	
<p><b>Clause E3.6.1 - Hazardous Use</b></p> <p><b>A1</b> – Hazardous use relates to an alteration or intensification of an approved use.</p>	<p><b>A1 – Complies.</b></p> <p>As the use involves a dangerous substance and is in the Utilities use class, the proposal meets the definition of a hazardous use under Clause E3.3.1 (b) (vii) of the Landslide Hazard Code.</p> <p>The proposed hazardous use may be considered an intensification of an approved use, as there is an existing sewage treatment plant and an existing pipeline transporting the sewage in a Landslide Hazard Area.</p>
<p><b>A2</b> – No acceptable solution (requires assessment against performance criteria)</p>	<p><b>A2 – Does not comply.</b></p> <p>There is no acceptable solution under the Clause.</p>
<p><b>Clause E3.7.1 - Buildings and works, other than minor extensions</b></p> <p>(see definition)</p> <p><b>A1</b> – No acceptable solution (requires assessment against performance criteria)</p>	<p><b>A1 – Does not comply.</b></p> <p>While the new treatment plant is located outside a Landslide Hazard Area, the proposed pipelines involve works within a Landslide Hazard Area (low and medium). There is no Acceptable Solution under the Clause.</p>
<b>E5.0 Road and Railway Assets Code</b>	
<p><b>Clause E5.5.1 – Existing road accesses and junctions</b></p> <p><b>A3</b> – The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by</p>	<p><b>A3 – Complies.</b></p> <p>Tinderbox road has 60 km/hr speed limit.</p> <p>Use of the access will not increase by</p>

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more than 20% or 40 vehicle movements per day, whichever is the greater.	more than 20% or 40 vehicles a day.
<p><b>Clause E5.6.2 - Road access and junctions</b></p> <p><b>A2</b> – No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p><b>A2 – Not applicable</b></p> <p>No new road access proposed. Existing one entry/exit point.</p>
<b>E6.0 Parking and Access Code</b>	
<p><b>Clause E6.6.1 - Number of car parking spaces</b></p> <p><b>A1</b> - The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<p><b>A1 – Complies.</b></p> <p>There are no parking requirements for a Utilities use under Table E6.1</p>
<p><b>Clause E6.7.1 - Number of vehicular accesses</b></p> <p><b>A1</b> – The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</p>	<p><b>A1 – Complies.</b></p> <p>One access point.</p>
<p><b>Clause E6.7.2 - Design of vehicular accesses</b></p> <p><b>A1</b> – Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</p>	<p><b>A1 – Complies.</b></p> <p>The Development Engineer has advised that the proposal complies with the standard.</p>

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<p><b>Clause E6.7.3 - Vehicular passing areas along an access</b></p> <p><b>A1</b> – Vehicular passing areas must:</p> <p>(a) be provided if any of the following applies to an access:</p> <ul style="list-style-type: none"> <li>(i) it serves more than 5 car parking spaces;</li> <li>(ii) is more than 30 m long;</li> <li>(iii) it meets a road serving more than 6000 vehicles per day</li> </ul> <p>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;</p> <p>(c) it meets a road serving more than 6000 vehicles per day;</p> <p>(d) have the first passing area constructed at the kerb;</p> <p>(e) be at intervals of no more than 30 m along the access.</p>	<p><b>A1 – Does not comply.</b></p> <p>Access works are greater than 30m long and no passing bays are provided.</p>
<p><b>Clause E6.7.4 - On-site turning</b></p> <p><b>A1</b> – On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:</p> <p>(a) it serves no more than two dwelling units;</p>	<p><b>A1 – Complies.</b></p>
<p><b>Clause E6.7.5 - Layout of parking areas</b></p> <p><b>A1</b> – The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.</p>	<p><b>A1 – Complies.</b></p>
<p><b>Clause E6.7.6 - Surface treatment of parking areas</b></p> <p><b>A1</b> – Parking spaces and vehicle circulation roadways must be in accordance with all of the following;</p> <p>(a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;</p> <p>(b) drained to an approved stormwater system, unless the road from which access is provided to the property is unsealed.</p>	<p><b>A1 – Complies.</b></p>



