

Kingborough



COUNCIL MEETING MINUTES

3 April 2024

These Minutes are provided for the assistance and information of members of the public, and are a draft until confirmed as a true record at the next Ordinary Meeting of Council.

Kingborough Councillors 2022 - 2026



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Clare Glade-Wright



Councillor Aldo Antolli



Councillor David Bain



Councillor Gideon Cordover



Councillor Kaspar Deane



Councillor Flora Fox



Councillor Amanda Midgley



Councillor Mark Richardson



Councillor Christian Street

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

1 AUDIO RECORDING

The Chairperson declared the meeting open, welcomed all in attendance and advised that Council meetings are recorded and made publicly available on its website. In accordance with Council's policy the Chairperson received confirmation that the audio recording had commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

3 ATTENDEES

Councillors:

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

Staff:

Acting General Manager	Mr Gary Arnold
Director People & Finance	Mr David Spinks
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Engineering Services	Mr David Reeve
Manager Development Services	Ms Tasha Tyler-More
Senior Planner	Ms Mary McNeil
Legal Officer	Mr David Rosen
Acting Executive Assistant	Ms Korrina Lewis

4 APOLOGIES

There were no apologies.

C77/6-2024

5 CONFIRMATION OF MINUTES

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

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

CARRIED

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

There were no declarations of interest.

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

C78/6-2024

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Mr Mark Donnellon asked the following question without notice:

9.1 Grafitti

There has been some discussion recently in the community about the graffiti in the area mostly, I expect focused around the old Kingston High School site. It is my understanding that Council only removes graffiti that is on Council property and that most of the graffiti in the area is not on Council property, it is on private property and things owned by other authorities. I have three questions around this. Does Council currently encourage developers to use designs that reduce the likelihood and impact of graffiti attacks?

Manager Development Services responds:

Through you Mayor, there's no specific clause in the planning scheme about graffiti or urban design principles. We do raise it with applicants when there are particularly large blank walls and encourage them to do a treatment such as different surfaces, different colours or something of the like, and we have had instances of murals built, but there is nothing specific in the scheme.

How is Council motivating other authorities and building owners to remove graffiti?

Mayor responds:

Look, I was pondering this question myself over Easter as I saw yet another large amount of graffiti go up on a building that hasn't even finished construction yet, next to Zap Fitness there. They'd only installed this last week, it doesn't even have a roof and there are large prefabricated panels that went in, and it's been entirely covered in graffiti already and it's my understanding from chatter on social media that this particular message that they write on the wall is one that is done in places all around Tasmania, and it seems to be that a group of young people travel from place to place leaving that particular message. It's certainly not something that is easy to prevent as a Council and I'd be very interested in discussions with Tasmania Police about what they will do, because we do have a substantial CCTV network that is fully operational within not just the Kington CBD but a little bit further out as well now, which would help to identify perpetrators, but that's not obviously always going to be the case. This is very frustrating, I certainly would encourage property owners, where they have had graffiti take place to try and take steps to remove it, because otherwise the longer it stays there, the more it encourages other people to do copycat things, but I don't know that we have any specific powers that we can use under any sort of bylaws to direct people to remove that graffiti on their properties, unless it has been a condition of any planning application permit.

Finally, what consideration has been made about extending councils graffiti removal to limited private property, much like the City of Hobart do?

Mayor responds:

I'm not aware of what the City of Hobart do. That's certainly something that I think we need to look into, as the problem seems to be becoming more prevalent within the community, so I'll certainly ensure that we do have a look at the way that they handle it. We do have already around, I think it's around \$40,000 a year, off the top of my head, in the budget for graffiti removal, and that was an increase a few years ago because we were seeing more. We also did have a discussion at the last council meeting about the concept of whether it would be feasible for us, in some of these areas, whether it is property that's been repeatedly attacked, if we could plant native trees in front of those areas for them to act as a barrier to prevent people from graffitiing in the areas which are largely visibly because they want to 'showcase their work'. So that is something else we are looking at, at the moment, because we grow stock in our plant nursery, so that's something that I guess could be, and obviously it will take a while for those trees to grow and cover up some of the graffiti, so that would be a longer term plan as well, but certainly happy to have a look at Hobart City Council and in other areas. I think there was some recognition during the recent state election that there are some significant youth issues right across the state and it seems we're not immune to those, unfortunately. So, I think we do need to have a broader conversation about the opportunities that we're providing for and how we're engaging with young people, and what the role of the youth justice system is.

