

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
Monday, 7 April 2025 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 Monday, 7 April 2025 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Dave Stewart
CHIEF EXECUTIVE OFFICER
being the General Manager as appointed by the
Kingborough Council pursuant to section 61 of the
Local Government Act 1993 (TAS)

Tuesday, 1 April 2025

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Public Copy

GUIDELINES FOR PUBLIC QUESTIONS

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

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
Monday, 7 April 2025 at 5.30pm

1 AUDIO RECORDING

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.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

3 ATTENDEES

Councillors:

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

4 APOLOGIES

Councillor A Antolli

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No. 5 held on 17 March 2025 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
24 March	Operational Update	An update was provided from Directors in relation to the status of projects, programs and activities associated with their respective departments.

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

Council has determined that questions on notice or questions taken on notice from a previous meeting should not contain lengthy preambles or embellishments and should consist of a question only. To this end, Council reserves the right to edit questions for brevity so as to table the question only, with some context if need be, for clarity.

10.1 Kingborough Integrated Transport Strategy

Margaret and Bill Chestnut submitted the following question on notice:

Will the maps on pages 32 and 37 of the above strategy be upgraded before it comes to Council for approval? The current maps for the shared path (between Margate and Howden Road) on the draft for community consultation were incomplete and taken from the Kingborough Cycling Strategy. We were informed by a Council Officer that appropriate maps (from the Online Cycling Strategy Map) could be inserted in the document. The incorrect maps show the shared path passing through Inverawe. State Growth previously had a similar map but on 11 December 2024 we were assured that they will not use that route as it is impractical. A State Growth Feasibility Study recommended a path on the Western side of the Highway, avoiding Inverawe. Will the document be corrected before presentation to Council for approval?

Officer's Response:

In the revised Draft Integrated Transport Strategy, which will come to Council for endorsement, the Cycling Strategy Network Map (page 31) has been replaced with the online version as advised. The map on page 37 has been omitted.

Daniel Smee, Acting Director Engineering Services

10.2 Blackmans Bay Water Quality

Mrs Rosalie Maynard submitted the following question on notice:

1. *Apart from Council's ongoing participation in the DEP's summer water quality monitoring program, what strategies are Council considering for future options to ensure consistently good ongoing recreational water quality at this beach?*

2. *Given the main source of contamination is known to be from stormwater drains discharging on the beach (3 main highly visible outlets), what solutions is Council looking into other than regular testing and monitoring and tracking back to potential contamination points from the sewage network?*
3. *Is Council committed to, or considering:*
 - (a) *working with TasWater to re-route these stormwater drains off the beach, possibly to the Tinderbox Sewage Treatment Plant which should have increased capacity now that significant volumes of sewage treated at that plant will be going across the river to the Opossum Bay Area?*
 - (b) *extending the current stormwater outfalls further off-shore to enable better mixing and dispersal in areas of the river with stronger currents and tidal flows?*
 - (c) *alternative technologies to pre-treat existing stormwater prior to discharge directly on to the beach?*
 - (d) *other options?*

Officer's Response:

1. Whilst Council has conducted internal investigations over several years and fixed a range of possible pollution sources, unfortunately, the south end of Blackmans Bay beach has been downgraded to poor because of the outcomes of the 2023-24 sampling program.

The poor rating means that swimming is not advised in this location. Signage reflecting this has been erected at the site as required under the Recreational Water Quality Guidelines. This long-term rating is based on five years of sampling data with only 5 significant failed samples needed during that period for the water quality rating of a beach to be downgraded.

Under Council's Recreational Water Quality Management Strategy 2019 (The Strategy) Council commits to investigate the Blackmans Bay catchment, inform the community of water quality, empower the community to understand how they can prevent contamination, track and trace source contamination and work with external partners to rectify any infrastructure issues. Through the implementation of this Strategy, Council is actively undertaking this work.

However, ensuring consistently good water quality at any beach is not achievable by local government authorities alone. Council is taking steps to improve how it manages factors within its control (such as stormwater infrastructure and education). However, the Derwent Estuary is a dynamic environment and factors outside Council's control could also be acting on the water quality. The experiences of other water/stormwater utility operators show that the process of identifying contaminants in water can be complex, expensive and time consuming.

Council will continue to invest resources into improving recreational water quality in accordance with the 2019 Strategy. Equally important is that the community do their part to lessen the risk of blocked sewer systems that ultimately lead to ingress to the stormwater pipes or spills that flow directly to the beach.

Prevention through education is a key management option under the Strategy. Council's education initiatives include working with TasWater to share the '3 P's rule', promoting Councils 'only rain in the drain' messaging, and talking to the community about water quality impacts.

Council continues to actively work with stakeholders such as TasWater to address pollution sources when identified. This partnership has seen extensive resources committed to infrastructure upgrades within the catchment.

Visual inspection, and ammonia testing of the stormwater network is continuing. This weekly sampling identifies potential sources of contamination in the stormwater network that may impact the marine environment and water quality trends in the area.

Council have engaged the specialised services of a marine water quality and ecology consultant to design a more robust and targeted investigation program. The intent of the design of the investigation is to identify the source of contamination with a higher degree of certainty and to inform an assessment of potential mitigation options for consideration by Council. The investigation design includes understanding the impact of stormwater quality on the southern end of the beach, how the three stormwater outlets and their associated catchments differ in contributing to poor water quality and how dispersion works in the southern end of bay.

Council will need to consider the cost of implementing this program in the upcoming budget.

2. The Strategy identifies the importance of achieving cleaner, lower contaminant levels in stormwater systems. Stormwater discharge is part of the issue driving poor water quality at the southern end of Blackmans Bay Beach, however, it has not yet been identified as the primary source of the water quality issues in Blackmans Bay.

Council is working with a consultant as described above to design a robust catchment investigation.

Council acknowledges that a significant investment in stormwater infrastructure may be identified as being required through any further investigation undertaken. Council needs to understand how and where stormwater or other pollution sources impact the site before we can consider any major infrastructure works to these outfalls.

3. Council is open to considering all potential options you have outlined to address the water quality at the site. However, before dedicating considerable resources and capital budget to redirect or treat the stormwater at this site, we first need to understand in greater detail a range of variables including the impact of stormwater on the poor water quality results and how water moves within the bay to understand dispersal of contaminants. Council will also need to consider and approve any significant capital cost associated with a recommended mitigation option as part of the annual budget setting process.

Liz Quinn, Manager Environmental Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

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12.1 Van Morey Road, Margate

Cr Antolli submitted the following question on notice:

As a Margate-based Councillor, I have seen a crescendo of complaints over the past week about damage and severe rutting along the gravel section of Van Morey Road. Many residents have expressed a preference for sealing the road rather than costly and temporary re-gravelling, which

they feel is no longer effective and comes only after complaints. Could you please provide details on the council's plan to permanently seal Van Morey Road?

Officer's Response:

Council has no plans in the foreseeable future to seal Van Morey Road. In recent years there has been significant work undertaken on safety improvements to widen narrow sections, create passing bays, remove vegetation and improve sight lines.

Council has over 255 km of unsealed roads, equating to 46% of the entire road network, and it is an understandable preference for residents living on these roads for them to be sealed. The cost to seal a road (including the required reconstruction of the sub-base) is between \$1,500 and \$2,000 per metre. The sealing of any road requires a significant capital allocation and also creates an upgraded asset that impacts on depreciation costs. As a result of these factors, Council's capacity to seal new roads is extremely limited. Whilst it is acknowledged that the cost of maintaining a sealed road is less than a gravel road, this is far outweighed by the upfront capital expenditure.

In light of the above, there is a need to ensure that any sealing of new roads is done in a targeted and strategic manner. Work is progressing on the development of a policy to assist with this process.

Van Morey Road was impacted by heavy vehicle traffic associated with the recent bushfires in the Snug Tiers but has been re-graded in the last week to address resident concerns associated with its condition.

Daniel Smee, Acting Director Engineering Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 DA-2024-286 - DEVELOPMENT APPLICATION FOR RESIDENTIAL AGED CARE FACILITY (75 ROOMS), ASSISTED LIVING APARTMENTS (60), HAIRDRESSER, MEETING ROOM, CAFE, OFFICES AND ASSOCIATED WORKS AT 67 VILLAGE DRIVE, 41 ALFREDS GARDEN, KINGSTON AND ADJOINING VILLAGE DRIVE ROAD RESERVE

File Number: DA-2024-286
Author: Grace Paisley, Team Leader Statutory Planning
Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Christian Homes Tasmania Ltd
Owner:	Christian Homes Tasmania Ltd and Kamtone Pty Ltd
Subject Site:	67 Village Drive, 41 Alfreds Garden, Kingston and adjoining Village Drive road reserve (CT 186856/1, 176916/502, CT 28981/9 and CT 27779/10)
Proposal:	Residential aged care facility (75 rooms), assisted living apartments (60), hairdresser, meeting room, cafe, offices and associated works
Planning Scheme:	Kingborough Interim Planning Scheme 2015 <i>Assessment is based on KIPS2015 and provisions of PD8 (which commenced 22 Feb 2022)</i>
Zoning:	10.0 General Residential 11.0 Inner Residential 15.0 Urban Mixed Use 17.0 Community Purpose Zone 19.0 Open Space
Codes:	E1.0 Bushfire Prone Areas E2.0 Potentially Contaminated Land E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E11.0 Waterway and Coastal Protection E14.0 Scenic Landscapes E15.0 Inundation Prone Areas E24.0 Significant Trees
Use Class/Category:	Residential (Aged Care Facility and Retirement Village) Business and Professional Services (Offices) Community Meeting and Entertainment (Meeting room) Food Services (Café) General Retail and Hire (Hairdresser) Passive Recreation (use of Open Space Zone)

Discretions:	Clause 10.3.1 - Non-Residential Use (P1) Clause 10.3.1 - Non-Residential Use (P4) Clause 15.3.1 – Non-Residential Use (P1) Clause 15.4.1 – Building Height (P1) Clause 15.4.1 – Building Height (P2) Clause 15.4.2 – Setback (P1) Clause 15.4.2 – Setback (P2) Clause 15.4.3 – Design (P1) Clause 15.4.4 – Passive Surveillance (P1) Clause 15.4.5 – Landscaping (P1) Clause 15.4.5 – Landscaping (P2) Clause 15.4.9 – Environmental Values (P1) Clause 17.3.5 – Discretionary Use (P1) Clause 17.4.8 – Environmental Values (P1) Clause 19.3.1 – Hours of Operation (P1) Clause 19.3.5 – Discretionary Use (P1) Clause 19.4.3 – Landscaping (P2) Clause 19.4.5 – Environmental Values (P1) Clause E1.5.1 - Vulnerable Uses (P1) Clause E6.6.1 – Number of Car Parking Spaces (P1) Clause E5.5.1 – Existing road accesses and junctions (P3) Clause E10.7.1 - Buildings and works (P1) Clause E14.7.2 - Appearance of buildings and works within scenic landscape areas (P2) Clause F1.4.1.1 Location of Use (P1) Clause F1.5.1.1 Location of development (P1)
Public Notification:	Public advertising was undertaken between 15 February 2025 and 28 February 2025 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	44 objecting (one of which received after the public notification period) 2 supporting (one of which received after the public notification period)
Recommendation:	Approval, subject to conditions

1. PROPOSAL

1.1 Description of Proposal

The application proposes the use and development of the land at 67 Village Drive, Kingston for 'Pinnacle Village'. Pinnacle Village is proposed to contain a residential aged care facility, assisted living apartments, corporate hub (offices) and community hub (café, meeting room and hairdresser).

Uses

Use	Details	Hours of operation	Staff numbers
Residential Aged Care	75 room aged care facility containing individual rooms with ensuites. 15 of which	<ul style="list-style-type: none"> Staff 24/7 Emergency ambulance bay 24/7 	<ul style="list-style-type: none"> 24 staff in AM shift 14 staff in PM shift 6 staff in night shift.

Use	Details	Hours of operation	Staff numbers
	are dedicated dementia ward beds.	<ul style="list-style-type: none"> □ Visitation typically 10.00am – 4.00pm 7 days a week. 	Some crossover occurs between staffing for handovers. Additional 9 staff on weekdays in various administrative and management roles in standard business hours.
Assisted Living Apartments	60 Assisted Living Apartments consisting of 54 x 2-bedroom and 6 x 1-bedroom.	9.00am – 5.00pm for staff 7 days a week.	6 staff
Offices	Administration offices for the facility totalling 328sqm. Corporate office for Christian Homes Tasmania totalling 56sqm.	9.00am – 5.00pm Monday to Friday.	18 staff (car parking is calculated off of floor area for officers that are not directly associated and subservient irrespective of staff numbers)
Café	221sqm café (150sqm indoor + 71sqm outdoor dining terrace).	10.00am – 4.00pm 7 days a week (including public holidays).	1 staff (car parking is calculated off of floor area irrespective of staff numbers).
Hairdresser	13sqm open to the public.	9.00am – 5.00pm Monday – Saturday.	1 staff (car parking is calculated off of floor area irrespective of staff numbers).
Meeting room	Bookable community meeting room to be available for small, local public groups to use. Capacity of 20 people.	9.00am – 5.00pm Monday to Friday plus by request 5.00pm – 10.00pm.	2 reception staff that provide reception for whole of community hub (café, meeting room and hairdresser).
Maintenance	Gardening team	8.00am – 4.00pm Monday – Friday.	No details provided.

Buildings and Works

The application proposes the construction of 17,605sqm of buildings (inclusive of main buildings and maintenance shed). The main buildings are proposed to be clustered in the portion of the site zoned Urban Mixed Use which was previously occupied by the RSL buildings which were demolished. A maintenance shed is also proposed in the Open Space Zoned section of the site. To facilitate the development, the existing crossover onto the private section of Village Drive, a substation and terracing will be removed from the site.

The buildings are proposed in four 'wings' with the residential aged care facility contained in two wings on the eastern portion of the site that fronts the private section of Village Drive. The two assisted living apartment wings are proposed to be located at the rear of the aged care facility buildings. The community and corporate hubs are proposed to be located along the south of the wings (figure 1). The buildings would be stepped over various levels to work with the fall of the land with a maximum height of 11.797m and would be a maximum of 4 storeys at any point (including basement carparking).

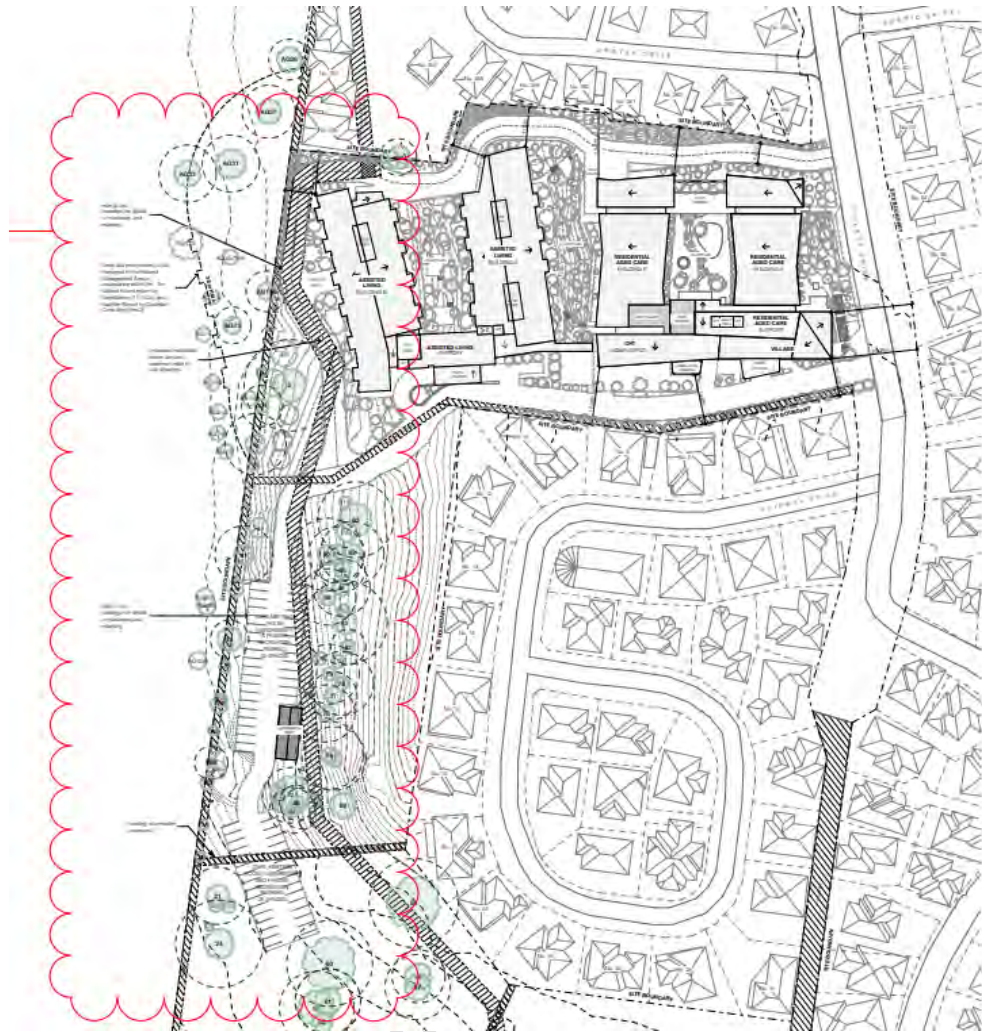


Figure 1: Partial site plan showing layout of the buildings within the site



Figure 2: Artist impression of development when viewed from Village Drive access

The buildings are proposed to be constructed in a mix of masonry and light weight cladding with Colorbond roofing (figure 2). Final colours have not been determined; however, the applicant has advised the colours are proposed to have a light reflectance value not greater than 40 percent.

A two-way access is proposed around the buildings and to the additional carparking area in the area of the site zoned Open Space.

The main buildings are proposed to have varying setbacks from the boundaries. The main buildings are proposed to have a minimum setback to the properties to the north of 9.93m whilst the minimum setback to the properties to the south is proposed to be 10.928m.

Due to the slope of the land, cut and fill of varying degrees is proposed. Retaining walls are proposed in some locations, most of which are located close to the property boundaries to facilitate the cut and fill required for the accessways. These vary in height up to 3.5m. The highest retaining wall is proposed along the accessway and close to the property boundary which adjoins the common property at the rear of 358 Argyle Drive, Kingston. This retaining wall would have a height of up to 3.5m to facilitate a site cut.

In addition to the main buildings and associated carparking, the proposal also includes a carparking area and maintenance shed on the southern portion (figure 1). The carparking area is proposed to accommodate a total of 62 carparking spaces associated with the café, meeting room, hairdresser and passive recreation (use of Open Space zoned land). The gardeners shed would have an area of 90sqm (6m x 15m) with a maximum height of 3.954m (figure 3). The carparking space next to the maintenance shed would also be used as a wash bay for the maintenance team.