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<p><b>Clause E6.7.7 - Lighting of parking areas</b></p> <p><b>A1</b> – Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.</p>	<p><b>A1 – Not Applicable.</b></p>
<p><b>Clause E6.7.8 - Landscaping of parking areas</b></p> <p><b>A1</b> – Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.</p>	<p><b>A1 – Not Applicable.</b></p>
<p><b>Clause E6.7.13 – Facilities for commercial vehicles</b></p> <p><b>A1</b> - Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless:</p> <p>(a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site;</p> <p>(b) the use is not primarily dependent on outward delivery of goods from the site.</p>	<p><b>A1 – Complies.</b></p> <p>(a) No loading zones.</p> <p>(b) The use is not primarily dependant on outward delivery of goods from the site.</p>
<p><b>Clause E6.7.14 - Access to a road</b></p> <p><b>A1</b> – Access to a road must be in accordance with the requirements of the road authority.</p>	<p><b>A1 – Complies.</b></p>
<p><b>E7.0 Stormwater Management Code</b></p>	
<p><b>Clause E7.7.1 - Stormwater drainage and disposal</b></p> <p><b>A1</b> – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p><b>A1 – Does not comply.</b></p> <p>Stormwater is not able to be disposed of by gravity to public stormwater infrastructure.</p>
<p><b>A2</b> – A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600 m<sup>2</sup>;</p>	<p><b>A2 – Does not comply.</b></p> <p>The area of new impervious surface is approximately 1000m<sup>2</sup> and therefore does not comply with (a). (b)n/a (c)n/a</p>

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<p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	
<p><b>A3</b> – A minor stormwater drainage system must be designed to comply with all of the following:</p> <p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>	<p><b>A3 – Complies.</b></p> <p>The stormwater pipework is sized for an ARI 20 year event.</p> <p>The new cut off drain is designed to an ARI 100 year event.</p>
<p><b>A4</b> – A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.</p>	<p><b>A4 – Not Applicable</b></p>
<p><b>E9.0 Attenuation Code</b></p>	
<p>Whilst the proposal is for a sewage secondary treatment plant, under E9.4.1 it is exempt from assessment against the Code as it requires assessment under the <i>EMPCA 1994</i>.</p>	
<p><b>E10.0 Biodiversity Code</b></p>	
<p>While the proposal is within a Biodiversity Protection Area, Clause E10.4.1 (a) provides an exemption for clearance and conversion or disturbance associated with a Level 2 Activity under the <i>Environmental Management and Pollution Control Act 1994</i>. Therefore, any clearance and conversion or disturbance of native vegetation is exempt from this Code.</p>	
<p><b>E11.0 Waterway and Coastal Protection Code</b></p>	
<p>While the proposal is partially within a Waterway and Coastal Protection Area, Clause E11.4.1 (a) provides an exemption for development associated with a Level 2 Activity under the <i>Environmental Management and Pollution Control Act 1994</i>. Therefore, any clearance and conversion or disturbance of native vegetation is exempt from this Code.</p>	
<p><b>E15.0 Inundation Code</b></p>	
<p>While the site is located partially within a Coastal Inundation Hazard Area, the proposal will not impact this area and is not subject to Coastal Inundation. Therefore, Code E15.0 is not applicable.</p>	
<p><b>E16.0 Coastal Erosion Hazard Code</b></p>	
<p><b>Clause E16.6 - Use standards</b></p> <p><b>A1</b> – No acceptable solution (requires assessment against performance criteria)</p>	<p><b>A1 – Not applicable.</b></p> <p>As the proposal does not involve a change of use from a non-habitable building to a use involving habitable rooms.</p>

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<p><b>Clause E16.7.1 - Buildings and works</b></p> <p><b>A1</b> – No acceptable solution (requires assessment against performance criteria)</p>	<p><b>A1 – Does not comply.</b></p> <p>A short section of the pipeline from the existing sewage treatment plant is located within a Coastal Erosion Hazard Area (low). There is no Acceptable Solution under the Clause.</p>
<p><b>E17.0 Signs Code</b></p>	
<p><b>Clause E17.6.1 – Use of Signs</b></p> <p><b>A1</b> – A sign must be a permitted sign in Table E.17.3.</p>	<p><b>A1 – Does not comply.</b></p> <p>A wall sign is discretionary in Table E17.3</p>
<p><b>A2</b> - A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.</p>	<p><b>A2 – Not applicable.</b></p> <p>Not for the sale of goods or services.</p>
<p><b>A3</b> - A sign must not contain flashing lights, moving parts or moving or changing messages or graphics, except if a Statutory Sign</p>	<p><b>A3 – Complies.</b></p> <p>No flashing lights or moving parts etc.</p>
<p><b>A4</b> - An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign</p>	<p><b>A4 – Not applicable.</b></p> <p>Sign will not be illuminated.</p>
<p><b>Clause E17.7.1 - Standards for Signs</b></p> <p><b>A1</b> - A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.</p>	<p><b>A1 – Does not comply.</b></p> <p>One 600mm x 600mm non-illuminated wall sign is proposed at the entry gate.</p> <p>The proposed sign would be messaged on one side, have no projections, does not extend beyond the fence to which it is attached, and 0.36m<sup>2</sup> in area and therefore complies with standards for wall signs listed in Table E17.2.</p> <p>Wall signs in the Environmental Living Zone have discretionary status in Table E17.3.</p>
<p><b>A2</b> - The number of signs per business per street frontage must comply with all of the following:</p> <ul style="list-style-type: none"> <li>(a) maximum of 1 of each sign type;</li> <li>(b) maximum of 1 window sign per window;</li> <li>(c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3;</li> </ul>	<p><b>A2 – Not applicable.</b></p> <p>Not on a street frontage</p>