10 QUESTIONS ON NOTICE FROM THE PUBLIC

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

C79/6-2024**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

Cr Deane asked the following questions:

11.1 DRAFT BUDGET

I have a set of questions about the draft budget that was released for public comment which recommends a 12% general rate increase. My first question is, how long does the community have to provide their feedback?

Mayor responds:

So the engagement period is open for four weeks, it will enable members of the community to put in submissions that give us then in a few weeks, to be able to consider those and workshop them again before the budget comes before council in early June.

Cr Deane:

Last year, we had the draft budget, we released a survey that went to the community which had a bunch of questions, one of those questions was whether they thought that rate increase was too high, too low, or just about right. Why wasn't a similar survey provided to the community this time around?

Mayor:

So, we did go through this last week at the workshop that we had last Monday night, we actually had our Media and Communications Manager, who isn't with us this evening, take us through how the engagement would run, and there was a paper that was prepared and she indicated that it was determined that the survey was probably not necessarily the best way to go about it this time, the data doesn't really tell us much, and so it was better to enable people to write in and tell us what they thought, so that rather than getting them to tick boxes, 'yes, no, maybe, don't know, whatever', that they actually get the opportunity to write something in, which a lot of people do prefer in surveys.

Cr Deane:

I recall that was an option, people did, there was 60 responses, I think, of just generic comments at the end, and I remember a lot of us sighting that data because I think that we had a 50% or so figure that said it was just about right, and I recall us talking about the survey being withdrawn.

Mayor:

We definitely did, and I don't have the paper in front of me, but certainly the paper that we handed to everyone for the workshop last week where we went through what the engagement would look like, the key dates, etc, and the Communications Manager took us through it, it did indicate that there would be not a survey as such but it is still an engagement process. We're asking people to give us feedback, we're not providing them with that opportunity. I think in this occasion, it would be more meaningful to actually get written words from people about what they would like to see, rather than just giving them a list of items and saying 'which of these is your most important, give us numbers 1-10', as there might be things that are not on that list.

Cr Deane:

Yeah, I would have liked to have seen a survey in there that as it was similar to last year, because we still have that option, but it looks like that ship has sailed. The draft paper that we put out today proposes a general rate increase of 12% next year. What will the commercial rate increase be?

Director of People and Finance:

Through you, so what has been proposed is that all rates would increase by 12%, not just the general, it is the commercial, the industrial, etc, also.

Cr Deane:

Last year, they went up more than the general rate increase, it was 7% last year. Do we have any feedback from last year around that increased rate rise and whether it we've done any consultation prior to this with businesses to see that 12% will be impacted on them?

Director of People and Finance:

In relation to feedback from last year, I probably can't respond to that, perhaps someone else around the table can help me. Did we do any consultation prior to this year's proposal? No we haven't.

Cr Deane:

Last year, as part of our long-term financial plan, the rate increases going forward the next 10 years between 2 and 4 percent, how does this rate rise of 12% next year impact our long-term financial plan and when will the community find out what our long-term financial plan is?

Mayor:

The long-term financial plan will be determined by council, I'm not sure if we have an exact date for it yet, I think after we pass the budget. Mr Spinks, can you assist with that?

Director of People and Finance:

What I'm proposing is that the draft updated long-term plan be presented to the May workshop, and then it would be formally adopted at the June council meeting along with the budget.

Cr Deane:

On that, would it not be appropriate for the community to understand where we were kind of thinking on the long term, rather than just a one year, or is it just setting a 12% for next year?

Mayor:

As Mr Spinks has just said, the long-term financial plan will be considered at the same meeting as we consider the budget, which I think is Monday 3rd June, so that will set the picture for the next 10 years, but like any, we change the long-term financial plan every year. It's a 10 year plan but every year we come back and update it, and that's the thing that we've been at pains to say in the past, that it's not a static document for the life of it, that every year we need to adapt it to ensure that we can meet the goals and aspirations that we have in line with our principles and sustainability for the organisation. So, it will certainly be available for people to make comment on.

Cr Deane:

Sorry, it was misunderstood, the question was around whether we should be, as part of the public consultation phase, because if we are considering it in May/June, that window will have closed. So, at this point all the public knows is that next year, we are going for 12% without knowing what's to

come in years 2 or 3 for example. Are you happy with just doing the one year or is there any opportunity for the community to know what we're planning for the years ahead, rather than just the one year.