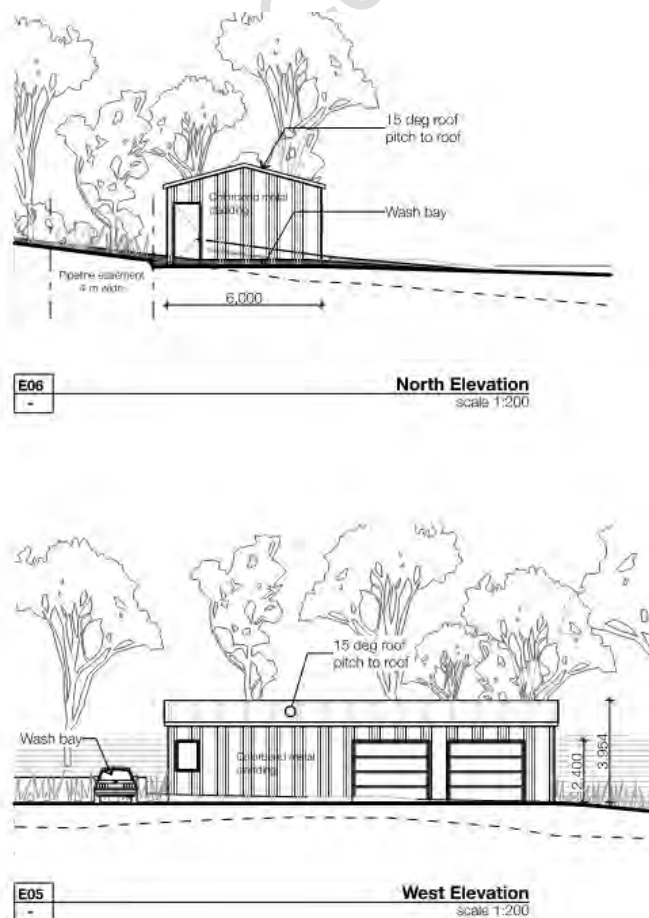


Figure 3: Elevation plans of proposed maintenance shed

Flora and fauna impacts

There are 175 native trees on and immediately adjacent to the development, 81 of which are of high-very high conservation value. Of these trees, the following are proposed for removal:

- 3 very high conservation value, including one potential nesting tree (*E. amygdalina* >70cm) and two are potential nesting and foraging trees (*E. ovata* >70cm);
- 8 high conservation value providing potential foraging habitat for the swift parrot (*E. ovata* >40cm);
- 42 native trees which are not of high conservation value.

Of these trees, 33 require removal for bushfire hazard management on the adjacent land (41 Alfreds Garden) and 20 require removal as they are in the footprint of the development on 67 Village Drive.

The development also encroaches into the tree protection zones of one (1) very high and four (4) high conservation value trees, with encroachment within the acceptable threshold of 10%.

In addition to individual trees, 67 Village Drive contains two native vegetation communities, including:

- 0.0118 ha of *Eucalyptus ovata* dry forest and woodland (DOV); and
- 0.5 ha of *Eucalyptus amygdalina* forest and woodland on sandstone (DAS).

These vegetation communities also extend onto the adjacent property (41 Alfreds Garden), which forms part of the subject site for bushfire hazard management purposes.

Based on revised calculations provided by North Barker (on behalf of the applicant) on 25 March 2025, the development has the following impacts on these vegetation communities:

- removal of 0.007 ha of DOV and 0.005 ha of DAS within the footprint of the proposed development on 67 Village Drive; and
- modification of 0.143 ha of DOV and 0.152 ha of DAS for bushfire hazard management, predominantly on 41 Alfreds Garden.

These vegetation communities are listed as threatened under the *Nature Conservation Act 2002* and are a high priority biodiversity values under the Biodiversity Code (E10.0).

Suitable habitat for the chaostola skipper (*Antipodia chaostola leucophaea*), the swift parrot (*Lathamus discolor*) and blue-winged parrot (*Neophema chrysostoma*) also occurs within the subject site.

The proposal also includes the retention and rehabilitation of 0.5 ha of DAS within 67 Village Drive as part of an on-site offset and the revegetation of ~1ha of riparian land containing high conservation value trees.

Access and Parking

The application proposes a total of 154 carparking spaces plus 1 emergency space. The carparking requirements based on the Scheme are provided below.

Use	Use Class	Area m ²	Parking Rate	Parking Required
			<i>Pursuant to E6.0 of the Kingborough Interim Planning Scheme 2015</i> <i>Parking required numbers have been rounded in accordance with requirements of E.60</i>	
Residential Aged Care	Residential (Residential Aged Care Facility)	75 licenced beds.	3 for every 10 licensed beds and 1 space for emergency services.	23 spaces plus 1 space for emergency services.
Total required for Residential Aged Care Facility:				24 (inclusive of 1 emergency)
Independent Living Apartments	Residential (Retirement Village)	60 Assisted Living Apartments consisting of 54 x 2-bedroom and 6 x 1-bedroom	1 space for each dwelling and 1 visitor space for every 4 dwellings.	75 spaces.
Total required for Independent Living Apartments:				75
Offices	Business and Professional Services	56sqm (administration associated with aged care is not calculated under business and professional services)	1 for each 30sqm of floor area	2 spaces.
Total required for Offices:				2
Café	Food Services	150sqm (it is acknowledged an additional 71sqm of outdoor area is proposed however this does not meet definition of floor area) Plans show 58 seats associated with café.	15 for each 100sqm of floor area or 1 space for each 3 seats, whichever is the greater.	23 spaces based on floor area calculation as it results in a greater requirement.
Total required for Café:				23
Hairdresser	General Retail and Hire	13sqm	1 for each 30sqm of floor area.	1
Total required for Hairdresser:				1
Meeting Room	Community Meeting and Entertainment	39sqm	1 for each 15sqm floor area or for each 3 seats whichever is the greater.	3
Total required for Meeting Room:				3
Use of open space	Passive Recreation	N/A	No requirement	0

Use	Use Class	Area m ²	Parking Rate	Parking Required
Total parking spaces required by the Scheme for whole development:				128 inclusive of 1 emergency space.
Total parking spaces proposed by applicant:				155 inclusive of 1 emergency space. * 62 of which are located in the area of the site zoned Open Space* Further discussion on this is included in the Parking and Access Code section of this report.

Signage

No signage has been proposed as part of this application. The applicant has advised signage will consist of wayfinding and naming of entities, however, a separate application for signage will be submitted once designs have been finalised.

Works in adjoining road reserve

The adjoining Council owned Village Drive road-reserve (CT 28981/9 and CT 27779/10) forms part of the application as the application proposes reticulated water connection works within the road reserve. Landowner consent from Council in accordance with Section 52 of the *Land Use Planning and Approvals Act 1993* was provided with the application.

Works on 41 Alfred Gardens

Although the main development is proposed on 67 Village Drive, Kingston, works are also proposed on the adjoining title at 41 Alfreds Gardens, Kingston. These works are limited to vegetation removal listed above and ongoing bushfire hazard management. It should be noted that an Aged Care Facility and Retirement Village are considered vulnerable uses under the Scheme for the purposes of assessment against the Bushfire Prone Areas Code of the Scheme.

1.2 Description of Site

The land subject to the application includes:

- 67 Village Drive, Kingston (CT 186856/1). This land is where the main development is proposed to occur.
- 41 Alfreds Garden, Kingston (CT 176916/502). This land is where vegetation removal and ongoing bushfire hazard management is proposed to occur.
- Village Drive road reserve (CT 28981/9 and CT 27779/10). This land is where the water main extension and connection is proposed to occur.

67 Village Drive, Kingston

The site at 67 Village Drive is shown in figure 4 below. It has an area of 5.221ha and is an internal lot with access onto Village Drive. The handle of the lot contains a private access which has right of ways over it to provide access to the surrounding strata developments. The site has three zones across it as shown in figure 5, including the

General Residential Zone (red), Urban Mixed Use Zone (grey) and Open Space Zone (green).

This lot previously contained the RSL buildings and associated infrastructure which were approved for demolition in 2020. The driveway and terracing of the site remain. The area of the site in the Open Space Zone is private land and is not open to the public as would normally be the case with land in this zone.

The site falls from the northeastern corner to the southwestern corner. The site contains native vegetation on the southwestern portion and a dam in the south.



Figure 4: Aerial image of 67 Village Drive, Kingston (CT 186856/1)

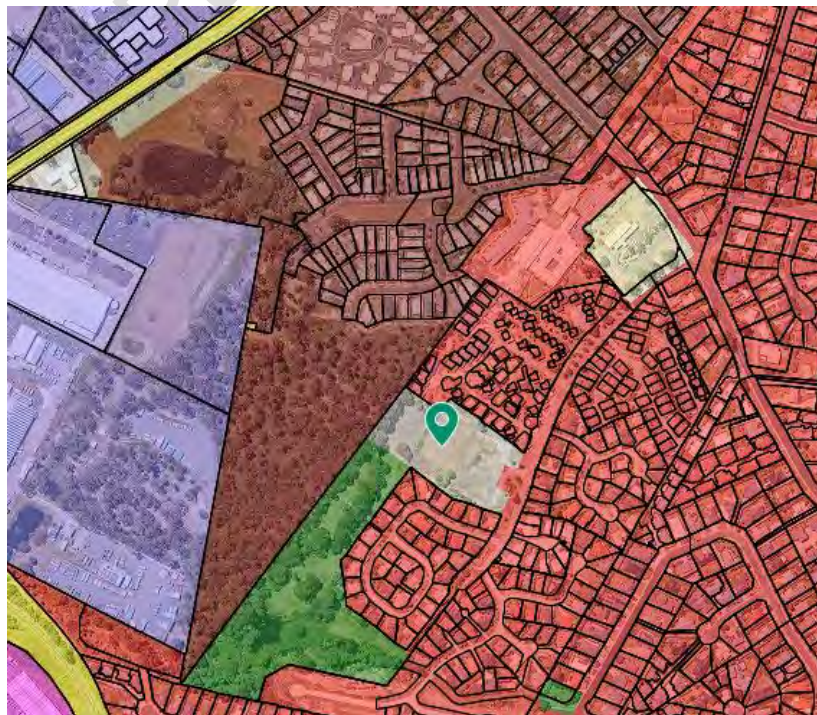


Figure 5: Zoning map of 67 Village Drive, Kingston and surrounds

41 Alfreds Gardens, Kingston

The site at 41 Alfreds Gardens is shown in figure 6 below. It has an area of 8.17ha and is dual zoned Inner Residential and Urban Mixed Use. The site is vacant and heavily vegetated with native vegetation in the wedge adjoining 67 Village Drive. A dam is located on the portion near the Channel Highway. This site is subject to the Kingston Green Specific Area Plan.



Figure 6: Aerial image of 67 Village Drive, Kingston (CT 176916/502)

Road reserve

Council's road reserve occupies approximately the first 75m of Village Drive from the roundabout. This area is considered a road as per the Scheme definition. The remainder of Village Drive is a private access forming part of the 67 Village Drive lot with rights of way across the land to provide rights of access for the surrounding strata developments.

1.3 Background

Council have record of the following approvals being issued for 67 Village Drive:

- DA2018-488 - alteration, additions & car parking
- DA2020-667 - demolition of existing buildings
- PSA2008-3 - rezoning of former RSL club
- SD001588 - 1 lot subdivision
- SD001745 - 2 lot subdivision
- STR2023-20 - cancellation of existing strata
- DAS2003-28 - boundary adjustment

Council have record of the following approvals being issued for 41 Alfreds gardens:

- PSA2014-5 - modification to clause 5.4.8.1

- DAS2006-91 - subdivision of 38 lots
- DAS2007-50 - subdivision of two lots & balance
- DAS2014-48 - subdivision - stage 4
- DAS2014-8 - boundary adjustment
- DAS2015-47 - subdivision
- DAS2020-6 - subdivision of 20 lots & balance
- DAS2024-3 - subdivision of 2 lots & balance

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:

Zone Purpose Statements of the General Residential, Inner Residential, Urban Mixed Use, Open Space and Community Purpose Zones

10.0 General Residential

The zone purpose statements of the General Residential Zone are to:

- 10.1.1.1 *To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*
- 10.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*
- 10.1.1.3 *To provide for the efficient utilisation of services.*
- 10.1.1.4 *To implement the Regional Settlement Strategy and the Greater Hobart Residential Strategy.*
- 10.1.1.5 *To encourage residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.*
- 10.1.1.6 *To encourage urban consolidation and greater housing choice through a range of housing types and residential densities.*

Comment:

The use and development of the land in the General Residential Zone is in accordance with the purpose statements as it is associated with a mixed use development that will provide mainly for residential uses of a different type than typical in the area, contributing to the range of residential uses. The non-residential uses will serve the local community, including the future residents of the residential but also of the surrounding strata developments. The site utilises a vacant site within an established area which is serviced.

12.0 Inner Residential

The zone purpose statements of the Inner Residential Zone are to:

- 11.1.1.1 *To provide for a variety of residential uses and dwelling types close to services and facilities in inner urban and historically established areas, which uses and types respect the existing variation and pattern in lot sizes, set back, and height.*
- 11.1.1.2 *To provide for compatible non-residential uses that primarily serve the local community.*
- 11.1.1.3 *To encourage residential development at higher densities in locations within walkable distance of services, facilities, employment and high frequency public transport corridors.*
- 11.1.1.4 *To encourage residential development at higher densities in locations that offer good access to services and employment including activity centres and public open spaces.*

Comment:

The use and development of the land in the Inner Residential Zone is in accordance with the purpose statements as it is associated with a mixed use development that will provide mainly for residential uses of a different type than typical in the area, contributing to the range of residential uses. The non-residential uses are low scale and compatible. These uses will serve the local community, including the future residents of the residential but also of the surrounding strata developments. The site utilises a vacant site within an established area which is serviced. Whilst the development is at a higher density that typically seen in the surrounding strata development this is in accordance with the purpose statements of the Inner Residential Zone.

15.0 Urban Mixed Use

The zone purpose statements of the Urban Mixed Use Zone are to:

- 15.1.1.1 *To provide for integration of residential, retail, community services and commercial activities in urban locations.*
- 15.1.1.2 *To encourage use and development at street level that generates activity and pedestrian movement through the area.*
- 15.1.1.3 *To provide for design that maximises the amenity at street level including considerations of microclimate, lighting, safety, and pedestrian connectivity.*
- 15.1.1.4 *To ensure that commercial use are consistent with the activity centre hierarchy.*
- 15.1.1.5 *To ensure development is accessible by public transport, walking and cycling.*

Comment:

The use and development of the land in the Urban Mixed Use Zone is in accordance with the purpose statements as it proposes a mixed use development that integrate residential and commercial in an urban location close to the Kingston CBD. Although an internal lot, the proposal has been architecturally designed to be compatible with the adjoining development. The use and development has considered the private access as a street and been designed to encourage pedestrian movement and ensure the development is accessible through the provision of a footpath.

17.0 Community Purpose

The zone purpose statements of the Community Purpose Zone are to:

- 17.1.1.1 *To provide for key community facilities and services where those facilities and services are not appropriate for inclusion as an associated activity within another zone.*
- 17.1.1.2 *To ensure land required for future public use is protected from inappropriate use or development.*
- 17.1.1.3 *To encourage multi-purpose, flexible and adaptable social infrastructure to respond to changing and emerging community needs.*

Comment:

The use and development of the land in the Community Purpose Zone is in accordance with the purpose statements as the only development in this zone is the water main works that will not detract or prevent the use of the land for community purposes.

19.0 Open Space

The zone purpose statements of the Open Space Zone are to:

- 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.*

Comment:

The use and development of the land in the Open Space Zone is in accordance with the purpose statements as the proposal includes the use of this portion of the land for passive recreation and will include embellishments to ensure an area that is currently weed infested and underutilised can be enjoyed for recreation and leisure. The carparking will enhance this by bringing people to a privately owned parcel of land and encouraging use of the area.

Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The only zones that impact the site and have Local Area Objectives and Desired Future Character Statements that are relevant to the assessment of this application are the General Residential Zone and Inner Residential Zone. These are outlined below.

10.0 General Residential Zone			
Local Area Objectives		Implementation Strategy	
(a)	Kingston will be primarily maintained as a residential area, with opportunities taken to protect natural features, improve local infrastructure and services when appropriate	(a)	New development should ensure that residential amenity is optimised by maintaining the existing character of the area and providing quality infrastructure where appropriate.

Desired Future Character Statements		Implementation Strategy	
(a)	Kingston is to include a mix of housing types that provide for a range of choices and affordability options.	(a)	While traditional suburban areas are to be retained as appropriate, multi-unit housing is to be directed towards those areas that are relatively close to central Kingston or other significant business or commercial precincts.
(b)	The ageing population should be well accommodated within Kingston enabling residents to have easy access to relevant services	(b)	Aged care facilities and associated housing and infrastructure are to be encouraged within appropriate areas.
(c)	The Kingston area is characterised by vegetated corridors and backdrops and this visual appearance should be protected.	(c)	The subdivision or development of land should be designed in a manner to protect or enhance vegetated corridors and backdrops.

Although the only part of the proposal located within the General Residential Zone is the water main connection and use of the access/parking, the proposal is considered to comply with the above-mentioned statements and objectives as these would facilitate a residential aged care development and associated uses that provide a mix of housing opportunities for the aging population.

11.0 Inner Residential Zone			
Local Area Objectives		Implementation Strategy	
(a)	Land will be utilised for residential purposes to the maximum extent and in a manner that optimises high quality design and amenity outcomes	(a)	Infill opportunities will be taken up with larger lots being developed at higher residential densities.
Desired Future Character Statements		Implementation Strategy	
(a)	Increased inner urban residential living opportunities will be provided that enable residents to have improved access to local services and public facilities.	(a)	Further subdivision and/or strata development will be encouraged within this zone in a manner that encourages high quality design outcomes in both the private and public realms.

Although the only part of the proposal located within the Inner Residential Zone is vegetation removal and bushfire hazard management, the proposal is considered to comply with the above-mentioned statements and objectives as these would facilitate a residential aged care development and associated uses that provide a mix of housing opportunities for the aging population.

2.3 Statutory Planning

The uses are categorised as Residential (Aged Care Facility and Retirement Village), Business and Professional Services (Offices), Community Meeting and Entertainment (Meeting room), Food Services (Café), General Retail and Hire (Hairdresser) and Passive Recreation (use of Open Space Zone). These have varying use statuses over the zones being either discretionary, permitted or no permit required as detailed in the table below. Irrespective of their use status, the application relies on Performance Criteria to comply with the Scheme provisions, and is therefore discretionary.

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*.