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<p>(d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6.</p> <p>except for the following sign types, for which there is no limit;</p> <ul style="list-style-type: none"> <li>(i) Building Site,</li> <li>(ii) Name Plate,</li> <li>(iii) Newspaper Day Bill,</li> <li>(iv) Open/Closed,</li> <li>(v) Real Estate,</li> <li>(vi) Street Number,</li> <li>(vii) Temporary Sign.</li> </ul>	
<p><b>A3</b> - Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.</p>	<p><b>A3 – Complies.</b></p> <p>The sign would not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.</p>
<p><b>A4</b> - Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.</p>	<p><b>A4 – Complies.</b></p> <p>The sign will be 600 x 600m and will not resemble a Statutory Sign.</p>

Note: Codes not listed in this Checklist have been assessed as not being relevant to the assessment of this application.

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RECORDER OF TITLES  
 Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 157728	FOLIO 1
EDITION 4	DATE OF ISSUE 20-Aug-2020

SEARCH DATE : 26-May-2023  
 SEARCH TIME : 04.18 PM

DESCRIPTION OF LAND

Parish of KINGBOROUGH Land District of BUCKINGHAM  
 Lot 1 on Sealed Plan 157728  
 Derivation : Part of 500 Acres Gtd to William Chamberlain  
 Prior CT 52347/1

SCHEDULE 1

D104003 TASMANIAN WATER AND SEWERAGE CORPORATION PTY LIMITED  
 Registered 10-Dec-2013 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP157728 EASEMENTS in Schedule of Easements  
 SP157728 FENCING COVENANT in Schedule of Easements  
 E179624 BURDENING ELECTRICITY INFRASTRUCTURE EASEMENT with  
 the benefit of a restriction as to user of land in  
 favour of Tasmanian Networks Pty Ltd over the land  
 marked Electricity Infrastructure Easement 'D' on  
 Sealed Plan 157728 (Subject to Provisions)  
 Registered 19-Aug-2020 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RECORDER OF TITLES  
 Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 157728	FOLIO 2
EDITION 4	DATE OF ISSUE 20-Aug-2020

SEARCH DATE : 26-May-2023  
 SEARCH TIME : 02.07 PM

DESCRIPTION OF LAND

Parish of KINGBOROUGH Land District of BUCKINGHAM  
 Lot 2 on Sealed Plan 157728  
 Derivation : Part of 500 Acres Gtd to William Chamberlain  
 Prior CT 52347/1

SCHEDULE 1

M680918 TRANSFER to TASMANIAN WATER & SEWERAGE CORPORATION  
 PTY LTD Registered 06-Apr-2018 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP157728 EASEMENTS in Schedule of Easements  
 SP157728 FENCING COVENANT in Schedule of Easements  
 E179624 BURDENING ELECTRICITY INFRASTRUCTURE EASEMENT with  
 the benefit of a restriction as to user of land in  
 favour of Tasmanian Networks Pty Ltd over the lands  
 marked Electricity Infrastructure Easement 'B' and  
 Electricity Infrastructure Easement 'C' on Sealed  
 Plan 157728 (Subject to Provisions) Registered  
 19-Aug-2020 at noon  
 E173092 BURDENING EASEMENT: rights of way in favour of  
 Kingborough Council over the lands marked Right of  
 Way Variable Width 'A' and Right of Way Variable  
 Width 'B' on Sealed Plan 157728 Registered  
 19-Aug-2020 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