Mayor:

Like I said, we'll be considering the long-term financial plan, but in previous years the process has been a bit back to front and so we changed it last year. In previous years, we would consider the long term financial plan, lock into that, and then go into the budget process, which then gave us no flexibility because we had just locked in the long-term financial plan, which is probably not a great way to, for lack of a better term, run a business, because that is essentially what we are. So, for last year's budget, we reversed that process so that we are setting the budget in accordance with the needs that we have, to continue the level of service we are giving to the community and we adopt the long term financial plan after that.

Cr Deane:

I somewhat disagree that we're a business, but I'll move on. Have we done any modelling to show how many residents and businesses are expected to be driven into financial hardship? As part of the media release that went out over the weekend, we made mention of financial hardship, so given what's happened last year, do we have any data to suggest how many people have accessed that policy, and given that we're increasing by 12% in the next 12 months, apparently, do we anything to show what might happen to those people and what support we offer if people are driven to financial hardship?

Mayor:

Just to take the first comment that you made, just to rebut that, even though this shouldn't be a rebuttal thing, but you've made the comment, and I will just address that. We do have to operate in accordance with a business, we have to be sustainable into the future, that is our obligation under the Local Government Act, to be able to provide certainty, I guess, to the future operations of council, so in affect, we are running as a business. In relation to you next point, which I have now totally forgotten.

Cr Deane:

It was around financial hardship.

Mayor:

Financial hardship – do we have the figures here Mr Spinks for that?

Director of People and Finance:

No, Mayor, sorry, we don't. I'm not aware of any applications for hardship since I've been with the organisation, but there may have well been some and I can ascertain that information if required. In relation to, do we have any modelling or predictive ability to know how many maybe accessing that policy in the future? No, that would just be impossible to do.

Mayor:

Just in relation to that, I think it does need to be said that we are trying to make it easier for people to pay their rates by instalments. We did have discussions during the workshops about the fact that we will be making it known that we do have a Hardship Policy, we've had one for a number of years. It's on our website and we also will be making arrangements so that if people do want to apply for that they can follow the lead of other councils and apply for it online. We are hoping to have that automatic facility up and running for when the new financial year kicks in and that will enable people to enter into payment plans if they are having hardship but it will also enable anyone who wants to,

to be able to set up an arrangement where they can pay their rates in instalments directly from their bank account, which is something that we haven't had up until now but were certainly working now to put that in place.

Cr Deane:

Yesterday the Kingborough Chronicle, which a lot of our residents use as their weekly news, quoted you saying that you had unanimous support for the 12% rate rise among councillors. Given at the end of the internal budget process, I voiced my concerns with the severity of the rate rise, I wondered if was appropriate to tell residents before we've gone ahead with it, to tell them that you had unanimous support?

Mayor:

What I actually indicated was that we had unanimously decided to go forward with this proposal as part of the consultation for the budget. We had to have a starting point to go out to the community and it was certainly my understanding, and I went and double checked this today, that we had actually all agreed at the end of the workshop last week that we were happy to go out to public consultation with the proposal that we had, and in the manner in which it had been listed where the Communications Manager did take us through the process and the timelines and what would be in that process. We have to have a starting point to the community and I did finish that workshop, I recall very clearly, by saying if anybody has anything else that they'd like to say about this, then please let me know, and there was nothing else said after that I believe when we got to the very end of the workshop. I know prior to that a number of Councillors indicated that they were not happy with the severity of what we're proposing because it is a very big figure and I totally understand that and I don't think anybody in this room feels happy about having to go out to the community with this figure. So, you're certainly not Robinson Crusoe with that, but I will make this point and that is that I am one person sitting around a table of ten. This is not my solo decision, this is a decision that we have collectively have and we have collectively decided and certainly that was the recollection of the Acting, Acting General Manager, who was at that meeting and other staff that it was unanimous decision that we would go out with that consultation process with that starting figure.

Cr Deane:

I was in that conversation, and you did say at the end 'was there anything at the end' and I did voice, I was the only one to speak up at that point, so I did disagree. I understand what you're saying that we agreed in the whole part to go out to consultation, but what is says in the Kingborough Chronicle, is "Councillors have carefully considered our financial position and have looked at all possible solutions and have unanimously agreed that this is the only responsible way forward". That doesn't relate specifically to consultation. We do agree that we need to go and consult the community, absolutely, but I've spent the last week talking to residents and the number one issue for them is cost of living and at that point, where as I said in the last workshop, I can't agree with the severity of this rate rise and so the fact that it was put out there already that we have a unanimous agreement, makes it sound as if it is a failure amongst us around the table and I do question what is the point of a public consultation is. If you've said it's a starting point, that's not how I read the media release, that's not how I read what's happened in the Kingborough Chronicle. It sounds like the ten of us have gotten around the table and said we agree is 12% and we are unanimous in that and so I question, why would we go out to the community if we are all set on that because that's not what it is, it's a starting point as you've said, there's not unanimous agreement, I'm not supporting such a severe rate increase, so I think as a comment, as it is not leading into a question, as a comment, I would disagree with what you've said. I think that yes, it's a stating a point but to represent to the community, to say that we support this, I think is incorrect.