Use	Applicable Zone and Use Status
Residential (Aged Care Facility)	Urban Mixed Use (Discretionary) Inner Residential for vegetation removal and bushfire management (Discretionary) General Residential for access and water connection (Permitted) Community Purpose for water connection (Discretionary)
Residential (Retirement Village)	Urban Mixed Use (Discretionary) Inner Residential for vegetation removal and bushfire management (Discretionary) General Residential for access and water connection (Permitted) Community Purpose for water connection (Discretionary)
Business and Professional Services (Offices)	Urban Mixed Use (Permitted) General Residential for access and water connection (Discretionary in accordance with Special Provision 9.7) Community Purpose for water connection (Discretionary)
Food Services (Café)	Urban Mixed Use (Permitted) General Residential for access and water connection (Discretionary) Community Purpose for water connection (Discretionary) Open Space for carparking (Discretionary)
General Retail and Hire (Hairdresser)	Urban Mixed Use (Permitted) General Residential for access and water connection (Discretionary in accordance with Special Provision 9.7) Community Purpose for water connection (Discretionary) Open Space for carparking (Discretionary)
Community Meeting and Entertainment (Meeting Room)	Urban Mixed Use (Permitted) General Residential for access and water connection (Discretionary in accordance with Special Provision 9.7) Community Purpose for water connection (Permitted) Open Space for carparking (Discretionary)
Passive Recreation	Open Space Zone (No Permit Required)

Special Provision 9.7 Access and Provision of Infrastructure Across Land in Another Zone

Special Provision 9.7 of the Scheme enables Council to consider access and provision of infrastructure across land in another zone when it would ordinarily be prohibited, as discretionary. The Special Provision states:

If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions

of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:

- (a) whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;*
- (b) the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and*
- (c) the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.*

As mentioned above, the access and water main infrastructure associated with the main development in the Urban Mixed Use Zone are proposed in the General Residential Zone and Community Purpose Zone. The access and infrastructure associated with the uses proposed would normally be prohibited in these zones however is considered to comply with the above provision as follows:

- There is no practical and reasonable alternative for the access and infrastructure noting the site is an internal lot zoned Urban Mixed Use but surrounded by residential. To access the public infrastructure, the access and water main must pass through the proposed land.
- The water main is within Council's road reserve and in the verge of the internal access. The access is existing and the only possible access point for the lot without the purchase of adjoining land.
- No land use conflict is considered to arise from the water main.
- It is acknowledged that the use of the access would increase traffic on the internal access that is also utilised by the surrounding strata developments, however, the access is sufficient width and design to accommodate the traffic generated as outlined in the submitted TIA. The use of the access has been assessed against the non-residential use standards of the General Residential zone later in this report and is considered to comply.

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:

10.0 General Residential

Clause 10.3.1 – Non-Residential Use

Acceptable Solution
A1 - Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.
Performance Criteria
P1 – 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.
Proposal
Please note this standard is in relation to non-residential uses therefore does not consider the proposed hours of the aged care facility or assisted living apartments.

The non-residential uses are proposed to operate within the hours listed in the Acceptable Solution, except for the proposed meeting room that will operate 9.00am – 5.00pm Monday to Friday plus by request 5.00pm – 10.00pm

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

- A Noise Impact Assessment (Noise Vibration Consulting dated 9 January 2025) was submitted with the application as supporting documentation. The assessment demonstrates the proposed hours of operation would not have an unreasonable impact upon the residential amenity as detailed below:
 - The assessment states “noise measurements were conducted onsite at 67 Village Drive to determine existing ambient noise levels. A software noise model was constructed using mechanical services information from COVA and operational information from the proponent. Noise predictions from the software noise model determined that noise levels are likely to exceed the nighttime project criteria noise levels at the boundary of site and at the nearest residential receivers. It was identified that noise from fixed mechanical plant was the dominant noise source during nighttime at most of the site boundary. Recommendations were provided such that noise levels will achieve the requirements of the Scheme”.
 - The assessment states use of the meeting room is likely to include club meetings, training sessions, or small community events with a seating capacity of 20 people. The assessment concludes that as the size of the meeting room is relatively small, the number of potential vehicle movements generated is also small and predicted noise emissions from vehicles on site are expected to be below the day and nighttime criteria at all locations.
- The assessment was reviewed by Council’s Environmental Health Officer who is satisfied with the recommendations of the assessment.
- Conditions have been recommended to ensure compliance with the recommendations of the assessment.
- The majority of the uses are proposed to operate throughout standard daytime business hours such as the café, offices, hairdresser and gardening team. Whilst the meeting room is proposed to operate until 10.00pm, this is only by booking Monday – Friday and is not expected to be in operation until 10.00pm every day.
- In terms of commercial vehicle movements, the application proposes restricting these to 7.00am to 5.00pm Monday to Friday, 8.00am to 5.00pm Saturdays and 9.00am to 12.00pm Sundays and public holidays. This complies with the Acceptable Solution A4 of Clause 15.3.1 – Non-Residential Use which relates to hours of commercial vehicle movements.
- It is not expected there would be any other emissions in the area zoned General Residential that would have an unreasonable impact upon the residential amenity.

10.0 General Residential

Clause 10.3.1 – Non-Residential Use

Acceptable Solution

A4 - Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:

- (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;

(b) 9.00 am to 12 noon Saturdays; (c) nil on Sundays and Public Holidays.
Performance Criteria
<p>P4 – Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the time and duration of commercial vehicle movements; (b) the number and frequency of commercial vehicle movements; (c) the size of commercial vehicles involved; (d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise); (e) noise reducing structures between vehicle movement areas and dwellings; (f) the level of traffic on the road; (g) the potential for conflicts with other traffic.
Proposal
<p>Please note this standard is in relation to non-residential uses therefore does not consider the proposed hours of the commercial vehicle movements associated with the aged care facility or assisted living apartments.</p> <p>Commercial vehicle movements are proposed to be between 7.00am to 5.00pm Monday to Friday, 8.00am to 5.00pm Saturdays and 9.00am to 12.00pm Sundays and public holidays which is outside the Acceptable Solution for Sundays and Public Holidays.</p>

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

- A Noise Impact Assessment (Noise Vibration Consulting dated 9 January 2025) was submitted with the application as supporting documentation. The assessment demonstrates the proposal would not have an unreasonable impact upon the residential amenity as detailed below:
 - The assessment states “noise measurements were conducted onsite at 67 Village Drive to determine existing ambient noise levels. A software noise model was constructed using mechanical services information from COVA and operational information from the proponent. Noise predictions from the software noise model determined that noise levels are likely to exceed the nighttime project criteria noise levels at the boundary of site and at the nearest residential receivers. It was identified that noise from fixed mechanical plant was the dominant noise source during nighttime at most of the site boundary. Recommendations were provided such that noise levels will achieve the requirements of the Scheme”.
 - The assessment concludes that with the recommendations outlined in the assessment, noise levels are predicted to be compliant with the Scheme and the Tasmanian Noise Regulations.
- The hours proposed for the commercial vehicle movements are largely within the hours listed in the Acceptable Solution, except that the proposal includes commercial vehicle movements on Sundays and public holidays which are not permitted under the Acceptable Solution. Given this standard is not in relation to the commercial vehicles from the aged care facility and assisted living apartments, the number of commercial vehicle movements associated with the other uses that would occur on Sundays and public holidays is expected to be low.

- The loading and unloading would occur entirely within the site with no potential for conflict with other traffic. In terms of conflict with other vehicles internally within the site, the Village Drive access is adequate in width to accommodate commercial vehicles, even when reduced to one lane due to parking and the development has been designed with two-way access.

15.0 Urban Mixed Use

Clause 15.3.1 – Non-Residential Use

Acceptable Solution
A1 – Hours of operation must be within: (a) 7.00 am to 9.00 pm Mondays to Fridays inclusive; (b) 8.00 am to 6.00 pm Saturdays; (c) 9.00 am to 5.00 pm Sundays and Public Holidays; except for office and administrative tasks or visitor accommodation.
Performance Criteria
P1 – 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.
Proposal
Please note this standard is in relation to non-residential uses therefore does not consider the proposed hours of the aged care facility or assisted living apartments. The non-residential uses are proposed to operate within the hours listed in the Acceptable Solution, except for the proposed meeting room that will operate 9.00am – 5.00pm Monday to Friday plus by request 5.00pm – <u>10.00pm</u>

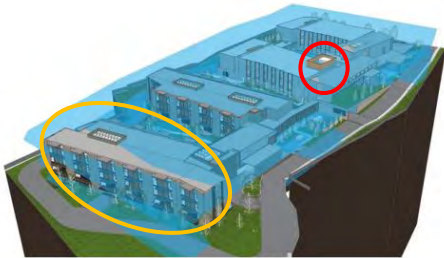
The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- A Noise Impact Assessment (Noise Vibration Consulting dated 9 January 2025) was submitted with the application as supporting documentation. The assessment demonstrates the proposed hours of operation would not have an unreasonable impact upon the residential amenity as detailed below:
 - The assessment states “noise measurements were conducted onsite at 67 Village Drive to determine existing ambient noise levels. A software noise model was constructed using mechanical services information from COVA and operational information from the proponent. Noise predictions from the software noise model determined that noise levels are likely to exceed the nighttime project criteria noise levels at the boundary of site and at the nearest residential receivers. It was identified that noise from fixed mechanical plant was the dominant noise source during nighttime at most of the site boundary. Recommendations were provided such that noise levels will achieve the requirements of the Scheme”.
 - The assessment concludes that with the recommendations outlined in the assessment, noise levels are predicted to be compliant with the Scheme and the Tasmanian Noise Regulations. The assessment states the proposed hours of operation and noise levels therefore comply with Clause 15.3.1 P1 of the Kingborough Interim Planning Scheme 2015. The recommendations relate to screening of the mechanical plant equipment.
- The assessment was reviewed by Council’s Environmental Health Officer who is satisfied with the recommendations of the assessment.

- Conditions have been recommended to ensure compliance with the recommendations of the assessment.
- The majority of the uses are proposed to operate throughout standard daytime business hours such as the café, offices, hairdresser and gardening team. Whilst the meeting room is proposed to operate until 10.00pm, this is only by booking Monday – Friday and is not expected to be in operation until 10.00pm every day. It is also noted that the meeting room would be permitted to operate until 9.00pm under the Acceptable Solution.
- In terms of commercial vehicle movements, the application proposes restricting these to 7.00am to 5.00pm Monday to Friday, 8.00am to 5.00pm Saturdays and 9.00am to 12.00pm Sundays and public holidays. This complies with the Acceptable Solution A4 of Clause 15.3.1 – Non-Residential Use which relates to hours of commercial vehicle movements.
- External lighting is proposed to comply with the relevant standards of the Scheme and will be baffled to ensure no light spill to adjoining properties.
- It is not expected there would be any other emissions that would have an unreasonable impact upon the residential amenity.

15.0 Urban Mixed Use

Clause 15.4.1 – Building Height

Acceptable Solution
A1 – Building height must be no more than: 10 m.
Performance Criteria
<p>P1 – Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the scale of nearby buildings;</p> <p>(c) not unreasonably overshadow adjacent public space;</p> <p>(d) allow for a transition in height between adjoining buildings, where appropriate;</p> <p>(e) be no more than 12 m.</p>
Proposal
<p>The proposal exceeds the 10m height in the locations shown in the drupe below.</p>  <p>The proposal includes a maximum height of approximately 11.797m in the area circled in red above and a height of approximately 11.047m in the area circled orange above.</p>

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

- There are no Desired Future Character Statements provided within the Urban Mixed Use Zone.
- In regard to compatibility with the scale of nearby buildings, compatible is not a defined term in the Scheme, therefore the ordinary meaning applies. The Macquarie Dictionary defines compatible as capable of existing together in harmony. The Scheme requiring the proposal to be compatible with the scale of nearby buildings, does not mean the proposal is required to match the scale of nearby buildings.
- To demonstrate compatibility, the application is supported by detailed elevation and section drawings that show where the proposed additional height above the 10m allowed under the Acceptable Solution is proposed and detail how the building has been designed to be compatible with adjoining development. The highest sections of the building have been located towards the middle and rear of the development to ensure the highest sections have greater setbacks from existing dwellings. The building has then been designed to transition to the single storey dwellings nearby as shown in figures 7 and 8 below. By stepping the design of the building and proposing the accessways along the outskirts of the buildings, it is considered the building height will be compatible with the surrounding development.

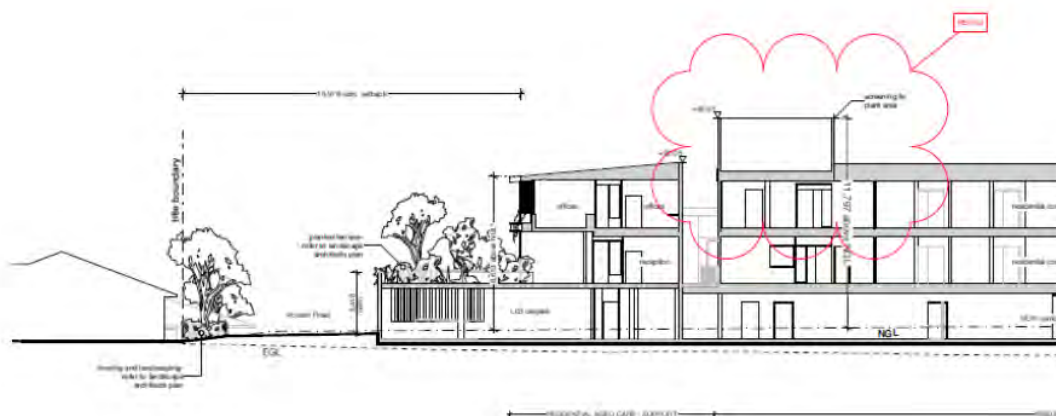


Figure 7: Cross section of proposed development showing stepping of building to the highest point circled in red in reference to the adjoining single storey dwelling

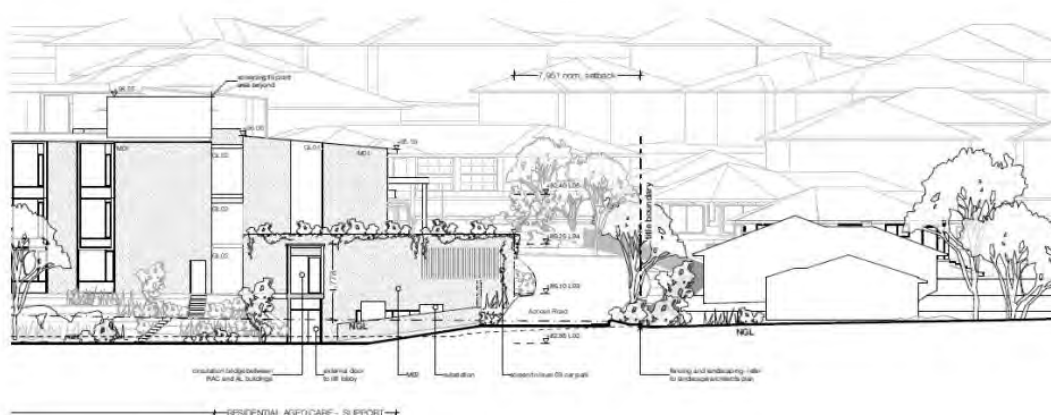


Figure 8: Elevation showing context of proposed development adjacent to existing buildings.

- Point (c) of the performance criteria relates to overshadowing of adjacent public spaces. The site does not adjoin any public spaces (noting although some of the site is zoned Open Space it is technically private land) therefore there would be no

overshadowing on public spaces. Whilst not referenced in the performance criteria, the applicant did provide shadow diagrams of impacts on adjoining private land which demonstrates none of the adjoining dwellings would be unreasonably overshadowed between 9.00am – 3.00pm on 21 June.

- As shown in figures 7 and 8 above, the building has been designed to transition from the single storey form of adjoining dwellings by locating the highest sections of the building within the middle of the site and to the rear which adjoins vacant land.
- The proposal would not exceed the 12m stated in point (e) as shown in figure 9 below.



Figure 9: 12m drape over proposed development

15.0 Urban Mixed Use

Clause 15.4.1 – Building Height

Acceptable Solution
A2 – Building height within 10 m of a residential zone must be no more than 8.5 m.
Performance Criteria
P2 – Building height within 10 m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.
Proposal
The western portion of the building is setback approximately 8.8m from the adjoining Inner Residential zoned land and is proposed to exceed 10m in height.

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

- The area exceeding the height allowed under the Acceptable Solution is the western portion of the building which is the section that adjoins the vacant Inner Residential zoned land that does not contain any existing buildings therefore there is no building height to be compatible with on that lot.
- The sections of the building that are within 10m of the General Residential Zone which do contain existing dwellings do not exceed the 8.5m height allowed under the Acceptable Solution. Irrespective, the development has been designed to

locate the lowest sections of the buildings closest to the existing dwellings in the General Residential Zone to ensure the proposal is compatible with the primarily single storey height of existing dwellings as shown in figure 7 and 8.

15.0 Urban Mixed Use

Clause 15.4.2 – Setback

Acceptable Solution
<p>A1 – Building setback from frontage must be parallel to the frontage and must be no more than:</p> <ul style="list-style-type: none"> (a) 3 m, if fronting Channel Highway. (b) nil m, if fronting any other street.
Performance Criteria
<p>P1 – Building setback from frontage must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be consistent with any Desired Future Character Statements provided for the area; (b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape; (c) enhance the characteristics of the site, adjoining lots and the streetscape; (d) provide for small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created; (e) provide for large variations in building alignment only where appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.
Proposal
<p>As 67 Village Drive is an internal lot, it is not possible for the buildings to comply with the setbacks listed in the Acceptable Solution.</p>

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

- There are no Desired Future Character Statements provided for the area within the Urban Mixed Use Zone.
- It is important to note the Performance Criteria is considering the setback from the frontage which is where 67 Village Drive meets Councils road reserve at the access handle, not where the buildings front the internal Village Drive access.
- Additionally, streetscape is a defined term in the Scheme. It is defined as the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape with respect to a particular site, the above factors are relevant if within 100 m of the site.
- The setback of the building to the technical frontage is compatible with the setback of existing buildings given the building is proposed to be located to the rear of existing buildings fronting the Council roads and therefore not changing characteristics of the streetscape or the frontage setbacks.

- A large variation to the setback requirements is proposed therefore point (d) is not relevant. The large variation can be supported given the lot is an internal lot and the variation does provide for a forecourt space for visitors to the site, in the form of the café breakout and landscaped area. This area is afforded passive surveillance from the proposed buildings which includes windows proposed to overlook the area plus from the internal access and surrounding dwellings.
- Although not technically considered under the Performance Criteria, it is considered the setback of the building internally to the Village Drive access is compatible with the existing buildings on adjoining properties with the buildings proposed to essentially match the setbacks the dwellings as shown in figure 10 below.



Figure 10: Red line measured from dwellings on adjoining properties showing proposed development matches the setbacks to the internal access

15.0 Urban Mixed Use

Clause 15.4.2 – Setback

Acceptable Solution

A2 – Building setback from the General Residential or Inner Residential Zone must be no less than:

- 3 m; or
- half the height of the wall,

whichever is the greater.

Performance Criteria

P2 – Building setback from the General Residential or Inner Residential Zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:

- overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;
- overlooking and loss of privacy;
- visual impact when viewed from adjoining lots, taking into account aspect and slope.