RECORDER OF TITLES  
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SEARCH OF TORRENS TITLE

VOLUME 157728	FOLIO 3
EDITION 2	DATE OF ISSUE 20-Aug-2020

SEARCH DATE : 26-May-2023  
 SEARCH TIME : 04.19 PM

DESCRIPTION OF LAND

Parish of KINGBOROUGH Land District of BUCKINGHAM  
 Lot 3 on Sealed Plan 157728  
 Derivation : Part of 500 Acres Gtd to William Chamberlain  
 Prior CT 63233/1

SCHEDULE 1

A481488 TRANSFER to KINGBOROUGH COUNCIL

SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
 SP157728 EASEMENTS in Schedule of Easements  
 SP157728 FENCING COVENANT in Schedule of Easements  
 E130888 BURDENING ELECTRICITY INFRASTRUCTURE EASEMENT with  
 the benefit of a restriction as to user of land in  
 favour of Tasmanian Networks Pty Ltd over the land  
 marked Electricity Infrastructure Easement 'A' on  
 Sealed Plan 157728 (Subject to Provisions)  
 Registered 19-Aug-2020 at 12.01 PM  
 SP 63233 FENCING COVENANT in Schedule of Easements

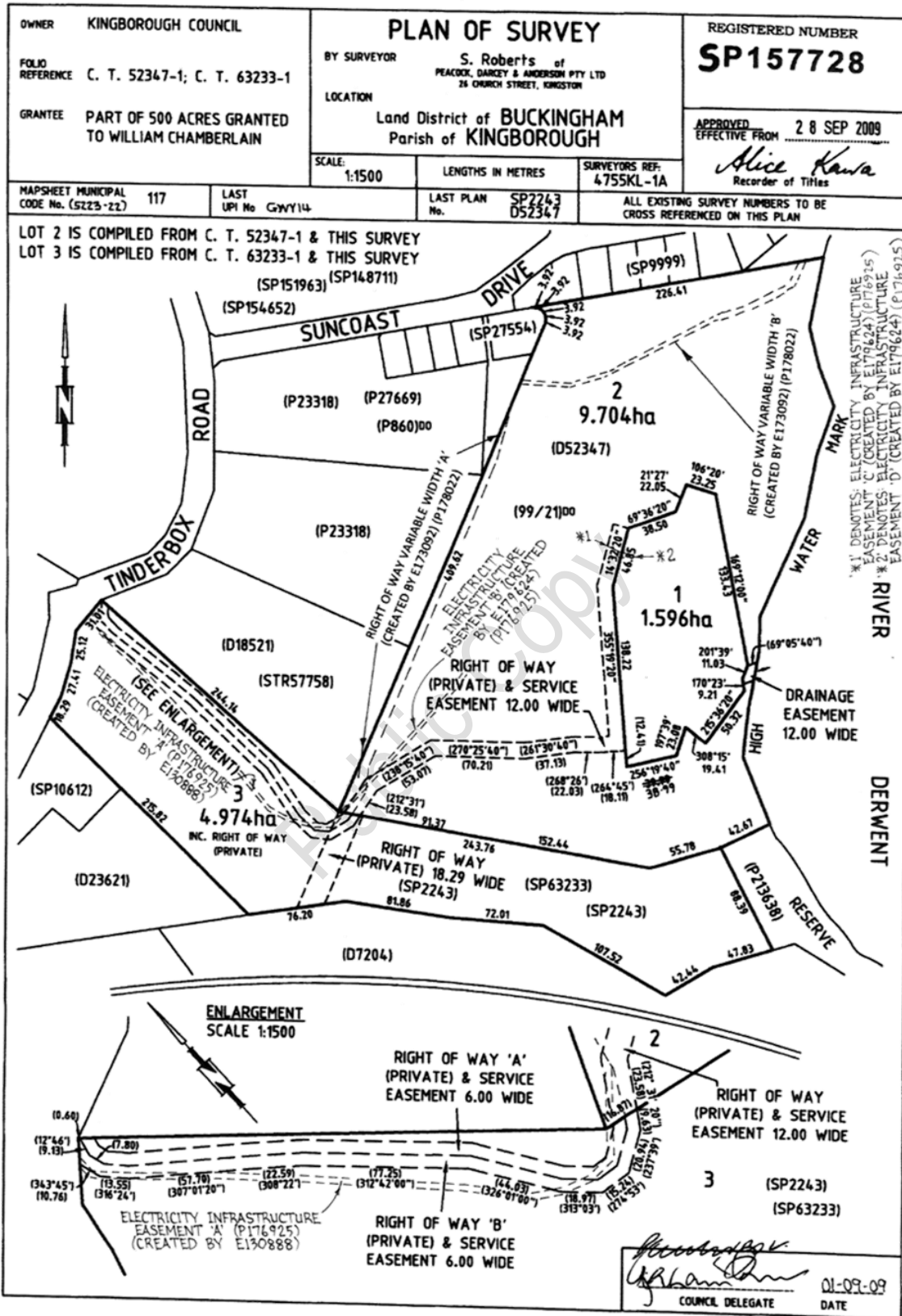
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RECORDER OF TITLES