Mayor:

I'm sorry that you feel that I've misrepresented that but I remember my words at the end of that and I was seeking agreement because I don't want to, as the person who is designated under the Local Government Act to be the spokesperson for Council, but who has one vote like everyone else, I said if we go forward with this, I don't want to be left to hung out to dry, were my exact words and I can see members right now nodding in recollection that, that is what I said, because we had reached a consensus about how we move forward in the public engagement to get the feedback and then go through that process and I remember that very clearly.

Cr Deane:

And I don't disagree that there is a consensus/ whatsoever. We went forward with it, but when you asked at the end of that internal workshop, at the end of the entire process, whether there was anything last to say and I did voice my concerns, so for it to be said it is unanimous is the concern that I've got.

Mayor:

Others at various times throughout the process, me included, have voiced concerns about the severity of the rate rise. Every single person sitting around this table has done that, during that the numerous budget workshops that we have gone through, because this isn't something that we take lightly and to go through and look at the reasons why as you very well know we have come to this point and why we have decided that we need to take these actions now and we've tried to communicate that very clearly to the community through the process. Why are we doing it now, what has it come to, and what is in the best interest of the community, and we've had to weigh that up and I know that this is not something that we collectively wanted to do, but the reality is that we had to weigh up those decisions after looking at the financial figures that our staff have prepared for us. Looking at the very significant reality that we do operate like a business, and like a business we need to remain solvent, and the figures that we were presented with show that this year we are on track to have a loss of \$2.3m, and it shows that next year, with a 12% increase that we will be on track to have an underlying loss of \$2.9m. So, that says that we do have an issue, we have made losses in 10 out of the last 12 financial years and if you are a business and you are making losses 10 out of 12 years, then there is something substantially wrong and you need to actually address that. At some point we've had to go, now that we know that information, now that we understand the severity of it, now that the depreciation as affected us to the extent that it does, we now have to do something about it, because if we didn't we would be negligent in not doing anything about it now for the future of councils finances. Do you have another question, Cr Deane?

Cr Deane:

Yeah, only to say that I stick to my position.

Mayor:

That's not a question, I'll take it and repeat everything that I've said as well. I'm sorry that you disagree with the recollection.

Cr Deane:

It is not about my recollection, it's about my personal opinion.

Mayor:

As there are other personal opinions around this table as well, so please don't single yourself out as the saviour to every ratepayer now, because it is very unfair to your fellow colleagues, Cr Deane, trying to suggest that you were the only one who spoke out at any stage through this process.

Cr Antolli asked the following question without notice:

11.2 DRAFT BUDGET

I'd like to ask some clarifying questions as well, based on what Cr Deane has shared. There seems to be a concern about us having unanimous position. Would you say that given the diversity of perspectives on Council, the fact that we came to an unanimous decision holds weight with the community given that there's a large part of us that are not persuaded to have a pay rise, but given the evidence was so persuasive, that something like that should hold weight with the community?

Mayor:

As I've just indicated to Cr Deane, I thought we were heading down that path because I thought that we had all understood the gravity of the situation, that the evidence that was being provided to us a solution as to how we turn the ship around and start steering it in the right direction, so that future generations aren't impacted by what is an increasingly difficult position for Council. Clearly it would seem that there was a difference of opinion about the recollection of last workshop, or maybe even the one before, but I thought that yes, there was, certainly it surprised me, as I think it surprised all of us ourselves that once were presented with the information that we realise that we need to embrace something of that magnitude and I think that whilst it might be very difficult for the community to appreciate the difficult financial circumstances were in. We have very few opportunities as Council for income streams unfortunately, we have a lot of commitments that we have that are statutory obligations that we need to continue in the interests of the public well into the future and they come with resource implications.

Cr Antolli:

I don't recall in the workshop anyone being happy about the rate rise, am I wrong with that, Mayor?

Mayor:

No not at all, I think that we all expressed concerns at one point or another and there were some tough conversations that we had to have.