Proposal

Although the main buildings comply with the acceptable solution, there are retaining walls proposed within 3m of the General Residential Zone.
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The proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The applicant submitted shadow diagrams showing the extent of shadow expected to be cast by the development on adjoining properties on 21 June. The diagrams demonstrate that in the morning on 21 June there would be some shadow cast on the properties to the south in Fairway Drive, however by 12.00pm the shadow will only impact a small corner of the backyard at 10 Fairway Drive. The shadow diagrams demonstrate that the proposal will not result in overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots that cause less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours.
- The setbacks proposed would not result in an unreasonable adverse impact on residential amenity through overlooking and loss of privacy given the main buildings comply with the setbacks listed in the Acceptable Solution, it is only the retaining walls that do not. The retaining walls whilst located close to the property boundaries would largely be cut into the site further reducing any potential overlooking and privacy issues caused by use of the proposed access. In particular, the highest retaining wall with a maximum height of 3.5m would be cut in which would assist in overlooking and privacy to adjoining properties.
- In regard to visual impacts, the main buildings comply with the setback in the Acceptable Solution and have also been designed to step down the site to reduce the overall bulk and scale of the development. The buildings have also been architecturally designed, avoid large expanses of blank walls where possible through the use of glazing and have been located to minimise visual impacts by proposing the buildings in wings rather than one building. The retaining walls are largely cut in with the highest retaining wall associated with fill proposed to only have a maximum height of 1m high.

15.0 Urban Mixed Use

Clause 15.4.3 – Design

Acceptable Solution

- | |
|--|
| <p>A1 – Building design for non-residential use must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade; (d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces; (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; (f) provide awnings over the public footpath if existing on the site or on adjoining lots; |
|--|

(g) not include security shutters over windows or doors with a frontage to a street or public place.
Performance Criteria
<p>P1 – Building design must enhance the streetscape by satisfying all of the following:</p> <ul style="list-style-type: none"> (a) provide the main access to the building in a way that addresses the street or other public space boundary; (b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces; (c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space; (d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street; (e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact; (f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints; (g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible; (h) be consistent with any Desired Future Character Statements provided for the area
Proposal
<p>As the site is an internal lot, the main access to the building is unable to be designed to have it clearly visible from a road as defined in the Scheme or publicly accessible areas on the site (as the site is private land) and therefore does not comply with Acceptable Solution. The glazing percentage also does not comply with the Acceptable Solution.</p>

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

- As mentioned earlier in the report, streetscape is a defined term in the Scheme. It is defined as *the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape with respect to a particular site, the above factors are relevant if within 100 m of the site.* The definition of streetscape is considering the relationship of the building to a road frontage. As 67 Village Drive is an internal lot, the proposed development has no impact on the streetscape of the road section of Village Drive.
- Irrespective of it not being a requirement, the building has still been designed to address the internal access portion of Village Drive as if it were a road. This has been done by providing the main access to the buildings adjacent to the access. The publicly accessible uses such as the café, meeting room and hairdresser have been located in the 'front' section of buildings in what is shown as the village on the site plan. The buildings are proposed to have extensive glazing that would overlook the Village Drive accessway as well as the proposed access around the buildings. The design includes very limited expanses of blank wall as shown in the elevations. The mechanical plant and rooftop infrastructure is proposed to be

screened. The building does not adjoin a public footpath therefore an awning is not required. No shutters are proposed and there are no Desired Future Character Statements provided for the Urban Mixed Use zone.

15.0 Urban Mixed Use

Clause 15.4.4 – Passive Surveillance

Acceptable Solution
<p>A1 – Building design for non-residential uses must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park.
Performance Criteria
<p>P1 – Building design must provide for passive surveillance of public spaces by satisfying all of the following:</p> <ul style="list-style-type: none"> (a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces; (b) locate windows to adequately overlook the street and adjoining public spaces; (c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa; (d) locate external lighting to illuminate any entrapment spaces around the building site; (e) provide external lighting to illuminate car parking areas and pathways; (f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces; (g) provide for sight lines to other buildings and public spaces.
Proposal
<p>As the site is an internal lot, the main access to the building is unable to be designed to have it clearly visible from a road as defined in the Scheme or publicly accessible areas on the site (as the site is private land) and therefore does not comply with Acceptable Solution. The glazing percentage also does not comply with the Acceptable Solution.</p>

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

- As 67 Village Drive is a privately owned internal lot, there is technically no public spaces within the site. Irrespective of this, the development has been designed to ensure passive surveillance of the accesses which essentially act as streets.

- The main access to the building would be clearly visible from the Village Drive accessway and surrounding residential buildings. The main access is proposed directly adjacent to Village Drive accessway.
- The building design includes extensive glazing on all sides that would overlook the accesses and car parking around the site and also ensure pedestrians visiting the site can see into the building and vice versa. In particular, the main entry, administration areas and cafe have been sited adjacent to the Village Drive accessway to encourage views to and from the building.
- External lighting has been proposed around the building and of the parking and pathway areas, including security lighting that will illuminate any potential entrapment spaces. External lighting has been included in the condition requiring an amended plan to ensure that this is adequately provided.
- Adequate sight lines are provided between the proposed buildings and surrounding dwellings and internal Village Drive accessway.

15.0 Urban Mixed Use

Clause 15.4.5 – Landscaping

Acceptable Solution
<p>A1 – Landscaping along the frontage of a site is not required if all of the following apply:</p> <ul style="list-style-type: none"> (a) the building extends across the width of the frontage, (except for vehicular access ways); (b) the building has a setback from the frontage of no more than 1 m.
Performance Criteria
<p>P1 – Landscaping must be provided to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) enhance the appearance of the development; (b) provide a range of plant height and forms to create diversity, interest and amenity; (c) not create concealed entrapment spaces; (d) be consistent with any Desired Future Character Statements provided for the area.
Proposal
<p>The frontage of the site is where the access handle meets the Council road reserve for Village Drive. As the frontage is unable to contain a building that extends across it due to the access and no additional landscaping has been proposed at this point of the site, the proposal is unable to comply with the Acceptable Solution.</p>

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

- The application is supported by a Landscape Concept Plan prepared by Playstreet Landscape Architects. The plan shows extensive landscaping around the main development site as shown in figures 11 and 12 below. The landscaping proposed would enhance the appearance of the development through the use of a mixture of native and exotic species. The plantings include trees, groundcovers, grasses and shrubs.
- The plan includes landscaping along the boundaries with the residentially zoned land to soften and enhance the appearance of the development when viewed from adjoining properties.

- No landscaping has been proposed on the technical frontage given the frontage is developed with an existing accessway which includes an avenue of street trees and grass verges. The plan does however propose extensive landscaping between the main buildings and the Village Drive access which effectively acts as an internal frontage. This includes a footpath along Village Drive, ramped accesses, plantings and café breakout space.
- A condition has been recommended requiring a finalised landscaping plan to be submitted prior to commencement of works. The plan will be required to ensure no concealed entrapment spaces are proposed and must cover the entire site.



Figure 11: Landscape Concept Plan



Figure 12: Proposed landscape look and feel

15.0 Urban Mixed Use

Clause 15.4.5 – Landscaping

Acceptable Solution
A2 – Along a boundary with the General Residential Zone or Inner Residential Zone landscaping must be provided for a depth no less than: 2 m.
Performance Criteria
P2 – Along a boundary with the General Residential Zone or Inner Residential Zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in the General Residential Zone or Inner Residential Zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zoned land.
Proposal
The Landscape Concept Plan includes extensive landscaping along boundaries adjoining the General Residential and Inner Residential zoned land, however, it is not 2m deep in all places due to the proposed access therefore the proposal does not comply with the Acceptable Solution.

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

- The application is supported by a Landscape Concept Plan prepared by Playstreet Landscape Architects. The plan shows extensive landscaping around the main development site as shown in figure 11 and 12 above. The landscaping proposed would enhance the appearance of the development through the use of a mixture of native and exotic species. The plantings include trees, groundcovers, grasses and shrubs.
- The landscape plan prepared by PlaySt that has been prepared following consultation with the adjacent neighbours to provide landscaping to screen and soften the proposed development and avoid unreasonable adverse impact on the visual amenity of the adjoining properties in residential zones.
- A condition has been recommended requiring a finalised landscape plan to be submitted. It is noted that applicant has advised they are open to continuing to work with neighbours to provide landscaping that satisfies neighbour requirements.

15.0 Urban Mixed Use

Clause 15.4.9 – Environmental Values

Acceptable Solution
A1 – No environmental values will be adversely impacted.
Performance Criteria
P1 – The design, location and construction of all buildings and works must satisfy all of the following: <ul style="list-style-type: none"> (a) avoids, minimises and mitigates adverse environmental impacts; (b) offsets impacts on trees of high conservation value.
Proposal
There are 16 trees within the Urban Mixed Use Zone (67 Village Drive). Of these trees, 4 are of high-very high conservation value, with 2 high conservation value trees proposed for removal (Trees 96 and 102). The development also encroaches into the

tree protection zone of Tree 5, which is a very high conservation value tree. A further 8 trees of non-high conservation value are also proposed for removal in the Urban Mixed Use Zone. The development within the Urban Mixed Use also has the potential to create a collision risk and impact on birds, including the threatened swift parrot and blue-winged parrot. As the development impacts on environmental values, it requires assessment against the Performance Criteria.

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

- The development has been designed to minimise the extent of tree removal to the extent practicable within the scope of the development, with:
 - 2 trees of high conservation value and 6 trees of non-high conservation value proposed for retention and 2 trees of high conservation value and 8 trees of non-high conservation value proposed for removal; and
 - works redesigned to reduce encroachment into tree protection zones and enable retention of Tree 5.
- The loss of high conservation value trees can be offset through a financial contribution. It should be noted that the Natural Values Assessment (NVA) (North Barker Ecosystem Services, v1.4, 5 February 2024) considers that trees retained within the southern part of the site in the Open Space Zone could be set aside to offset the loss of trees within the Urban Mixed Use Zone. However, Council’s Biodiversity Offset Policy 6.10 (November 2023) requires a per tree financial contribution for the loss of these trees.
- A collision risk analysis (ECOtas, 6 December 2024) was submitted in response to a further information request and includes recommended mitigation measures in relation to the northwest elevations to minimise collision risk. Amended plans were submitted that include these mitigation measures.
- Conditions are recommended for inclusion in any permit issued approving the proposed tree removal, requiring civil drawings to demonstrate remaining high conservation value trees in proximity to works are capable of retention, requiring implementation of tree protection measures before and after construction, requiring an offset for the loss of 2 high conservation value trees, requiring retention of all remaining trees unless otherwise approved by Council and requiring implementation of swift parrot mitigation measures.

17.0 Community Purpose
Clause 17.3.5 – Discretionary Use

Acceptable Solution
A1 – No Acceptable Solution.
Performance Criteria
P1 – A use listed as discretionary, except if located within the area shown in Figure 17.1.2, must complement and enhance the use of the land for community purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use.
Proposal
Although only infrastructure works proposed in this zone, they are associated with discretionary uses.

The proposed variation can be supported pursuant to this Performance Criteria of the Zone because it is considered the proposal cannot satisfy the above Performance Criteria and therefore the provision of the water main within the road reserve that is zoned Community Purpose is assessed in accordance with Special Provision 9.7 as outlined earlier in this report.

17.0 Community Purpose Zone

Clause 17.4.8 – Environmental Values

Acceptable Solution
A1 – No trees of high conservation value will be adversely impacted.
Performance Criteria
P1 – Buildings and works are designed and located to avoid, minimise, mitigate and offset impacts on trees of high conservation value.
Proposal
There are 22 trees within the Community Purpose Zone at 35 Redwood Road, including 10 high-very high conservation value trees (Trees 1-3, 6-8, 13, 17, 21 and 22). The installation of water infrastructure within Village Drive and the Community Purpose Zone encroaches into the tree protection zones of 1 high and 1 very high conservation values tree. As the proposal will impact on high-very conservation value trees, it requires assessment against the Performance Criteria. An assessment is provided below.

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

- All high conservation value trees within the Community Purpose Zone are proposed for retention.
- Encroachment is limited to 2 trees, with the encroachment within the tolerable threshold under AS 4970-2009.
- No offsets are required as all high and very high conservation value trees can be retained.

Conditions are recommended for inclusion in any permit issued requiring civil drawings to demonstrate encroachment into tree protection zones of high conservation value trees in proximity does not exceed 10%, requiring retention of all trees within the Community Purpose Zone and requiring implementation of tree protection measures during construction.

19.0 Open Space

Clause 19.3.1 – Hours of Operation

Acceptable Solution
A1 – Hours of operation of a use within 50 m of a residential zone must be within: <ul style="list-style-type: none"> (a) 8.00 am to 6.00 pm Mondays to Saturdays inclusive; (b) 10.00 am to 4.00 pm Sundays and Public Holidays; except for office and administrative tasks.
Performance Criteria
P1 – Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone

through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.
Proposal
The car parking associated with the meeting room is proposed within the Open Space Zone which is proposed to operate outside the hours listed in the Acceptable Solution.

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

- The only part of the use proposed to operate within the Open Space zone is the car parking.
- As mentioned earlier in the report, a Noise Impact Assessment (Noise Vibration Consulting dated 9 January 2025) was submitted with the application as supporting documentation. The assessment demonstrates the proposed hours of operation would not have an unreasonable impact upon the residential amenity as detailed below:
 - The assessment states “noise measurements were conducted onsite at 67 Village Drive to determine existing ambient noise levels. A software noise model was constructed using mechanical services information from COVA and operational information from the proponent. Noise predictions from the software noise model determined that noise levels are likely to exceed the nighttime project criteria noise levels at the boundary of site and at the nearest residential receivers. It was identified that noise from fixed mechanical plant was the dominant noise source during nighttime at most of the site boundary. Recommendations were provided such that noise levels will achieve the requirements of the Scheme”.
 - The assessment also makes specific reference to noise levels from cars accessing the carpark within the Opens Space Zone and states the levels are predicted to be compliant with the Scheme and the Tasmanian Noise Regulations. The assessment states the proposed hours of operation and noise levels therefore comply with Clause 19.3.1 P1 of the Kingborough Interim Planning Scheme 2015.
- The assessment was reviewed by Council’s Environmental Health Officer who is satisfied with the recommendations of the assessment.
- Conditions have been recommended to ensure compliance with the recommendations of the assessment.

19.0 Open Space

Clause 19.3.5 – Discretionary Use

Acceptable Solution
A1 – No Acceptable Solution.
Performance Criteria
P1 – 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.
Proposal
There is Acceptable Solution for this standard and the application proposes car parking associated with the café, hairdresser and meeting room in the portion of the site zoned Open Space. These uses are discretionary in the Open Space Zone. It is

noted the car parking is also proposed in association with passive recreation use of the land, however, this is a no permit required use in the Open Space Zone.

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

- Although car parking associated with discretionary uses is proposed in the Open Space Zone, the buildings containing the uses are proposed to be located within the Urban Mixed Use Zone to minimise the impacts the discretionary uses have on the land zoned Open Space.
- To justify compliance with the Performance Criteria and that the carparking complements and enhances the use of the Open Space zoned land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use, the application proposes the use of the land zoned Open Space for passive recreation in addition to the car parking. Use of the land for passive recreation is a No Permit Required use in the Open Space Zone. This use of passive recreation will enable visitors to the privately owned site to use the open space for leisure and recreation such as walking, bird watching and general enjoyment of the outdoors. These visitors will largely be generated by people using the facilities of the mixed use development such as the café.
- It should be noted that the site is privately owned therefore public use of the Open Space zone is currently not permitted. It is unusual to have a site that is zoned Open Space in private ownership, however, the proposal will achieve compliance with the standard as although the land is private, the applicant is proposing visitors will be permitted to the site.
- The car parking has been carefully designed to minimise and avoid disturbance to trees and the natural landscape. The car parking will complement the proposed passive recreation use of this area for leisure and recreation as it will enable people to visit the facilities proposed and then enjoy use of the open space. For example, visiting the café, hairdresser or having a meeting on the site then walking around the open space whilst enjoying a coffee.
- There are 62 spaces proposed within the land zoned Open Space, however, to meet the Scheme requirements for the uses the parking is proposed to be associated with, only 27 spaces are required. This means there is the inclusion of an additional 35 spaces within the area zoned Open Space that are not required by the Scheme. Given the parking must enhance the use of the land for passive recreation to comply with the performance criteria, it is considered reasonable to condition amended plans that reduce the size of the car park to only the necessary number of parking spaces required under the Scheme, rather than allow an additional 35 spaces that further reduce the land available for passive recreation. The condition will effectively remove the second carpark in the Open Space Zone and in turn ensure the discretionary uses are enhancing the passive recreation use in accordance with the requirements of the Performance Criteria.
- To further justify that the proposed discretionary uses are enhancing the passive recreation use, a condition has also been recommended requiring the landscape plan to include enhancements/improvements in the area proposed to be used for passive recreation so that it can be used for informal leisure and recreation such as seating, paths and shade structures.

19.0 Open Space**Clause 19.4.3 – Landscaping**

Acceptable Solution
A2 – Along a boundary with a residential zone landscaping must be provided for a depth no less than 2 m.
Performance Criteria
P2 – Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to the characteristics of the site and the characteristics of the adjoining residentially-zoned land.
Proposal
No landscaping has been shown along the boundaries between the Open Space Zone and residential zones.

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

- The Landscape Concept Plan does not show any landscaping along the boundaries between the Open Space Zone and residential zones. A condition has been recommended requiring a finalised landscape plan to be submitted. The condition requires the plan to also show the area of Open Space zoned land and any improvements/landscaping.
- However, additional landscaping within the area will be limited due to maintaining existing native vegetation which already provides amenity to adjoining residential land. It is also noted that part of this area of the site is to be maintained as an offset for the proposed vegetation removal. The landscaping plan will ensure that the area can be used as an enjoyable area of open space whilst still meeting the biodiversity offset requirements of the Scheme.

19.0 Open Space**Clause 19.5.5 – Environmental Values**

Acceptable Solution
A1 – No environmental values will be adversely impacted.
Performance Criteria
P1 – Buildings and works are designed and located to: <ul style="list-style-type: none"> (a) avoid, minimise and mitigate environmental impact arising from future use and development; and (b) all impacts on trees of high conservation value are offset.
Proposal
<p>There are 86 trees within the Open Space Zone (67 Village Drive). Of these trees, 53 are of high-very high conservation value, with 1 very high conservation value tree proposed for removal (Tree 94, a <i>E. amygdalina</i> >70cm and providing potential nesting habitat). The development also encroaches into the tree protection zone of Trees 13 and 67, which are high conservation value trees (<i>E. globulus</i> >40cm and providing potential foraging habitat). A further 9 trees of non-high conservation value are also proposed for removal in the Open Space Zone.</p> <p>In addition, the Open Space Zone contains potential habitat for the Chaostola skipper, with a small extent (~100m²) of this within the HMA and requiring modification for bushfire. As the development impacts on environmental values, it requires assessment against the Performance Criteria.</p>

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

- The development has been designed to minimise the extent of tree removal, with:
 - removal limited to 1 tree of very high conservation value and 9 trees of non-high conservation value for carparking. All remaining trees are proposed for retention; and
 - works redesigned to reduce encroachment into tree protection zones and enable retention of Trees 13 and 67.
- The loss of Tree 94 can be offset through a financial contribution. As discussed above, while the NVA proposes remaining trees are used as an offset, consistent with Council's Biodiversity Offset Policy 6.10 (November 2023), a per tree financial contribution is required.
- Impacts on Chaostola skipper habitat can be mitigated through retention of remaining habitat within the Open Space Zone and offset through establishment of additional habitat within the proposed offset area. The proposed offset area is discussed below under Clause E10.7.1 P1.