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RECORDER OF TITLES  
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<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	<b>SP 157728</b>

PAGE 1 OF 1 PAGE/S  
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**EASEMENTS AND PROFITS**

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Lot 1 on the plan is together with a Right of Carriage Way and Service Right over the Right of Way (Private) and Service Easement 12.00 wide over Lot 2 on the Plan.

Lot 1 on the plan is together with a Right of Drainage over the Drainage Easement 12.00 wide over Lot 2 on the Plan.

Lot 1 on the Plan is together with a Right of Carriageway and Service Right over the Right of Way "A" (Private) and Service Easement 6.00 wide over Lot 3 on the Plan.

Lot 3 on the Plan is subject to a Right of Carriageway and Service Right (appurtenant to Lot 1 on the Plan) over the Right of Way "A" (Private) and Service Easement 6.00 wide shown on the Plan.

Lot 1 on the Plan is together with a Right of Carriageway and Service Right over the Right of Way "B" (Private) and Service Easement 6.00 wide over Lot 3 on the Plan.

Lot 3 on the Plan is subject to a Right of Carriageway and Service Right (appurtenant to Lot 1 on the Plan) over the Right of Way "B" (Private) and Service Easement 6.00 wide shown on the Plan.

Lot 2 on the Plan is together with a Right of Carriageway and Service Right over the Right of Way "A" (Private) and Service Easement 6.00 wide over Lot 3 on the Plan.

Lot 3 on the Plan is subject to a Right of Carriageway and Service Right (appurtenant to Lot 2 on the Plan) over the Right of Way "A" (Private) and Service Easement 6.00 wide shown on the Plan.

Lot 2 on the Plan is together with a Right of Carriageway and Service Right over the Right of Way "B" (Private) and Service Easement 6.00 wide over Lot 3 on the Plan.


Lot 3 on the Plan is subject to a Right of Carriageway and Service Right (appurtenant to Lot 2 on the Plan) over the Right of Way "B" (Private) and Service Easement 6.00 wide shown on the Plan.

Lot 2 on the Plan is subject to a Right of Carriageway and Service Right (appurtenant to Lot 1 on the Plan) over the Right of Way (Private) and Service Easement 12.00 wide shown on the Plan.

Lot 2 on the Plan is subject to a Right of Drainage (appurtenant to Lot 1 on the Plan) over the Drainage Easement 12.00 wide shown on the Plan.

"Service Right" means the right for every person who has the benefit of this easement:

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: KINGBOROUGH COUNCIL FOLIO REF: 52347/1 & 63233/1 SOLICITOR & REFERENCE: ABETZ & CO.	PLAN SEALED BY: KINGBOROUGH COUNCIL DATE: ..... REF NO. .....  Council Delegate
<b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.	



RECORDER OF TITLES  
 Issued Pursuant to the Land Titles Act 1980



<b>ANNEXURE TO                  SCHEDULE OF EASEMENTS</b> PAGE 2 OF $\frac{2}{3}$ PAGES	Registered Number <b>SP 157728</b>
SUBDIVIDER: KINGBOROUGH COUNCIL FOLIO REFERENCE: 52347/1 & 63233/1	

- (a) to lay, construct, place, repair, maintain and use forever water mains, pipes, drains, conduits, equipment, mains, gas mains, channels, gutters, sewers of such size and number as shall from time to time be required under the strips of land shown on the plan as subject to the right.
- (b) to install, construct, place, repair, and use above or below ground (and where above erect poles) conduits, wires, power lines, phone lines, optical cables or other forms of communications for the purpose of carrying electric power, telephone and other communications and information within the strips of land shown on the plan as subject to the right.

The person having the benefit of the right may do anything reasonably necessary for those purposes including:

- (i) entering the lot burdened;
- (ii) taking anything onto the lot burdened; and
- (iii) carrying out work.

In exercising those powers the person having the benefit of the right must:

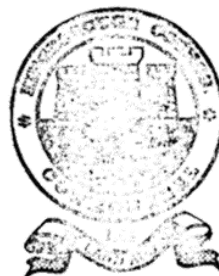
- (i) ensure all work is done properly.
- (ii) cause as little inconvenience as is practicable to the owner and the occupier of the lot burdened;
- (iii) restore the lot burdened as nearly as is practicable to its former condition; and
- (iv) make good any collateral damage.