Cr Antolli:

Please correct me if I'm wrong, Mayor, that when we modelled various rate rises and rates, multiples, and hats off to our Chief Financial Officer for indulging us through that difficult process, and from I recall the only rate rise, and also Mayor, correct me if I'm wrong, refused to put certain costs on the table that we were hoping to do because of that, so it is a two part question sorry, the only rate rise that seemed to work mathematically based on the cost cutting was the 12% rate rise that we're announcing, is that your recollection?

Mayor:

It certainly is, and we did have the advantage of having our Director of People and Finance with a spreadsheet where we can look at the figures and look at what it would take to address the issues and make sure we don't end up running out of cash in a couple of years' time, which the Auditor General would frown upon, so certainly, yes that is my recollection. We did try a range of figures that we plugged into the modelling.

Cr Antolli:

My final question is, my recollection, correct me if I'm wrong, we actually did some cost cutting and we didn't put things on the table, we took things out of the budget that were dear to the hearts of several Councillors and we had to lay that down for the sake of the greater good, is that correct?

Mayor:

I think it comes to the Capital Works Program, certainly. There were a lot of items that I know that people are very passionate about and projects that we would have liked to announce, but we've had to recognise that the rising cost of doing business, particularly when it comes to any building and construction work makes it exceedingly difficult to have a very large Capital Works Program at this point in time, and probably in the foreseeable future. There is no indication that any of the costs are going down for any of the building activity and as we know, most of the tenders, even though we've adapted our expectations in the last few years, a lot of the tenders that were seeing coming in are significantly over budget.

Cr Antolli:

Yeah, I remember that. I appreciate you helping me clarify some of that. I personally recall very clearly, you needing consensus and you received consensus and yes there were some concerns from a Councillor about the final figure, there were multiple concerns but it was self-evident that we had no choice, and I do back you in what you shared for that it was a unanimous decision. But, I would like the public to know that unanimous is the start, it was unanimous so that we could put something to the consultation. Putting something to consultation is fair to say, Mayor, the fact that it was unanimous should give the community some sense that it is a solid figure, not an airy figure based on complete disunity of Council that one could call into great question. I'd say it's fair, the fact that its unanimous does not mean that something is set in stone, just means that we realised from our varying positions and passions that we had no choice.

C80/6-2024**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

Public Copy

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 6:03pm.

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C81/6-2024

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

Moved: Cr Clare Glade-Wright

Seconded: Cr Flora Fox

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 GuidelinesThe 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.

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

Against: Crs Aldo Antolli, Gideon Cordover and Flora Fox

CARRIED 7/3



Submission to Planning Authority Notice

Council Planning Permit No.	DA-2023-174	Council notice date	2/06/2023
TasWater details			
TasWater Reference No.	TWDA 2023/00712-KIN	Date of response	22/11/2023
TasWater Contact	Shaun Verdouw	Phone No.	0467 901 425
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	112 TINDERBOX RD, BLACKMANS BAY	Property ID (PID)	2983848
Description of development	Recycled Water Treatment Plant		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
UDM	RWTP Site Access Plan	0	24/05/2023
Landstorm Engineering	P45-LS129010-C300, C400	C	Date unreadable
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 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. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer’s cost. 3. Prior to 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. <p>ASSET CREATION & INFRASTRUCTURE WORKS</p> <ol style="list-style-type: none"> 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. 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. 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. 7. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater’s requirements. 			



8. Prior to the issue of a 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			
General			
For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards			
For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form			
Service Locations			
Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.			
(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 https://www.taswater.com.au/building-and-development/service-locations 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

OPEN SESSION RESUMES

Open session resumed at 6:41pm.

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

No petitions had been received.

16 OFFICERS REPORTS TO COUNCIL

C82/6-2024

16.1 CHIEF EXECUTIVE OFFICER TITLE POLICY 1.23

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

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

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

Against: Cr Gideon Cordover

CARRIED 9/1

C83/6-2024

16.2 APPENDICES

Moved: Cr Amanda Midgley
 Seconded: Cr Christian Street

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

CARRIED

Cr Richardson left the room at 6:53pm.
 Cr Richardson returned at 6:55pm.

17 NOTICES OF MOTION

There were no Notices of Motion received.

C84/6-2024

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr David Bain
Seconded: Cr Amanda Midgley

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

Confirmation of Minutes

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

Applications for Leave of Absence

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

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.*

CARRIED

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

Open Session of Council adjourned at 6:58pm.

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7:04pm

C90/6-2024

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

The Closed Session of Council having met and dealt with its business resolves to report that it has determined the following:

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Approved
22.1 Tender Assessment - AB2402 Blowhole Road Reconstruction	Approved

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7:05pm.

.....
 (Confirmed)

.....
 (Date)