Conditions are recommended for inclusion in any permit issued approving the proposed tree removal, requiring civil drawings to demonstrate remaining high conservation value trees in proximity to works are capable of retention, requiring implementation of tree protection measures before and after construction, requiring an offset for the loss of 1 high conservation value tree, requiring retention of all remaining trees unless otherwise approved by Council and requiring implementation of Chaostola skipper mitigation and offset measures.

E1.0 Bushfire-Prone Areas Code

Clause E1.5.1 – Vulnerable Uses

Acceptable Solution
A1 – No acceptable solution (requires assessment against performance criteria)
Performance Criteria
<p>P1 – A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</p> <ul style="list-style-type: none"> (a) the location, characteristics, nature and scale of the use; (b) whether there is an overriding benefit to the community; (c) whether there is no suitable alternative lower-risk site; (d) the emergency management strategy and bushfire hazard management plan; and other advice, if any, from the TFS.
Proposal
<p>A portion of the proposed development is for a new residential aged care home and assisted living apartments. As the use is located in a Bushfire-Prone Area and meets the definition of a vulnerable use under the Bushfire-Prone Areas Code, it requires assessment against Clause E1.5.1. As there is no Acceptable Solution the proposal must be assessed against the Performance Criteria.</p>

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

- While the proposed vulnerable use is located in a bushfire-prone area and of a significant scale, the Bushfire Protection Report, Bushfire Hazard Report and

Bushfire Hazard Management Plan (Castellan Consulting, 12 December 2024, Rev 02) demonstrate a tolerable risk from bushfire can be achieved through the implementation of a BAL-12.5 hazard management area (HMA) for the assisted living units and BAL-19 for the residential aged care home and implementation of the associated emergency management strategy.

- As the use includes a Type A, Class 3 building, there are also a number of implicit fire protection measures required for building fire safety that also mitigate the bushfire, including:
 - structural fire resistance;
 - no combustible material in the external walls;
 - a high level of fire compartmentation within the building; and
 - the installation of a sprinkler system to assist with controlling fire spread if there is internal ignition (which is unlikely).
- The proposal is accepted as providing an overriding benefit to the community, as it will provide suitable assisted living and higher dependency care for the ageing population in Kingborough and Greater Hobart.
- The development is located predominantly in the Urban Mixed Use Zone, close to Central Kingston and there is no feasible alternative location or design with the appropriate zoning to accommodate the diverse uses required to support the proposal.
- The proposal is supported by a Tasmania Fire Service (TFS) endorsed Emergency Management Strategy (10 October 2024, Revision 01) and Bushfire Hazard Management Plan (Castellan Consulting, 12 December 2024, Rev 02).
- The TFS has been consulted in the process of preparing the Bushfire Hazard Management Plan and Emergency Strategy and have provided endorsement for the Emergency Management Strategy. It is noted that TFS have advised that a more detailed bushfire emergency plan will be required.
- A condition is recommended for inclusion in any permit issued requiring the use and development to be in accordance with the Emergency Management Strategy (10 October 2024, Revision 01) and Bushfire Hazard Management Plan (Castellan Consulting, 12 December 2024, Rev 02).

E5.0 Road and Railway Assets Code

Clause E5.5.1 – Existing road accesses and junctions

Acceptable Solution
A3 – 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 more than 20% or 40 vehicle movements per day, whichever is the greater.
Performance Criteria
P3 – Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to: <ul style="list-style-type: none"> (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction;

- (d) the nature and category of the road;
- (e) the speed limit and traffic flow of the road;
- (f) any alternative access to a road;
- (g) the need for the use;
- (h) any traffic impact assessment; and
- (i) any written advice received from the road authority.

Proposal

Please note this standard is technically in relation to Council's road, not the internal access section of Village Drive.

The TIA estimates the traffic generation associated with the development at 487 vehicles per day with a peak of 50 vehicles per hour. The traffic flow of Village Drive is estimated at around 1,500 vehicles per day. This exceeds the increase in vehicle movements allowed under the Acceptable Solution.

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

- The application was supported by a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer that estimates the existing traffic volume on Village Drive to be in the order on 1,500 vehicles per day from the strata units. Further the traffic generation associated with the development at 487 vehicles per day. Village drive is a concrete road with a sealed width of 7.0m. The Council owned section has a speed limit of 50km/h however is only approximately 75m in length (then becomes a private roadway). Internally, the access is signposted to 20km/h.
- The TIA assessed the internal access against this standard although not technically a public road indicated that the standard of Village Drive is suitable for the increase in traffic movements.
- The TIA assessed the increase in traffic onto Village Drive as acceptable without significant adverse impact on the traffic efficiency or road safety of the network including the Maranoa Road roundabout.
- The TIA lists 3 accidents at the Maranoa Road roundabout in the last 5 years from Department of State Growth data. This data does not indicate any safety issues with the roundabout.
- Council's Development Engineer reviewed the TIA and is satisfied with the conclusion, and that the proposal satisfies the performance criteria P3 of clause E5.5.1

E6.0 Parking and Access Code

Clause E6.6.1 – Number of Car Parking Spaces

Acceptable Solution

A1 – The number of on-site car parking spaces must be:

- (a) no less than the number specified in Table E6.1;

except if:

- (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;

Performance Criteria

P1 – The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;

- (b) the availability of on-street and public car parking in the locality;
- (c) the availability and frequency of public transport within a 400m walking distance of the site;
- (d) the availability and likely use of other modes of transport;
- (e) the availability and suitability of alternative arrangements for car parking provision;
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
- (g) any car parking deficiency or surplus associated with the existing use of the land;
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;
- (k) any relevant parking plan for the area adopted by Council;
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;
- (m) whether the provision of the parking would result in the loss, directly or indirectly, of one or more significant trees listed in the Significant Trees Schedule.

Proposal

Although the application proposes a total of 155 carparking spaces these are located over the land within the Urban Mixed Use Zone (91 spaces), General Residential (2 indent parking spaces at front of building) and Open Space Zone (62 spaces). Residential (Aged Care Facility and Retirement Village) and Business and Professional Services (Office) are prohibited uses in the Open Space Zone therefore any of the parking within the Open Space Zone is unable to be count towards the residential and office component of the proposal.

Based on the Acceptable Solution the following parking would be required for these uses:

- 23 spaces plus 1 emergency space for the Aged Care Facility
- 75 spaces for the Retirement Village
- 2 spaces for the Office.

A total of 101 spaces are required to comply and only 93 can be considered associated with these uses therefore there is a shortfall of 8 spaces for these uses and the proposal does not comply with the Acceptable Solution.

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

- The application was supported by a Traffic Impact Assessment prepared by a suitably qualified Traffic Engineer. The TIA provides an empirical parking assessment of the actual demand expected to be generated by the proposed development based on the RMS guide. The TIA calculates based on the RMS guide that the actual demand for the retirement village would be 52 spaces and the actual expected demand for the aged care facility would be 15 spaces, with the total expected demand for the residential component of the development being 67

spaces. Given 93 spaces have been provided in the area of the site zoned Urban Mixed Use and General Residential and only 2 of these are required for the office, there is sufficient parking within the development to accommodate the parking demand for the residential and office components.

- The TIA did also calculate the expected demand for the total development at 114 spaces and used a conservative approach of individually calculating the demand of each use which would normally be considered ancillary to the development. This was done to ensure that there is sufficient parking provision to cater for the development in its entirety. The TIA notes that these uses will be partially ancillary to the residential development and therefore the parking demand for the entire development is likely even lower than 114 spaces.
- It is acknowledged that a condition has been recommended requiring the removal of some of the parking within the Open Space zoned land to ensure the proposal complies with the provisions of the Open Space Zone, however, even with this reduction, a total of 120 carparking spaces for the entire development will be provided which is higher than the expected demand of 114 as outlined in the TIA.
- Council's Development Engineer reviewed the TIA and is satisfied with the conclusion, and that the proposal satisfies the performance criteria.
- It is acknowledged that due to being an internal lot there is limited on-street parking and public transport availability.
- There is no applicable credit, financial contribution or parking plan.
- The site is not heritage listed and will not result in the loss of a significant tree listed in the Significant Trees Schedule.

E10.0 Biodiversity Code

Clause E10.7.1 – Buildings and works

Acceptable Solution
A1 – Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.
Performance Criteria
<p>P1 – Clearance and conversion or disturbance must satisfy the following:</p> <p>(a) if low priority biodiversity values:</p> <ul style="list-style-type: none"> (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fireresistant design of habitable buildings; and/or <p>(b) if moderate priority biodiversity values:</p> <ul style="list-style-type: none"> (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fireresistant design of habitable buildings; and (iii) remaining moderate priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values; and

- (iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2023; and/or
- (c) if high priority biodiversity values:
 - (i) development is designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the development; and
 - (ii) impacts resulting from bushfire hazard management measures are minimised as far as reasonably practicable through siting and fire resistant design of habitable buildings; and
 - (iii) remaining high priority biodiversity values on the site are retained and improved through implementation of current best practice mitigation strategies and ongoing management measures designed to protect the integrity of these values; and
 - (iv) special circumstances exist; and
 - (v) residual adverse impacts on high priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the use of Biodiversity Offsets in the local planning approval process, Southern Tasmanian Councils Authority, April 2013 and Kingborough Biodiversity Offset Policy 6.10, November 2023; and
 - (vi) clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development.

Proposal

A Natural Values Assessment (NVA) (North Barker Ecosystem Services, v1.4, 5 February 2024) submitted in response to a further information request confirms that the subject site (including 67 Village Drive and that part of 41 Alfreds Garden relied upon for the development) contains the following priority biodiversity values:

- 0.15 ha of *Eucalyptus ovata* dry forest and woodland (DOV), with 0.0118 ha on 67 Village Drive and 0.1382 ha on 41 Alfreds Garden; and
- 0.6 ha of *Eucalyptus amygdalina* forest and woodland on sandstone (DAS), with 0.5 ha on 67 Village Drive and 0.1 ha on 41 Alfreds Garden.

These vegetation communities are listed as threatened under the *Nature Conservation Act 2002* and are a high priority biodiversity values under the Biodiversity Code (Table E10.1).

While DOV also has the potential to be an endangered ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation* (EPBC) Act 1999, according to the NVA the vegetation on the subject site does not qualify based on the patch size being less than 0.5 ha.

That part of the subject site within a Biodiversity Protection Area also contains 28 high-very high conservation value trees, including:

- 7 trees of very high conservation value as they provide potential nesting and foraging habitat and (*E. ovata* or *E. globulus* >70cm);
- 4 trees of very high conservation value as they provide potential nesting habitat (dbh >70cm); and
- 17 trees of high conservation value as they provide potential foraging habitat (*E. ovata* or *E. globulus* >40cm).

These trees are all a moderate priority biodiversity value under the Biodiversity Code (Table E10.1).

While there are an additional 53 trees of high-very high conservation value on or adjacent to the proposed development, these are located outside the Biodiversity Protection Area and are assessed under the relevant zone standards.

In addition, the vegetation on the site provides suitable habitat for the chaostola skipper (*Antipodia chaostola leucophaea*), the swift parrot (*Lathamus discolor*), the blue-winged parrot (*Neophema chrysostoma*) and the eastern barred bandicoot (*Perameles gunnii*).

The proposed development impacts upon the following high priority biodiversity values, including:

- 0.007 ha of DOV and 0.005 ha of DAS within the footprint of the proposed development on 67 Village Drive;
- modification of 0.143 ha of DOV for bushfire hazard management on 67 Village Drive and 41 Alfreds Garden; and
- modification of 0.152 ha of DAS for bushfire hazard management on 67 Village Drive and 41 Alfreds Garden.

The proposal also impacts on the following moderate priority biodiversity values, including:

- removal of 2 trees of very high conservation value (both *E. ovata* trees >70cm), providing potential nesting and foraging habitat for the swift and potential nesting habitat for the blue-winged parrot (Trees AG34 and AG155);
- removal of 8 trees of high conservation value (all *E. ovata* trees >40cm) providing potential foraging habitat for the swift parrot (Trees 96, 102, AG28, AG30, AG33, AG38, AG39 and AG41); and
- modification of Chaostola skipper habitat within the bushfire hazard management area.

An additional tree of very high conservation value (Tree 94) is proposed for removal in the Open Space Zone and 5 other high-very high conservation value trees are impacted through encroachment (Trees 5, 13, 67, WM13 and WM22). However, these trees are located outside the Biodiversity Protection Area and only require assessment against the relevant zone standards.

It is also noted that the NVA states that the removal of trees within 2m of the property boundaries are exempt from the Biodiversity Code. However, the exemption provided under Clause E10.4.1 (I)(ii) only applies to impacts on trees for the purpose or erecting or maintaining a boundary fence. As the tree removal is required for the proposed development rather than the erection or maintenance of a boundary fence, this exemption is not applicable and the full scope of tree removal subject to Code E10.0 requires assessment.

The proposal is unable to meet A1 as there is no building area on the title and the proposal involves the clearance and conversion or disturbance of high and moderate priority biodiversity values. Therefore, it must be assessed against the Performance Criteria P1 (b) and (c).

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

- The proposed development has been designed and located to minimise impacts on moderate and high priority vegetation, including threatened native vegetation communities, threatened species habitat and individual trees of high-very conservation value, with:
 - the design of the vehicular parking, access and services revised to reduce encroachment and enable additional tree retention; and
 - the majority of threatened vegetation and individual trees of high-very high conservation value are proposed for retention.

- The extent of proposed clearing and modification is the minimum necessary to achieve the required BAL and ensure the vulnerable use meets bushfire requirements. Clearing for bushfire has also prioritised the retention of the higher conservation value and healthier trees where possible.
- Remaining priority biodiversity values on 67 Village Drive are proposed to be maintained and improved through weed management and restoration. Remaining priority biodiversity values on 41 Alfreds Garden are partially protected under an existing Part 5 Agreement, with the balance proposed to be retained unless otherwise approved for removal as part of a separate development proposal.
- Special circumstances exist as the development is considered to result in significant long term social and community benefits and it there is no other alternative location with the appropriate zoning. The NVA considers special circumstances are also satisfied as the extent of proposed removal of high priority biodiversity values is limited to those being retained. It is agreed that this special circumstance can be relied upon for Clause E10.7.1 P1 (c)(iv) of the Scheme and for the loss of DAS and Chaostola skipper habitat. However, under Council's Biodiversity Offset Policy 6.10 (November 2023), relying on this special circumstance relies upon an on-site offset. As detailed below, the loss of DOV is unable to be offset on-site. Therefore, the loss of DOV relies upon the proposed development achieving significant long term social and community benefits.
- In-situ protection and improvement of the remaining values within 67 Village Drive is proposed to offset the loss of priority biodiversity values. Based on the full extent of impact, the proposed on-site offset is sufficient to offset the loss of DAS and Chaostola skipper habitat. However, this offset is insufficient to offset the loss of DOV, as it does not contain equivalent values and is not of a sufficient size. Therefore, the loss of DOV requires a financial contribution. To meet Council's Biodiversity Offset Policy 6.10 (November 2023), the loss of individual trees of high-very high conservation value also requires separate offsetting at a per tree rate. These offset requirements are discussed in more detail below and can be achieved via a condition of approval.
- Providing impacts are offset and remaining values are retained and appropriately protected, the clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development.

To ensure compliance with the performance criteria, it is recommended that conditions are included in any permit issued limiting clearing, retaining remaining high-very conservation value trees and Chaostola skipper habitat, securing the on-site and financial offset and requiring appropriate hygiene and tree and *Gahnia radula* (Chaostola skipper habitat) protection measures during construction.

Offset requirements

The proposed offset involves the retention and improvement of ~0.5 hectares of DAS within the Open Space Zone under a Part 5 Agreement. The NVA has identified that further opportunity exists to improve remaining vegetation (predominantly individual trees of high-very conservation value) through a targeted weed removal program coupled with restoration and replanting. The total potential offset area is ~2 ha in size.

To determine whether this offset is consistent with Council's Biodiversity Offset Policy 6.10 (November 2023) an examination of the individual values lost, the values proposed to be retained and protected as an offset, and the relevant replacement ratios in the Biodiversity Offset Policy is required.

Table 1 below summarises the impacts on each value, the offset required based on the replacement ratios and the extent to which the proposed offset achieves the required offsets on-site. As the extent of vegetation able to be retained on site is insufficient to satisfy the requirements of Council's Biodiversity Offset Policy, a financial contribution is also required.

As some of the vegetation on the site supports multiple values, some of which are a high priority and some of which are a moderate priority, calculating the offset and replacement ratios complex. For example, the area of DOV is a high priority biodiversity value as it is a threatened native vegetation community. However, it also contains habitat for the Chaostola skipper and individual trees which provide potential foraging habitat for the swift parrot and nesting habitat for the swift parrot and blue-winged parrot. It is important to ensure the loss of each biodiversity value is offset in accordance with Policy 6.10 but there is no double dipping where values are counted twice. Calculating the offset is also made more complex by the fact that some vegetation can be classified as significant habitat or on an individual tree basis. In this instance, the vegetation providing foraging and/or nesting habitat is appropriately classified on an individual tree basis, as they do not meet the threshold for significant habitat (a high priority biodiversity value).

The final offset proposal recommended for inclusion in any permit issued includes:

- establishing a conservation zone under a Part 5 Agreement which includes the protection and improvement of 0.495 ha of DAS and rehabilitation of 0.9 ha at the southern end of 67 Village Drive;
- development of and implementation of a 5-year conservation management plan for the on-site offset area that achieves the required conservation outcomes while also providing for and enhancing passive recreation outcomes outside the conservation zone;
- delineation of the conservation zone; and
- offsetting the loss of DOV and individual trees of high-very high conservation value via a financial contribution totalling \$16,715.