**EASEMENTS CONTINUED ON PAGE 3**

Fencing Covenant

The owner of each lot on the plan covenants with the Kingborough Council (the Vendor) that the Vendor shall not be required to fence.

THE COMMON SEAL of )  
 the Kingborough Council has been hereunto )  
 affixed pursuant to a resolution of )  
 the Kingborough Council passed the 27 day )  
 of July 2009 in the )  
 presence of: )  
 GENERAL MANAGER *[Signature]* )  
~~COUNCILLOR~~ *[Signature]* )  
 COUNCILLOR )



**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.





<b>ANNEXURE TO                  SCHEDULE OF EASEMENTS</b>  PAGE 3 OF 3 PAGES	Registered Number  <b>SP157728</b>
SUBDIVIDER: - <b>KINGBOROUGH COUNCIL</b> FOLIO REFERENCE: - <b>52347/1 &amp; 63233/1</b>	
<p><b>EASEMENTS CONTINUED</b></p> <p>Lot 3 on the plan is subject to a right of carriageway (appurtenant to the balance of the land remaining in Conveyance No. 17/6559 at the date of acceptance of Sealed Plan 63233 after excepting thereout Lots 1, 2 &amp; 3 thereon) over the Right of Way (Private) 18.29 wide shown on the plan.</p>	
<p><b>NOTE: -</b> Every annexed sheet must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.</p>	

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**PLANNING AUTHORITY SESSION ADJOURNS**

## OPEN SESSION RESUMES

### 14 PETITIONS STILL BEING ACTIONED

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There are no petitions still being actioned.

### 15 PETITIONS RECEIVED IN LAST PERIOD

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

### 16 OFFICERS REPORTS TO COUNCIL

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#### 16.1 CHIEF EXECUTIVE OFFICER TITLE POLICY 1.23

**File Number:** 18.6

**Author:** David Rosen, Legal Officer

**Authoriser:** Scott Basham, Manager Legal & Property

#### Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

#### 1. PURPOSE

- 1.1 The purpose of this report is to consider what steps the Council is required to consider and to take in circumstances whereby Mr Dave Stewart has been appointed as the Chief Executive Officer ("CEO"), as distinct from being appointed as the General Manager.

#### 2. BACKGROUND

- 2.1 Section 61(1) of the *Local Government Act 1993* (TAS) requires a Council to appoint a person as a General Manager for a term not exceeding 5 years.

#### 3. STATUTORY REQUIREMENTS

- 3.1 Sections 61 of the *Local Government Act 1993* (TAS) states in part:

(1) *A council is to appoint a person as general manager of the council for a term not exceeding 5 years on terms and conditions it considers appropriate.*

(2) *A decision to appoint a person as general manager of the council under subsection (1) must be made –*

*(a) in accordance with any relevant order made under section 61A; and*

*(b) primarily on the basis of a merit assessment of the person.*



(3) *An appointment under subsection (1) is not to be extended or renewed so as to exceed 5 years in total unless the council has reviewed its terms and conditions.*

3.2 Section 61A of the *Local Government Act 1993* (TAS) states in part:

(1) *The Minister, by order, may do any one or more of the following:*

(a) *specify the principles governing the selection of a general manager;*

(b) *specify the matters, and classes of matters, that are to be taken into account when a council is selecting, or reappointing, a general manager;*

(c) *specify the procedures to be followed by a council in relation to appointing, or reappointing, a general manager;*

(d) *provide, or provide for the development of the processes and procedures to be followed by a council in monitoring the performance of a general manager.*

#### **4. DISCUSSION**

4.1 The Council should take steps to prevent the possible potential for a legal challenge to the CEO's proper exercise of power in circumstances whereby that power has been specifically by statute invested in a "General Manager" appointed under s.61 of the Local Government and not that of a CEO.

4.2 To provide guidance and assistance to the Council, a new "Chief Executive Officer Title" policy document has been drafted.

4.3 The policy covers and provides practical examples for the Council as to how reference to the role of the CEO should be made in relation to the day to day business of the Council including but not limited to Council meetings, the drafting of contracts & other Council work & delegation recommendations.

4.4 A copy of the policy is attached to this report.

#### **5. FINANCE**

5.1 There are no financial implications associated with this matter.

#### **6. ENVIRONMENT**

6.1 There are no environmental implications associated with this matter.

#### **7. COMMUNICATION AND CONSULTATION**

7.1 Legal advice in relation to this issue has been obtained.

#### **8. RISK**

8.1 There is a risk that if appropriate steps are not taken and a protocol put in place, then potential exists for a legal challenge to the CEO's exercise of his power in circumstances whereby he has not been appointed as the General Manager.

**9. CONCLUSION**

9.1 Following receipt of legal advice in this matter, the attached Policy document has been drafted.

**10. RECOMMENDATION**

That Council endorse the Chief Executive Officer Title Policy 1.23 attached to this report.

**ATTACHMENTS**

- 1. Chief Executive Officer Title Policy**

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# Chief Executive Officer Title Policy 1.23

Public Copy

<b>Policy No:</b>	1.23
<b>Approved by Council:</b>	April 2024
<b>New Review Date:</b>	April 2028
<b>Minute No:</b>	TBA
<b>ECM File No:</b>	12.288
<b>Version:</b>	1
<b>Responsible Officer:</b>	Director Governance, Recreation & Property Services
<b>Strategic Plan Reference:</b>	2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

## 1. POLICY STATEMENTS

- 1.1 Kingborough Council has appointed the position of Chief Executive Officer (“**CEO**”).
- 1.2 The CEO of the Kingborough Council will be occupying the statutory position of General Manager as appointed pursuant to s.61 of the *Local Government Act 1993* (TAS) (“**LGA**”).
- 1.3 The purpose of this policy is to provide guidance as to what administrative & legal steps the Council should take to ensure the CEO’s proper exercise of power as the CEO, in circumstances whereby such power and authority is vested in a “General Manager” appointed under s.61 in the LGA and not that of a CEO.

## 2. DEFINITIONS

- 2.1 In this policy, ‘**the Council**’ means the body of the elected Councillors for the Kingborough Council.
- 2.2 In this policy, ‘**Council staff and Council Officers**’ is any person employed by the Kingborough Council to carry out the functions of the Council.
- 2.3 LGA means the ‘**Local Government Act 1993 (TAS)**’.

## 3. OBJECTIVE

- 3.1 This policy is to provide legal and policy advice to the Council and to the Council staff & Council Officers as to what measures should be implemented to ensure that the CEO lawfully carries out the powers and the functions of that of the General Manager pursuant to s.61 in the LGA.

## 4. SCOPE

- 4.1 This policy establishes guidelines as to what measures should be taken to ensure that the CEO lawfully carries out the functions and the powers of that of the General Manger pursuant to s.61 in the LGA.

## 5. PROCEDURE (POLICY DETAIL)

- 5.1 All Council meetings agendas and minutes should contain an entry in the opening pages that:
  - (i) “The title Chief Executive Officer is a term of reference for the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993* (TAS). For the avoidance of doubt, “Chief Executive Officer” means “General Manager” for the purposes of the *Local Government Act 1993* (TAS) and all other legislation administered by or concerning the Council.”
- 5.2 All notices, infringements, permits etc. issued under legislation will have an entry as part of the signature panel as follows, being either:
  - (i) “*CEO NAME*”

Chief Executive Officer being the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993 (TAS)*”; or

- (ii) “CEO NAME”

Chief Executive Officer

“Chief Executive Officer” means “General Manager” for the purposes of the *Local Government Act 1993 (TAS)* for whichever Act the notice/infringement, etc. is signed under.

5.3 Contracts/deeds etc. should either have:

- (i) in their definition section, a definition that Chief Executive Officer means the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993 (TAS)*; and/or
- (ii) a signature panel as in clause 5.2 above.

5.4 Delegation recommendations as recorded within agenda and minute items, that delegate power to the Chief Executive Officer, should have as part of the resolution, an entry that states:

- (i) “.....Chief Executive Officer, being the General Manager as appointed by the Council pursuant to s.61 of the *Local Government Act 1993 (TAS)*.....”; or
- (ii) “.....Chief Executive Officer means the General Manager.....”; or
- (iii) “.....for the avoidance of doubt, Chief Executive Officer means the General Manager.....”

5.5 Instruments of delegation signed by the Mayor, and evidencing a Council decision to delegate power to the CEO should replicate one of the entries mentioned at 5.4 above.

5.6 Instruments of delegation from the CEO to Council officers and/or to Council staff should be signed in accordance with the signature panel at 5.2 above. They should also have one of the following in the text of the delegation:

- (i) “I, CEO NAME, General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993 (TAS)* (hereinafter “Chief Executive Officer”).....”; or
- (ii) “I, CEO NAME, Chief Executive Officer, being the General Manager as appointed by the Council pursuant to section 61 of the *Local Government Act 1993 (TAS)*.....”.