Table 1 – Offset calculation in accordance with Council Policy 6.10

Value	Extent/number	Impact	Retained	Offset Required	Offset achieved	Comments
DAS with Chaostola skipper habitat (<i>Gahnia radula</i>)	0.652 ha of DAS with 0.0153 ha of <i>Gahnia radula</i>	0.157 ha with 0.062 ha of <i>Gahnia radula</i>	~0.495 ha with 0.091 of <i>Gahnia radula</i>	0.942 ha based on a ratio of 6:1 (including a multiplier of 1 for the loss of 0.1695 ha of Chaostola skipper habitat)	Protection and improvement of ~0.495 ha of DAS, plus a minimum of 1 ha to be rehabilitated and replanted, totalling 1.495 ha.	While the total offset area exceeds the extent of the offset required, the offset only partially protects the same values as impacted and has a high risk of failure. Consistent with Policy 6.10, where values are not like for like and there is a high risk of failure, the offset ratios are increased to ensure a net conservation outcome is achieved.
DOV with of Chaostola skipper habitat	0.15 ha of DOV with 0.1075 ha of <i>Gahnia radula</i>	0.15 ha with 0.1075 ha of <i>Gahnia radula</i>	nil	0.9 ha based on a ratio of 6:1	As there is no opportunity for an on-site offset for DOV, the loss of 0.9 ha of DOV is able to be offset via a financial contribution at a rate of \$13,650 and totalling \$12,285.	The loss of Chaostola skipper habitat (<i>Gahnia radula</i>) can be achieved through the on-site offset for DAS.
High and very high conservation value trees	71, with 37 very high and 34 high.	11, including 3 very high and 8 high	60	On a per tree basis at a rate of \$570/tree of very high conservation value and \$340/tree of high conservation value	\$1,710 for the loss of 3 very high conservation value trees \$2,720 for the loss of 8 high conservation value trees Totalling \$4,430	

* All calculations are based on the total extent of values present and impacted within 67 Village Drive and within the HMA on 41 Alfreds Garden, based on revised calculations provided by North Barker (on behalf of the applicant) on 25 March 2025.

** The calculation of offsets for individual trees includes offsets required under the Urban Mixed Use Zone, Open Space Zone and Biodiversity Code.

*** The applicant was advised on 25 October 2024 as part of the request for further information process that the proposed on-site offset would only be sufficient to offset the loss of DAS and Chaostola skipper habitat, with the loss of DOV and individual trees requiring a further financial contribution in accordance with Council's Biodiversity Offset Policy.

E14.0 Scenic Landscapes Code**Clause E14.7.2 - Appearance of buildings and works within scenic landscape areas**

Acceptable Solution
A2 – Works must not be visible from public spaces.
Performance Criteria
<p>P2 – Works visible from public spaces must maintain scenic landscape value by satisfying one or more of the following, as necessary;</p> <ul style="list-style-type: none"> (a) driveways and access tracks are as close as practical to running parallel with contours and are surfaced with dark materials; (b) cut and fill is minimised; (c) surfaces of retaining walls and batters are finished with a natural appearance; (d) fences are post & wire or other designed of a similarly transparent appearance
Proposal
The application proposes works within the scenic protection area for the laying of the new water main to facilitate the development. These works would be visible from Village Drive road reserve.

The proposed variation can be supported pursuant to this Performance Criteria of the Code because the cut and fill has been minimised with the only works proposed within the scenic landscape area being to facility the laying of the underground water main and connection.

F1.0 Kingston Green Specific Area Plan**Clause F1.4.1.1 Location of Use**

Acceptable Solution
A1 – Use must be in accordance with Figures F1.2 and F1.3.
Performance Criteria
<p>P1 – Applications for use may be approved where it is demonstrated that residential densities maximise the efficient and orderly use of the site.</p>
Proposal
The application proposes use of the Kingston Green site for bushfire hazard management associated with the vulnerable uses at 67 Village Drive.

The proposed variation can be supported pursuant to this Performance Criteria of the Specific Area Plan because the use of the land in the Kingston Green Specific Area Plan for bushfire hazard management associated with the proposed vulnerable uses on 67 Village Drive will have no impact on the potential residential densities being maximised for the efficient and orderly use of the Kingston Green site. The use will not impact on the intended master planned development for that site as the hazard management area will not prevent future use and development rather will manage the area until the site is developed subject to separate planning approval.

F1.0 Kingston Green Specific Area Plan

Clause F1.5.1.1 Location of Development

Acceptable Solution
A1 – Development must be in accordance with Figures F1.2 and F1.3.
Performance Criteria
P1 – Development may be approved where it is demonstrated that residential densities maximise the efficient and orderly use of the site.
Proposal
The application does not propose development in accordance with Figure F1.2 and F1.3 as required by the Acceptable Solution as only vegetation removal and bushfire hazard management are proposed on this portion of land.

The proposed variation can be supported pursuant to this Performance Criteria of the Specific Area Plan because the development of the land in the Kingston Green Specific Area Plan for bushfire hazard management associated with the proposed vulnerable uses on 67 Village Drive will have no impact on the potential residential densities being maximised for the efficient and orderly use of the Kingston Green site. The development will not impact on the intended master planned development for that site as the vegetation removal and hazard management area will not prevent future use and development rather will manage the area until the site is developed.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 15 February 2025 to 28 February 2025). 46 representations were received during the public exhibition period. Two of these were in support of the application. The following issues were raised by the representors:

2.5.1 Traffic and Access

The majority of representations raised concerns around traffic and access associated with the proposed development. Concerns were raised in relation to the number of traffic movements the development would generate on the private Village Drive access and that only one access is proposed to such a large development. The representors stated that they were told the development would have a secondary access to Alfreds Gardens and suggestions were made that this should be included as part of the application, or an alternative access be given down to Channel Highway. The representations raised concerns over the width of Village Drive and stated that parking results in only one way traffic. Photos were provided as evidence of vehicles parking within the access reducing the width.

The representations stated that the proposal would create a bottleneck at the Redwood Road and Channel Highway intersection, and this has not been addressed in the TIA. The representations stated this intersection should be upgraded.

Concerns were also raised around the increase in traffic with limited pedestrian access along Village Drive which is used by people with mobility devices/scooters and that the 20km/h speed limit is not enforced on the access. A concern was also raised that the increased traffic could scare peoples animals and pull the elderly owners onto the road and into harms way.

The majority of the representors also stated that the Village Drive access is a private access and should not be allowed to be used for commercial businesses open to the public.

Response

The application was supported by a Traffic Impact Assessment Report (TIA) prepared by an experienced and qualified Traffic Engineer in accordance with the Scheme and The Department of State Growth's, Traffic Impact Assessment Guidelines, August 2020. The Traffic Engineer has 28 years' experience in traffic engineering and transport planning. The TIA was reviewed by Council's Development Engineer who is satisfied with the recommendations. The assessment demonstrates the access complies with the requirements of the Road and Railway Assets Code and Parking and Access Code of the Scheme. Assessment of these standards is included in this report and assessment checklist.

The accompanying traffic and bushfire reports confirm that the proposed access arrangements are acceptable in terms of emergency access. However, there is a proposed alternative emergency and service access via Alfred Gardens that is subject to a separate development application with council. If that access is approved as part of the other application, it will be available for use of this proposal.

The development proposes the inclusion of new footpaths to the extent of the frontage onto Village Drive to improve continued access past and into the site.

Council's Coordinator Development Engineering stated the traffic data on Channel Highway indicates sufficient capacity for the increase in turning traffic from the development.

In response to the representors being told by the developer that a second access would be proposed, this is not relevant to the assessment of the application and Council must consider the application proposed.

2.5.2 Vegetation removal

Representors raised concerns over tree removal occurring between July 2024 to January 2025. Concerns were also raised over the amount of vegetation proposed to be removed and the impact this has on wildlife and climate change.

Response

Council is not aware of any unauthorised vegetation removal at 67 Village Drive or 41 Alfreds Garden between July 2024 and January 2025. The development and associated tree plans are based on a tree survey undertaken in 2023 and hence all trees present then are assessed as part of the application.

As discussed with this report, all trees identified for removal have been assessed in the context of the proposed development and the requirements of the Planning Scheme. The impact on vegetation has either met the Acceptable Solution or Performance Criteria. As outlined in the assessment, there would be conditions related to protection of vegetation during and post construction, if the application is supported.

The Planning Scheme does not require consideration of Climate Change for vegetation removal; therefore, it cannot be considered as part of the application assessment.

2.5.3 Noise

Several representations raised concerns over the noise caused by the proposed use and development, particularly given its scale and the proposal to include commercial uses open to the public. Concerns were raised over the noise caused by the proposed accessway running past the adjoining dwellings and the proximity of this to the dwellings. Concerns were raised over the noise from the proposal at night, particularly from plant and service equipment.

Concerns were also raised in relation to the noise from construction through the use of trucks, tools and heavy machinery for a development that will likely take years to complete and the impacts this would have on nearby residents.

Concerns were raised by several representors that they purchased within Redwood Village as it was considered a retirement village and was meant to be peaceful and quiet.

Concerns over commercial vehicles using their reversing warning sound were also raised.

Response

As discussed within this report, the application was accompanied by a Noise Assessment which included modelling of the noise likely generated by the proposal. The vehicle sound modelling shows that with limitations on nighttime traffic use, the noise volume will be less than 40db, which is within an acceptable acoustic range. The daytime noise increases with the additional traffic, but all major noise sources (i.e. delivery bays) are located away from residential areas and fall within acceptable ranges.

With regards to the plant / AC noise, this also falls within acceptable ranges. The submitted Noise Assessment, included the 'worst case scenario' modelling (no mitigation) and mitigation measures such as screens / walls around the plant are being proposed that will significantly reduce anticipated noise levels to well within acceptable ranges.

Council's Environmental Health Officer agreed that noise from all sources has been modelled in the NVC noise report as being within the acceptable day time but expected to exceed the nighttime limits. Section 6 of the NVC report demonstrates that acoustic control measures can be installed to achieve compliance with the nighttime limits.

This will result in compliance with sections 15.3.1-P1, 15.3.1-A2, 15.3.1-A4, 19.3.1- P1, and 19.3.2-A2 of the Scheme.

Conditions have been included requiring compliance with the recommendation of the Noise Assessment.

Additionally, post development noise will continue to be regulated by the *Environmental Management and Pollution Control (noise) Regulations 2016*.

If the application is supported, there would be a condition included for a construction management plan which would be endorsed and include limitations of development to reduce impacts on amenity during construction.

2.5.4 Scale of development

The majority of representations raised concerns over the scale and size of the development within an area that was intended for retirement living. Concerns were raised over the height and impacts this would have on natural light, overshadowing and privacy.

Some of the representations state that the floor area of the development is excessive and more green areas should be proposed.

Concerns were also raised over the development being located so close to the boundaries of the site and that if the developer fences the boundary, they would be unable to move freely around their property. The representors state these small setbacks for the access are unnecessary.

The representors state that the development is not compatible with the surrounding residential units which are primarily single storey.

A representor states the proposal does not consider changes to the microclimate of the area caused by structures next to and near the surrounding residences.

Response

The development is proposed on a site that is zoned Urban Mixed Use and not restricted to retirement living. The development has been assessed as complying with the relevant standards of the Scheme in relation to scale as demonstrated in this report and assessment checklist.

The owner of the site is entitled to fence the boundary of their property.

2.5.5 Funding of the project

Concerns were raised over how a significant project will be funded and what would occur if the project were left half-finished due to funding issues.

Response

This is not a planning matter that can be considered as part of the assessment of the application.

2.5.6 Servicing of the development

Several of the representations raised concerns over water and sewerage charges and how the development will impact their bills. The representors advised they pay a percentage of water usage based on calculations from TasWater rather than being individually metered. The representors wanted clarification that they would not be paying for usage by the developer. Some representations also raised concerns of the capacity of sewerage infrastructure in the area and the impact the development would have on the capacity.

Response

As outlined in the services report prepared by Gandy & Roberts Engineer, a new larger capacity water main will be installed with separate metering to be installed at the boundary for the development. This will be completely independent from the existing water connection and metering.

The sewer connection sizing and capacity is also outlined in the engineering report and is designed to meet requirements. The existing infrastructure that the development is proposing to connect into is substantial suburban sized public mains outside the site. The new development will have no impact on the sewer operation of the existing residences.

Additionally, TasWater are the relevant authority for water and sewer services and have provided a Submission to Planning Authority Notice. They have raised no objections to the proposal or concerns over the capacity of the infrastructure.

Billing is not a Planning matter and cannot be considered as part of this assessment.

2.5.7 Local infrastructure

Concerns were raised over there not be sufficient medical facilities, public transport and recreational spaces within the area to support the development.

Response

Whilst not considered within any specific standards of the Scheme, the purpose statements of each zone do make references to locating development in areas where there is sufficient infrastructure, services and facilities.

The site is located just over 1km from the Kingston CBD which provides medical facilities, public transport and recreational spaces. It is also noted that the proposal includes the provision of passive recreation use of the Open Space zoned land. The development is within walking distance of a bus stop located on Redwood Road which is a stop for 3 bus routes that visit Kingston, Blackmans Bay and Hobart.

2.5.8 Maintenance and ongoing management of Village Drive

The majority of representations raised the issue of the ongoing maintenance and management of the accessway within 67 Village Drive which is also used by the surrounding units who have a right of way over the access. The representors raised concerns that the construction and increased traffic would damage the road, and they should not be responsible for paying for this. The representations stated the developer should be responsible for a higher percentage of the maintenance of the access given the scale of the development.

Response

This is not a matter considered by the Scheme, rather a civil matter. However, the applicant provided the following response to the concerns raised by the representors:

The road is under CHT ownership with a shared right of way over the title for other residents. None of the right of way easements impose positive maintenance obligations. This means that:

- 1. CHT and its body corporate (as the owner of the common property) are entitled, but not required, to maintain the right of way area; and*
- 2. the lots benefitted by the rights of way are also entitled to maintain the areas they have rights of way over. They are also not required to maintain it.*

Without any positive obligation on any parties, it is likely that any maintenance work will require further discussion with the relevant parties regarding the current condition of the roadway, the extent of works to be undertaken and the sharing of those costs. Clearly, there is likely to be an expectation as the "largest" party in this negotiation (i.e. CHT) will be expected to carry a majority of this cost.

A dilapidation report will be undertaken prior to construction to evaluate and quantify the repair of any damage that may occur throughout construction. It is expected that CHT will be responsible for undertaking "repair" works at the conclusion of construction.

2.5.9 Emergency events

Several of the representations raised concerns over there only being one access into the proposed development which also services the surrounding strata developments and how this would function in the case of an emergency event such as a bushfire or flood. The representations note that the residents are also vulnerable in that they are elderly.

The representors asked for consideration to be given to alternative emergency access roads for the residents.

Concerns were raised that the application should trigger a full review of the current village common areas, accesses, roads and footpaths and whether they meet the current requirements for emergency access.

Response

The application has been assessed as complying with the requirements of the Bushfire Prone Areas Code which considers vulnerable uses. Conditions have been recommended on the permit requiring compliance with the relevant bushfire reports and plans.

Council is unable to require the application to do a full review of the current village common areas, accesses, roads and footpaths and whether they meet the current requirements for emergency access, noting these are located on separate titles to the proposed development. The concerns raised by the representors has been relayed to the relevant Councils Coordinator of Community Resilience.

2.5.10 Maintenance

The representor states that since the land was purchased by Christian Homes Tasmanian, maintenance has been 'abysmal' and they have no confidence in their ability to consistently maintain the area.

Response

The application includes a maintenance shed and gardening team that would be responsible for managing the site. The need for a weed management plan would be included if a permit was issued.

2.5.11 Security

The representor states there is no provision of security around the building other than lighting. The representor asks what will be incorporated to stop people wandering around the car park area and continuing into the neighbouring residential areas.

Response

This is not a planning matter that can be considered in the assessment of the application.

2.5.12 Concerns over supporting reports

Several of the representors raised concerns over the accuracy of the supporting reports including the TIA, bushfire report, Noise Impact Assessment and Natural Values Assessment.

Concerns were raised over the TIA estimates for traffic were far too low and the crash data was not accurate. The representors state that Mr Midson makes statements without any evidence or explanation to support his assessment. The representor also states that the TIA is incorrect in that Redwood Village are the road authority and that all owners of Redwood Village are the road authority.

Concerns were also raised that the fauna survey is inadequate and that a one-hour survey of potential habitat is not sufficient. Representor states there are Eastern Barred Bandicoots, Long Nosed Potoroo, Tasmanian Pademelons, Brown and Grey Goshawks, Masked Lapwing, blue-tongue lizard and Collared Sparrowhawks as well as a variety of other native bird species. They state they have recorded calls of six of the eight Tasmanian insectivorous bats on several occasions. The rare butterfly (Chaostola Skipper, Antipodia chaostola), mentioned in the documents has been seen in a representors backyard. Photographic records for EBBs, Long-nosed Potoroo, Brown Goshawk and Collared Sparrowhawks have been uploaded to iNaturalist.

The representors state the Natural Values report does not consider the permanent presence of pademelons around the village.

The representors state that the noise assessment is not clear as to the slope of the land used to calculate the modelling as trucks on a sloped land are louder than on flat land.

Response

The expert reports were undertaken by suitably qualified experts in accordance with relevant guidelines and the Scheme. These were reviewed internally and deemed satisfactory. It is acknowledged that in circumstances there may be comments made in these reports that Council officers do not agree with, however, these are not always required to be updated depending on the extent of the discrepancy.

In regard to the impacts on native wildlife, the planning scheme requires that Natural Values Assessments are undertaken in accordance with the Guidelines for Natural Values Assessment, (DPIPWE July 2009). The submitted NVA is accepted as being consistent with these guidelines. The planning scheme and these guidelines only require surveying to the individual species level for listed threatened species (not all fauna species). Therefore, non-listed species such as the long-nosed potoroo, pademelon, masked lapwing, brown goshawk and collared sparrowhawk are not specifically surveyed for. These species are still protected under State legislation and in the event that a development had a direct impact, a permit would be required (although not anticipated to be required in this instance). These permit requirements are separate and in addition to any assessment against the planning scheme. Under the planning scheme, species specific surveys are required where a site contains potentially suitable habitat for a threatened species, such as the Chaostola skipper. In this instance, a one-hour survey was accepted as sufficient for surveying all habitat potentially impacted by the development and the species was not detected. It is acknowledged that detecting species such as the Chaostola skipper can be very difficult. Therefore, impacts on threatened species habitat are assessed even where the species is not recorded.

2.5.13 Provision of facilities low-socioeconomic person

Representors raised concerns over there being no provision of housing for low-socioeconomic persons, domestic violence survivors etc and that the whole complex is just for the wealthy.

Response

Council must consider the application proposed by the applicant and is unable to require the developer to include facilities for the above persons.

2.5.14 Use of land zoned Open Space

Concerns were raised over the use and management of the area of land zoned Open Space. The representor stated this area will be destroyed with an intrusive car park that has doubled in size since the initial concept drawings were presented. Concerns were also raised that the open space is used by about 10 walkers each day and what provisions will be made for these people.

Concerns were also raised about opening up the Open Space zoned part of the site to the public as this would likely result in youth intimidating teenagers passing through the village.