5.7 Any policy that is approved by the Council that sets out that the Chief Executive Officer is the General Manager should include a reference in the document that the Chief Executive Officer means the General Manager for the purpose of s.61 of the *Local Government Act 1993 (TAS)* and all other legislation administered by or concerning the Council.

5.8 Any instrument of appointment made under s.61 of the *Local Government Act 1993 (TAS)* should include definitions that cover the abovementioned matters. Further, it is critical that

the instrument of any appointment of a CEO clearly identifies that the Council is appointing a person to the role of General Manager and any policy or inclusions of definitions in the instrument of appointment must clearly identify any use of titles or roles as a flow on from the appointment to the role of General Manager under s.61 of the LGA.

**6. GUIDELINES**

6.1 Nil.

**7. COMMUNICATION**

7.1 Kingborough Councillors.

7.2 Kingborough Council staff.

**8. LEGISLATION**

8.1 Section 61 of the *Local Government Act 1993* (TAS).

**9. RELATED DOCUMENTS**

9.1 Nil.

**10. AUDIENCE**

10.1 Kingborough Councillors and Kingborough Council staff.

10.2 Members of the public via Council's website.

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**16.2 APPENDICES****RECOMMENDATION**

That the Appendices attached to the Agenda be received and noted.

**17 NOTICES OF MOTION**

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At the time the Agenda was compiled there were no Notices of Motion received.

**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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**RECOMMENDATION**

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 - AB2402 Blowhole Road Reconstruction**

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.*

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

Open Session of Council adjourned at

**OPEN SESSION ADJOURNS**

**OPEN SESSION RESUMES**

**RECOMMENDATION**

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	
Applications for Leave of Absence	
22.1 Tender Assessment - AB2402 Blowhole Road Reconstruction	

**CLOSURE**

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# APPENDIX

A Mayor's Activities

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**A MAYOR'S ACTIVITIES 1 MARCH 2024 TO 27 MARCH 2024**

<b>DATE</b>	<b>LOCATION</b>	<b>ITEM</b>
1 March 2024	Civic Centre	Met with Danielle Campbell and Janelle Kingston re Kingston Beach Surf Life Saving Club proposed training and storage facilities, along with the Deputy Mayor
4 March 2024	Civic Centre	Chaired Budget Workshop
	Civic Centre	Chaired Council Meeting
5 March 2024	Online	Met with President of LGAT, Mick Tucker
6 March 2024	South Hobart	Attended LGAT Asset Management and Infrastructure Conference
	Civic Centre	Met with Jacquie Petrusma, Candidate for Franklin
	Civic Centre	Met with representatives of the Leslie Vale Community Group and Friends of Longley Area Group re Hazell Brothers quarry extension, along with the Deputy Mayor.
	Blackmans Bay	Guest speaker at Kingborough and Huon Business Enterprise Centre International Women's Day dinner
8 March 2024	Hobart	Attended RHH Research Foundation's International Women's Day Breakfast
11 March 2024	Kingston	Attended Day in the Park
12 March 2024	Civic Centre	Chaired Workshop on Kingston Park
13 March 2024	Sandy Bay	Met with President and CEO of LGAT
	Sandy Bay	Attended Mayor and Deputy Mayor Workshop and Roundtable, along with the Deputy Mayor.
	Sandy Bay	Attended Mayor's and Deputy Mayor's dinner
	Kingston	Attended final meeting of the Kingston Revitalisation Steering Committee
14 March 2024	Sandy Bay	Attended LGAT General Meeting
	Sandy Bay	Attended LGAT General Management Committee meeting
15-17 March 2024		Sick leave
18 March 2024	Civic Centre	Met with David O'Byrne, Member for Franklin
	Civic Centre	Met with Sahar Ghoreishi re local business
	Civic Centre	Chaired Council meeting
20 March 2024	Moonah	Attended Equal Opportunity Tasmania forum on racism
21 March 2024	Online	Attended ALGA Board meeting

DATE	LOCATION	ITEM
22 March 2024	Kingston	Attended Harmony Week event at Kingborough Community Hub
25 March 2024	Civic Centre	Chaired Council budget workshop
27 March 2024	Civic Centre	Met with the GM, Mayor and Acting Deputy Mayor of Huon Valley Council, along with Deputy Mayor Glade-Wright and the Acting GM.
	Mt Nelson	Attended Hobart College Awards Night

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