Response

Conditions have been recommended to reduce the size of the parking area within the area of the site zoned Open Space. This will almost half the parking area proposed within this area.

The area of the site zoned Open Space is proposed be used for passive recreation. Whilst walkers may currently use this land, it is not public land.

In regard to the concerns about youth, this is not a planning matter than can be considered as part of the application. The application does not make the Open Space land public land.

2.5.15 Loss of property value

Concerns were raised over the impacts the construction and development would have on the value of surrounding properties.

Response

This is not a planning matter that can be considered as part of the assessment of the application.

2.5.16 Zoning of the site

Some representations raised concerns that the site is zoned Urban Mixed Use when it does not meet the criteria and is surrounded primarily by residentially zoned land. The representor states the development is not consistent with the original masterplan for Redwood Village as a residential village.

Response

Whether the zoning of the site is appropriate is not a matter that can be considered as part of this application. The application must be assessed against the Scheme in effect at the time the application was made valid.

2.5.17 Fencing

Concerns were raised over the proposed fencing of the development

Response

The facility will be partially fenced / walled to the road frontage as shown on the drawings and will comply with the requirements of the Scheme. The applicant has been in discussions with neighbours to discuss fencing.

2.5.18 Support for the development

Two representations were received in support of the development stating it is much needed and has advantage for future residents being in very close proximity to shopping, medical and all other essential services. The representor states the development will give current residents of Redwood Village a next step opportunity.

2.6 Other Matters

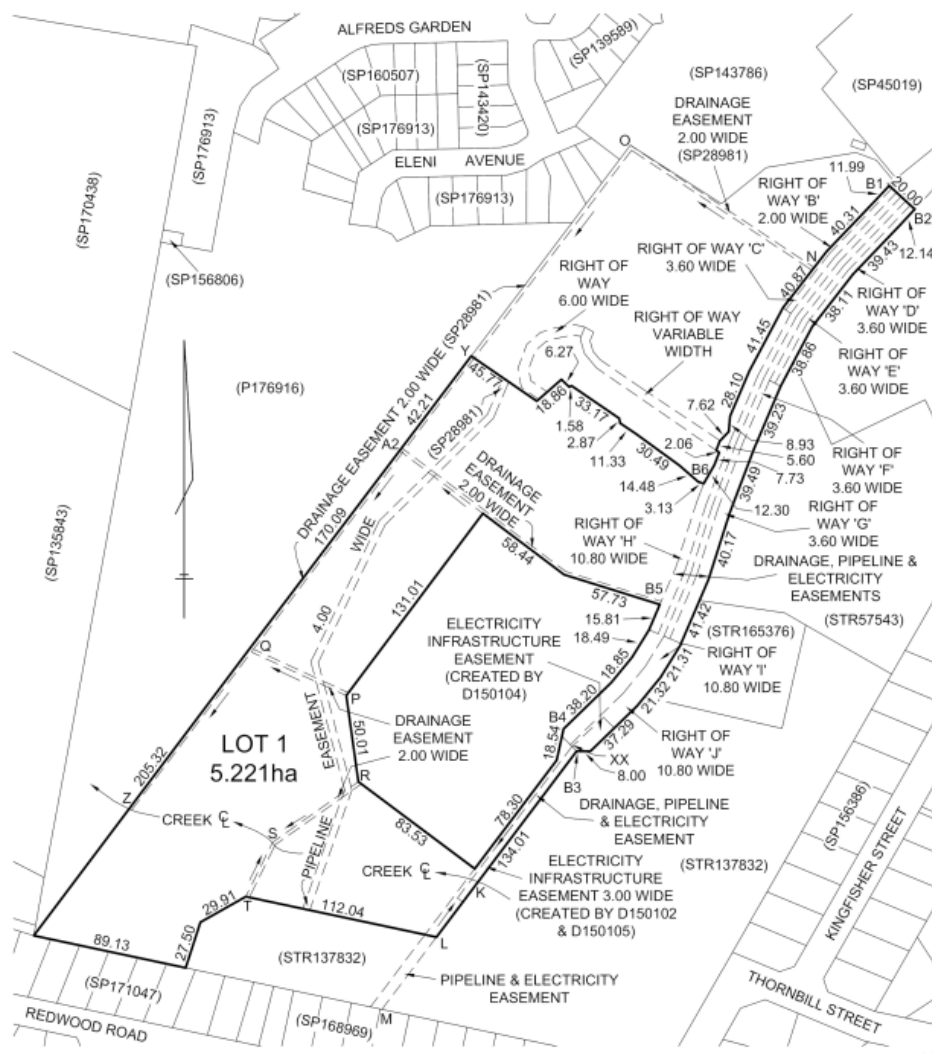
Future development of 41 Alfreds Gardens

Proceeding with the current proposal has implications for an existing permit (DAS-2020-6) at 41 Alfreds Garden (CT 176916/502). Under DAS-2020-6, the area of vegetation proposed to be managed for bushfire purposes for DA-2024-286 is required to be retained and protected in perpetuity as part of an offset. Therefore, in the event that DA-2024-286 is approved and any permit acted upon, this will result in permit conditions for DAS-2020-6 being unable to be satisfied. The applicant has been advised of this.

It is also understood that there are plans for further development of 41 Alfreds Garden as part of a broader integrated development with the proposed Aged Care Facility at 67 Village Drive. Given the complexities of the two sites and associated offset requirements, the applicant was advised to consider lodging a single integrated development application across both sites. However, they have chosen to proceed with two separate applications.

Title restrictions

67 Village Drive (CT 186856/1) is subject a large number of title restrictions which relate to right of carriageways over the Village Drive access, rights of drainage, electricity easements, pipelines easements and water rights. These are shown below.



41 Alfreds Garden (CT 176916/502) is also subject to a large number of title restrictions including rights of carriageway, electricity easements, rights of drainage and pipeline and service easements. The site is also burdened by four Part 5 Agreements (B863760, E167943, E167944 and E167945).

None of the above-mentioned title restrictions prevent the proposed development. However, it should be noted that the surrounding strata developments have rights of carriageway over the private Village Drive access which is on the land owned by Christian Homes Tasmania and will continue to do so.

Tasmanian Fire Service

Although no formal referral was sent to TFS, advice was sought regarding compliance with the Scheme in the early stages of the assessment of the application. TFS had no objection to the proposal

TasWater

TasWater did not object to the proposal and have provided a Submission to Planning Authority Notice.

TasNetworks

TasNetworks did not object to the proposed or require any conditions to be included in any approval. Only advice was provided which was provided to the applicant.

Extension of time to make a decision

The applicant granted an extension of time for the Planning Authority to make a decision (s57(6A) of the *Land Use Planning and Approvals Act 1993*) until 8 April 2025 therefore allowing the report to be considered at a Council meeting, as required by delegations where there are three or more opposing representations.

3. CONCLUSION

The application proposes a mixed use proposal that will provide aged care and associated facilities in Kingston in a time when there is an increased demand for aged care. The proposal will add to the diversity of residential options available in the area whilst also providing associated services.

Although the proposal is relying on the performance criteria to comply with applicable standards, the proposal is assessed as satisfying the performance criteria and complies with those standards. The proposal is assessed as complying with all other use and development standards of the applicable zones, as well as the applicable standards of the relevant codes.

The application was publicly advertised for the statutory 14-day period and 46 representations were received which have been addressed in this report. It is concluded that the proposal is consistent with the Scheme's zone purpose statements and is satisfactory.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for residential aged care facility (75 rooms), assisted living apartments (60), hairdresser, meeting room, cafe, offices and associated works at 67 Village Drive, 41 Alfreds Garden, Kingston and adjoining Village Drive road reserve for Christian Homes Tasmania Ltd be approved subject to the following conditions:

1. Before the approved development and/or use commences, amended plans to the satisfaction and approval of the Manager Development Services must be submitted to and approved. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans dated 31 January 2025 and prepared by Circa Morris-Nunn Chua Architects but modified to show:
 - (a) Reduction of the carparking area in the Open Space Zone to only include the provision of 27 carparking spaces associated with the café, meeting room and hairdresser.
 - (b) Location of all external lighting including security lighting. This must be located to ensure all car parking, pathways and potential entrapment spaces are adequately illuminated.
 - (c) Landscaping as required by Condition 3 of this permit. This must include any compatible embellishments to the passive recreation area to enhance the area for leisure and recreation activities such as seating, pathways and shade structures; and
 - (d) Bicycle parking facilities and end of trip facilities in accordance with Condition 11.

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

This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Prior to approval of an 'Application for Approval of Planning Start of Works Notice', to offset the loss of moderate and high priority biodiversity values, the following offset package must be secured and implemented:
 - (a) The protection of a minimum of 1.495 hectares as 'secure conservation land' under Part 5 of the Land Use Planning and Approvals Act 1993 for the loss of 0.157 hectares of *Eucalyptus amygdalina* forest and woodland on sandstone and 0.1228 hectares of Chaostola skipper habitat. This Part 5 Agreement must:
 - (i) Verify the location and extent of the 1.495 hectare conservation zone, which must:
 - a. be located at the southern end of 67 Village Drive Kingston
 - b. encompass all remaining *Eucalyptus amygdalina* forest and woodland on sandstone as shown in Figure 4 of the Natural Values Assessment (North Barker Ecosystem Services, v1.4, 5 February 2025); and
 - c. include remaining Chaostola skipper habitat and individual trees of high and very high conservation value and their associated tree protection zones to the extent practicable.
 - (ii) Provide for the protection for all native vegetation and habitat values within the conservation zone in perpetuity.
 - (iii) Include a baseline vegetation condition assessment of the DAS.
 - (iv) Include a 5-year Conservation Management, Rehabilitation and Weed Management Plan for the conservation zone, to ensure that environmental values are managed for their long term survival while providing for and enhancing passive recreation outcomes outside the conservation zone. The plan must be prepared by a suitably qualified person and include:
 - a. detailed management prescriptions to ensure that environmental values are managed for their long term survival, including but not limited to: retention, protection and improvement of native vegetation communities and threatened species habitat; weed management; rehabilitation and revegetation, including provision of Chaostola skipper habitat and maintenance of ground cover within the Waterway and Coastal Protection Area; removal of any fill material from within the conservation zone; prohibiting development within or impacting on the conservation zone; providing for compatible recreational uses; limiting vehicular access and track construction; fire management and monitoring and reporting;
 - b. delineation of and signage identifying the conservation zone on the ground; and
 - c. a schedule of works with timeframes, details for each action and costings for a minimum of five years;
 - (v) be drafted using Council's template Part 5 Agreement; and,
 - (vi) be executed and registered on the title prior to commencement of works and issue of building approval and commencement on any on-site works.

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

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

- (b) Payment of a financial contribution totaling \$16,715 for the loss of 0.15 hectares of *Eucalyptus ovata* dry forest and woodland, eight (8) trees of high conservation value and three (3) trees of very high conservation value. This offset must be paid to Council's Environmental Fund and used solely for the protection and management of *Eucalyptus ovata* dry forest and woodland, swift parrot breeding and foraging habitat and blue-winged parrot habitat in the vicinity of Kingston or an area that supports equivalent biodiversity values within the municipality.
3. Before the approved development and/or use commences, landscaping plans for the whole site must be submitted for approval by Council's Manager Development Services.

The landscape plan must be generally consistent with the Landscape Concept Plan prepared by Playstreet Landscape Architects, prepared by a suitably qualified person and be at a suitable scale, and indicate the following:

- (a) outline of the proposed buildings;
- (b) the location and extent of the offset area required under Condition 2;
- (c) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (d) existing native vegetation to be retained, including the extent of *Eucalyptus amygdalina* forest and woodland on sandstone and Chaostola skipper habitat consistent with Figures 4 and 6 of the Natural Values Assessment (North Barker Ecosystem Services, v1.4, 5 February 2025);
- (e) existing individual trees to be retained are their tree protection zones, consistent with Council Plan Reference No. P4 submitted on 5 February 2025;
- (f) the location of the existing watercourse and associated 10m Waterway and Coastal Protection Area;
- (g) use of predominantly native species local to the area within the Open Space Zone;
- (h) exclusion of weeds listed under the *Tasmanian Biosecurity Act 2019* and/or identified as non-declared priority weeds in the Kingborough Weed Management Strategy;
- (i) weed management;
- (j) earth shaping proposals, including retaining wall(s);
- (k) fencing, paths and paving (indicating materials and surface finish);
- (l) permanent barriers to delineate and protect tree protection zones of retained trees, *Eucalyptus amygdalina* forest and woodland on sandstone, Chaostola skipper habitat adjacent to buildings, parking and access, such as large rocks or bollards;

- (m) any compatible embellishments to the passive recreation area to enhance the area for leisure and recreation activities such as seating, pathways and shade structures; and
- (n) proposed maintenance program.

The plan must demonstrate all landscaping works and embellishments are located outside tree protection zones of retained trees, *Eucalyptus amygdalina* forest and woodland on sandstone, Chaostola skipper habitat and the existing watercourse and associated 10m Waterway and Coastal Protection Area.

Once endorsed the plans will form part of the permit.

It is recommended that consideration be given to Council's Landscape Guidelines (Preparing a Landscape Plan), which is available on Council's website.

4. Prior to works commencing (including demolition and excavation), a Construction Management Plan (CMP) must be submitted to and endorsed by the Manager Development Services. The plan must include (but not limited to):
 - (a) Hours for construction activity in accordance with any other condition of this Permit;
 - (b) Measures to control noise and dust;
 - (c) Storage locations for the stockpiling of fill on site including demonstration that the stockpiling of fill will not encroach into the Tree Root Protection Zones of trees identified for retention in Council Plan Reference No. P4 submitted on 5 February 2025;
 - (d) The location for the disposal of any excess fill off site and demonstration this site is either a certified landfill facility for Level 1 fill or a site that has been approved for the disposal or use of Level 1 fill under a development use permit issued by Council;
 - (e) The specifications and location of vegetation protection measures in accordance with Condition 7;
 - (f) Weed management measures in accordance with Condition 9, including the location of a vehicle washdown facility;
 - (g) Measures relating to removal of hazardous or dangerous material from the site, where applicable.
 - (h) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises;
 - (i) A Traffic Management Plan showing truck routes to and from the site;
 - (j) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - (k) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - (l) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (m) Contact details of key construction site staff;
 - (n) Staging of works, including site establishment and mobilisation; and

- (o) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves.

Once endorsed, the Plan will form part of the permit and must be implemented and maintained throughout construction of the development to the satisfaction of the Manager Development Services.

5. Prior to commencement of on-site works associated with the private infrastructure to service the approved development, engineering design drawings must be submitted to Council for approval. The engineering plans 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 Bushfire Hazard Management Plan (Castellan Consulting, 12 December 2024, Rev 02)

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
 - (i) Longitudinal and cross sections of the driveway/access road.
 - (ii) Contours, finish levels and gradients of the driveway/access road.
 - (iii) A maximum of 27 carparking spaces within the Open Space Zone.
 - (iv) A minimum of 120 carparking spaces across the site, inclusive of the 27 carparking spaces within the Open Space Zone.
 - (v) A minimum of 6 dedicated motorcycle parking spaces and located within 30m of the main entrance to the Aged Care Facility.
 - (vi) Three (3) accessible spaces must be incorporated into the parking layout (2 spaces for the Aged Care Facility and one space for the Assisted Living Units).
 - (vii) Wheel stops for open parking bays (as appropriate).
 - (viii) Lighting for parking and vehicle circulation roadways.
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
 - (i) Stormwater layout details to service the development.
 - (ii) A stormwater quality treatment system as required in Table E7.1 of the Kingborough Interim Planning Scheme 2015.
 - (iii) A stormwater detention system as required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 or a financial contribution to upgrade the downstream stormwater system as approved by Council.

- (iv) Overland flowpaths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow.
- (c) A detailed Soil And Water Management Plan prepared in accordance with the document Erosion and Sediment Control, The fundamentals for development in Tasmania by the Derwent Estuary Program.
- (d) 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.
- (e) A Vegetation Protection Plan which is consistent with Council Plan Reference No. P4 submitted on 5 February 2025 and the Natural Values Assessment (North Barker Ecosystem Services, v1.4, 5 February 2025), including:
 - (i) The extent of native vegetation communities, Chaostola skipper habitat 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, which must not exceed 10% unless accompanied by an arborist assessment which verifies the extent of encroachment is tolerable, confirms the trees are feasible for retention and details any recommended mitigation measures.
 - (iv) Tree protection measures consistent with Condition 7 and 5 (e)(iii) above.

Once endorsed the plans will form part of the permit.

6. Approved tree/vegetation removal and modification:

- (a) Is limited to:
 - (i) 53 trees identified for removal in Council Plan Reference P4 submitted on 5 February 2025 and in Appendix D, F and G of the Natural Values Assessment (North Barker Ecosystem Services, v1.4, 5 February 2025); and
 - (ii) no more than 0.15 hectares of *Eucalyptus ovata* dry forest and woodland and 0.157 hectares of *Eucalyptus amygdalina* dry forest and woodland on sandstone within the footprint of the development as shown on the approved plans and the hazard management area as shown in the Bushfire Hazard Management Plan (Castellan Consulting, 12 December 2024, Rev 02), excluding individual trees identified for retention in Council Plan Reference P4 submitted on 5 February 2025 and in Appendix D, F and G of the Natural Values Assessment (North Barker Ecosystem Services, v1.4, 5 February 2025).
- (b) Must not occur prior to building approval, securing the conservation offset and approval of an 'Application for Approval of Planning Start of Works Notice'.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is approved as part of this planning permit.

7. All remaining native vegetation identified for retention in Council Plan Reference P4 (submitted on 5 February 2025) and the Natural Values Assessment (North Barker Ecosystem Services, v1.4, 5 February 2025) must be appropriately protected during and after construction in accordance with all the recommendations in the Natural Values Assessment (North Barker Ecosystem Services, v1.4, 5 February 2025) and arborist assessment (Tree Pioneers, 8 December 2024). This includes but is not limited to implementation of the following measures:

A. Prior to Construction:

Prior to the commencement of any on-site works (including but not limited to vegetation removal, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings):

- (a) Installing vegetation protection measures in accordance with Section 8 of the arborist assessment (Tree Pioneers, 8 December 2024), the Engineering Drawings endorsed under Condition 5 and Condition 8.
- (b) Providing evidence of satisfactory installation of this fencing to the Manager Development Services prior to the commencement of any on-site works.

B. During Construction:

- (a) Maintaining vegetation protection measures required above for the duration of the construction.
- (b) Following completion of construction of the car parking within the Open Space Zone and prior to removal of temporary tree protection measures and the use of the car park, installing permanent barriers between retained vegetation and the development in accordance with the endorsed landscaping plans required under Condition 3.

C. Post Construction:

- (a) Maintaining the permanent barriers between retained vegetation and the development in accordance with the endorsed landscaping plans required under Condition 3.
- (b) Adhering to the following tree management measures post construction for all areas within the tree protection zone but outside the footprint of the approved works:
 - (i) the existing soil level must not be altered around the tree protection zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
 - (ii) the tree protection zone must be free from the storage of fill, contaminates or other materials;
 - (iii) machinery and vehicles are not permitted to access the tree protection zone; and
 - (iv) development and associated works are not permitted unless otherwise approved by Council in writing or otherwise in accordance with the law.

8. Vegetation protection fencing required under Condition 7 must:

- (a) Be located to delineate the hazard management area and exclude the tree protection zones and all remaining *Gahnia radula* populations from the works zone, unless the outer edge of works as shown on the endorsed plan are closer, in which case this vegetation protection fencing may be reduced to the minimum amount necessary to allow the works to be completed.
 - (b) Exclude the following from the tree protection zones:
 - (i) Machine excavation including trenching.
 - (ii) Machinery movement.
 - (iii) Excavation of silt fencing.
 - (iv) Cultivation.
 - (v) Storage.
 - (vi) Preparation of chemicals, including preparation of cement products.
 - (vii) Parking of vehicles and plant.
 - (viii) Refuelling.
 - (ix) Dumping waste.
 - (x) Placement of fill.
 - (xi) Lighting of fires.
 - (xii) Soil level changes.
 - (xiii) Temporary or permanent installation of utilities and signs.
 - (xiv) Physical damage to the trees.
 - (c) Be constructed in accordance with the following requirements:
 - (i) Utilise barrier mesh and star pickets fencing unless otherwise approved in writing.
 - (ii) Form a visual and physical barrier.
 - (iii) Be a minimum height of 1.5 metres above ground level.
 - (iv) Include signage clearly marked "Tree Protection Zone - No Entry" on all sides.
9. Declared weeds under the *Tasmanian Biosecurity Act 2019* are present on the site, including blackberry, boneseed, Montpelier broom, Spanish heath and willow. Environmental weeds are also present on the site.

Prior to commencement of works, primary treatment must be undertaken of all weeds within the area to be traversed and disturbed during construction. This treatment must be undertaken in a targeted way to avoid residual impact on native species and current guidelines as to the appropriate methodology (see Department of Natural Resources and Environment website).

During construction, to ensure these weeds are not spread from the site:

- (a) Declared weed plant material or soil containing their seed must not be removed from the site, unless undertaken in accordance with that weed's Statutory Weed Management Plan where such a plan exists.
 - (b) Weed plant material and topsoil containing their seed must not be stored or moved into areas containing weed-free native vegetation.
 - (c) Appropriate hygiene measures must be undertaken prior to any machinery entering and leaving the site as per the Weed and Disease Planning and Hygiene Guidelines 2015 produced by the Department of Primary Industries, Parks, Water and Environment.
 - (d) Any imported fill materials must be sourced from quarries able to provide documentation as to the weeds present on the source site in order to minimise introduction of new weeds and pathogens to the area.
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. A copy of the application form is available on Council's website.

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. A minimum of 13 bicycle parking spaces for staff in a class 2 lockable compound must be incorporated in the development in accordance with clause E6.7.10 (Design of Bicycle Parking Facilities) of the Kingborough Interim Planning Scheme 2015. The compound must be located within 30m of the main entrance to the building. In addition, a total of 3 bicycle parking spaces for visitors with the provision of lockable hoops must be incorporated in the development.

End of trip facilities in accordance with the requirements of clause E6.7.11 must also be provided in the form of shower and change room facilities.

For Advice: Documentation submitted for building approval must demonstrate consistency with these measures.

12. The use and development must be undertaken in accordance with the recommendations of the Noise Impact Assessment Report prepared by Noise Vibration Consulting (9 January 2025) including:
- a) Construct a barrier in the locations shown in Figure 6.1 of the report. The barrier must consist of the following construction:
 - i. A minimum surface mass of 15 kg/m². Examples of appropriate construction include 20mm thick ship-lapped timber, 12 mm fixed cement sheet, or commercial noise barrier products.
 - ii. The barrier on the RAC Building B is to extend 1 m above the top of the tallest piece of mechanical plant equipment.

- iii. The barrier on the Assisted Living Support building is to extend to no less than 100 mm beneath the top of the tallest piece of mechanical plant equipment.
- iv. No gaps, including between the barrier and the rooftop deck.
- v. All associated piping and ducting must not extend beyond the barriers' extents.
- vi. If an 'open' plant deck floor is proposed (grid mesh or equivalent), the barriers are to extend beneath the plant deck down to the roof

These recommendations must be adopted prior to the commencement of the use and maintained for the life of the development to the satisfaction of the Manager Development Services.

For Advice: Documentation submitted for building approval must demonstrate compliance with these measures.

- 13. Ongoing use and development must be in accordance with the certified Bushfire Hazard Report and the associated Bushfire Hazard Management Plan (Castellan Consulting, 12 December 2024, Rev 02) and Emergency Management Strategy (10 October 2024, Revision 01), including any detailed emergency management plan.

For Advice: Documentation submitted for building approval must demonstrate consistency with these measures.

- 14. Bird strike mitigation measures identified for the north west elevations in Council Plan Reference P4 submitted on 5 February 2025 and the collision risk analysis (ECOtas, 6 December 2024) must be implemented and maintained to the satisfaction of the Manager Development Services for the life of the development.

For Advice: Plans submitted for building approval must incorporate and demonstrate consistency with these measures.

- 15. Exterior building surfaces (including roofing) must be coloured using colours with a light reflectance value not greater than 40 percent.
- 16. Prior to the occupation of any of the new buildings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
 - (a) The parking areas (including signage and access);
 - (b) The garden and landscape areas; and
 - (c) Drainage works undertaken and completed.
- 17. Storage of goods associated with the non-residential uses is not permitted outside of the buildings without prior approval of Council.
- 18. The uses must only operate between the following hours:
 - Offices: 9.00am – 5.00pm Monday to Friday.
 - Café: 10.00am – 4.00pm 7 days a week (including public holidays).
 - Hairdresser: 9.00am – 5.00pm Monday to Saturday.
 - Meeting room: 9.00am – 5.00pm Monday to Friday plus by request 5.00pm – 10.00pm Monday to Friday.

The above hours do not include routine activities normally associated with opening and closing or office and administrative tasks.

19. The administration offices for the facility totalling a floor area of 328sqm must be directly associated with and subservient to the use of the land for an Aged Care Facility and Retirement Village.
20. External lighting associated with non-residential uses must comply with all of the following:
 - (a) be turned off between 10:00 pm and 6:00 am, except for security lighting;
 - (a) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.
21. Commercial vehicle movements associated with non-residential uses, (including loading and unloading and garbage removal) to or from a site must be limited to within the hours of:
 - (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;
 - (b) 8.00 am to 5.00 pm Saturdays;
 - (c) 9.00 am to 12 noon Sundays and Public Holidays.
22. Landscaping must be provided in accordance with the endorsed landscaping plan prior to the occupation of the new dwellings to the satisfaction of the Council's Manager Development Services.

The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Manager Development Services, including that any dead, diseased or damaged plants are to be replaced.
23. All waste material generated by the development or from other sources must be contained in appropriate building waste containers for periodic removal to a licensed disposal site. The receptacle must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and must not impede residential traffic or parking at any time.
24. Delivery vehicles must park within the site boundaries and must not under any circumstances block vehicular access along any road or adjoining property access.
25. The 27 carparking spaces approved in the Open Space Zone are not permitted to be used for carparking associated with the Residential uses approved under this permit. These spaces must be kept available for the Café, Hairdresser and Meeting Room uses.
26. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

ADVICE

- A. 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.
- B. No signage has been approved as part of this permit. Separate approval may be required prior to erecting any signs.

- C. 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.
- D. 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.

ATTACHMENTS

- 1. **Assessment Checklist**
- 2. **Proposed plans**
- 3. **Proposed civil plans**
- 4. **Certificate of Titles**
- 5. **TasWater SPAN**

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Assessment Checklist

Application No: DA-2024-286	Description: Residential aged care facility (75 rooms), assisted living apartments (60), hairdresser, meeting room, cafe, offices and associated works
Applicant: Christian Homes Tasmania Ltd	Owner: Christian Homes Tasmania Ltd and Kamtone Pty Ltd
Location: 67 Village Drive, 41 Alfreds Garden, Kingston and adjoining Village Drive road reserve	

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

10.0 General Residential Zone

Use Status

Use Class	Only works proposed in the General Residential Zone are use of the access, carparking and water main works associated with the following uses: <ul style="list-style-type: none"> Residential (Aged Care Facility and Retirement Village) Business and Professional Services (Offices) Community Meeting and Entertainment (Meeting room) Food Services (Café) General Retail and Hire (Hairdresser)
Use Status	Permitted (Residential) Discretionary (Food Services) Prohibited* (Community Meeting and Entertainment, Business and Professional Services and General Retail and Hire) *Becomes Discretionary in accordance with Special Provision 9.7 Access and Provision of Infrastructure Across Land in Another Zone.

Clause	Compliance/Comments
Clause 10.3.1 - Non-Residential Use A1 - Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	A1 – Does not comply. Access across the land zoned General Residential is associated with the meeting room that is proposed to operate by request Monday-Friday 5.00pm – 10.00pm. Access across the land zoned General Residential for the other non-residential uses comply as follows: Offices – 9.00am – 5.00pm (Monday – Friday) Café – 10.00am – 4.00pm (7 days) Hairdresser – 9.00am – 5.00pm (Monday – Saturday)
A2 - Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;	A2 – Complies. Only access, carparking and water main proposed over land in the General Residential Zone.

Clause	Compliance/Comments
<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) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008 issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
<p>A3 - External lighting must comply with all of the following:</p> <p>(a) be turned off between 6:00 pm and 8:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>A3 – N/A</p> <p>Only access, carparking and water main proposed over land in the General Residential Zone.</p>
<p>A4 - Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and 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 on Sundays and Public Holidays.</p>	<p>A4 – Does not comply.</p> <p>Commercial vehicle movements proposed to be between 7.00am to 5.00pm Monday to Friday, 8.00am to 5.00pm Saturdays and 9.00am to 12.00pm Sundays and public holidays.</p>
<p>Clause 10.3.2 - Visitor Accommodation</p> <p>A1 - Visitor accommodation must comply with all of the following:</p> <p>(a) is accommodated in existing buildings;</p> <p>(b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) has a floor area of no more than 160m².</p>	<p>A1 – N/A</p> <p>Only access, carparking and water main proposed over land in the General Residential Zone.</p>
<p>Clause 10.3.3 – Local Shop</p> <p>A1 - A local shop must comply with both of the following:</p> <p>(a) have a gross floor area no more than 100 m²;</p> <p>(b) not displace an existing residential use.</p>	<p>A1 – N/A</p> <p>Only access, carparking and water main proposed over land in the General Residential Zone.</p>
<p>Clause 10.5.1 – Non-dwelling Development</p> <p>A1 – Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling:</p> <p>(a) 10.4.2 A1 and A3;</p>	<p>A1(a) – N/A</p> <p>Only access, carparking and water main proposed over land in the General Residential Zone.</p> <p>A1(b) – N/A</p>

Clause	Compliance/Comments
(b) 10.4.3 A1 (a) and (c); (c) 10.4.7 A1. (d) 10.4.2 A4	Only access, carparking and water main proposed over land in the General Residential Zone. A1(c) – N/A Only access, carparking and water main proposed over land in the General Residential Zone. A1(d) – Complies. Proposed water infrastructure is within the General Residential Zone in proximity to trees lining Redwood Road. While these works may impact some trees, none of these trees are of high conservation value. Therefore, no trees of high conservation value located within the General Residential Zone are affected by the proposal.
Clause 10.5.2 - Non-residential Garages and Carports A1 – Non-residential garages and carports must comply with all of the following acceptable solutions as if they were ancillary to a dwelling: (a) 10.4.2 A2; (b) 10.4.5 A1.	A1 – N/A Only access, carparking and water main proposed over land in the General Residential Zone.
Clause 10.5.3 - Outdoor Storage Areas A1 - Outdoor storage areas 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.	A1 – N/A Only access, carparking and water main proposed over land in the General Residential Zone.
Clause 10.4.2 - Setbacks and building envelopes for all dwellings A1 - Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same	A1 – N/A Only access, carparking and water main proposed over land in the General Residential Zone.

Clause	Compliance/Comments
<p>street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street;</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or</p> <p>(e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p> <p>A2 - A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p> <p>A3 - A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p> <p>A4 - No trees of high conservation value will be impacted.</p>	<p>A2 – N/A</p> <p>Only access, carparking and water main proposed over land in the General Residential Zone.</p> <p>A3 – N/A</p> <p>Only access, carparking and water main proposed over land in the General Residential Zone.</p> <p>A4 – Complies</p> <p>Proposed water infrastructure is within the General Residential Zone in proximity to trees lining Redwood Road. While these works may impact</p>

Clause	Compliance/Comments
	some trees, none of these trees are of high conservation value. Therefore, no trees of high conservation value located within the General Residential Zone are affected by the proposal.
Clause 10.4.3 - Site coverage and private open space for all dwellings A1 - Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) n/a, only applicable to multiple dwelling.	A1(a) – N/A Only access, carparking and water main proposed over land in the General Residential Zone. A1(b) – n/a, only applicable to multiple dwelling.
Clause 10.4.5 - Width of openings for garages and carports for all dwellings A1 - A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	A1 – N/A Only access, carparking and water main proposed over land in the General Residential Zone.
Clause 10.4.7 - Frontage fences for all dwellings A1 - No Acceptable solution (when not exempt)	A1 – N/A Only access, carparking and water main proposed over land in the General Residential Zone.

11.0 Inner Residential Zone

Use Status

Use Class	Residential (Residential Aged Care Facility and Retirement Village) Only tree removal and bushfire hazard management associated with residential aged care facility and retirement village is proposed on land zoned Inner Residential
Use Status	Permitted

Clause	Compliance/Comments
Clause 11.3.1 - Non-Residential Use A1 – Hours of operation must be within 8.00 am to 6.00 pm, except for office and administrative tasks or visitor accommodation.	A1 – N/A Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.
A2 - Noise emissions measured at the boundary of the site must not exceed the following: (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;	A2 – N/A Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.

Clause	Compliance/Comments
<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) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008 issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
<p>A3 - External lighting must comply with all of the following:</p> <p>(a) be turned off between 6:00 pm and 8:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>A3 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>
<p>A4 - Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and 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 on Sundays and Public Holidays.</p>	<p>A4 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>
<p>Clause 11.3.2 - Visitor Accommodation</p> <p>A1 - Visitor accommodation must comply with all of the following:</p> <p>(a) is accommodated in existing buildings;</p> <p>(b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) has a floor area of no more than 160m².</p>	<p>A1 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>
<p>Clause 11.3.3 – Local Shop</p> <p>A1 - A local shop must comply with both of the following:</p> <p>(a) have a gross floor area no more than 100 m²;</p> <p>(b) not displace an existing residential use.</p>	<p>A1 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>
<p>Clause 11.4.9 – Non-dwelling Development</p> <p>A1 – Non-dwelling development must comply with all of the following acceptable solutions as if it were a dwelling:</p> <p>(a) 11.4.2 A1 and A3;</p>	<p>A1 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>

management and Inner Residential

Clause	Compliance/Comments
<p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p> <p>A3 – A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 11.1, 11.2 and 11.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 3m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and</p> <p>(b) only have a setback within 1.5m of a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser)</p>	<p>A3 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>
<p>Clause 11.4.3 - Site coverage and private open space for all dwellings</p> <p>A1 - Dwellings must have:</p> <p>(a) a site coverage of not more than 65% (excluding eaves up to 0.6m wide); and</p> <p>(b) n/a, only applicable to multiple dwelling.</p>	<p>A1 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>
<p>Clause 11.4.5 - Width of openings for garages and carports for all dwellings</p> <p>A1 - A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<p>A1 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>
<p>Clause 11.4.7 - Frontage fences for all dwellings</p> <p>A1 - No Acceptable solution (when not exempt)</p>	<p>A1 – N/A</p> <p>Only tree removal and bushfire hazard management area proposed on the land zoned Inner Residential.</p>


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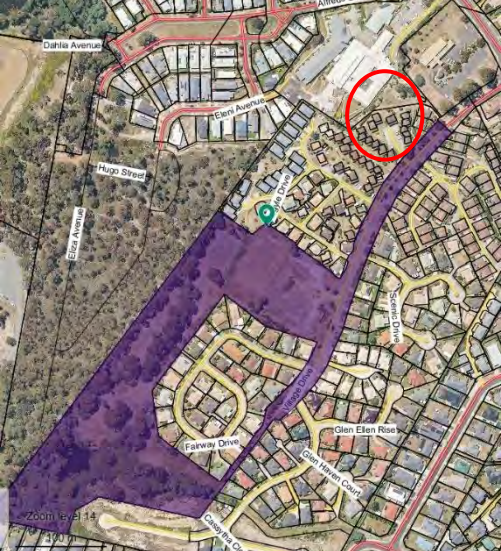
15.0 Urban Mixed Use Zone

Use Status

Use Class	<p>The main development is proposed within the Urban Mixed Use Zone and is associated with the following uses:</p> <ul style="list-style-type: none"> • Residential (Residential Aged Care Facility and Retirement Village) • Business and Professional Services (Offices) • Community Meeting and Entertainment (Meeting room) • Food Services (Café) • General Retail and Hire (Hairdresser)
Use Status	<p>Discretionary (Residential)</p> <p>Permitted (Business and Professional Services, Community Meeting and Entertainment, Food Services and General Retail and Hire)</p>

Clause	Compliance/Comments
15.3 Use Standards	
<p>Clause 15.3.1 – Non-Residential Use</p> <p>A1 – Hours of operation must be within:</p> <p>(a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 6.00 pm Saturdays;</p> <p>(c) 9.00 am to 5.00 pm Sundays and Public Holidays;</p> <p>except for office and administrative tasks or visitor accommodation.</p>	<p>A1 – Does not comply.</p> <p>This standard only applies to non-residential uses.</p> <p>The proposed meeting room will be available for booking 5.00 pm – 10.00 pm Monday to Friday which exceeds the hours listed in the acceptable solution.</p> <p>All other uses comply as follows:</p> <p>Offices – 9.00am – 5.00pm (Monday – Friday)</p> <p>Café – 10.00am – 4.00pm (7 days)</p> <p>Hairdresser – 9.00am – 5.00pm (Monday – Saturday)</p>
<p>A2 – 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) (LAmx) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	<p>A2 – Complies.</p> <p>This standard only applies to non-residential uses.</p> <p>A noise assessment was submitted as supporting documentation that demonstrated the proposal is expected to comply with the acceptable solution subject to recommendations being complied with. Council's Environmental Health Officer reviewed the assessment and agrees that the proposal complies with the acceptable solution.</p> <p>A condition has been recommended ensuring compliance.</p>
<p>A3 – External lighting must comply with all of the following:</p>	<p>A3 – Complies.</p> <p>This standard only applies to non-residential uses.</p>

Clause	Compliance/Comments
<p>(a) be turned off between 10:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>No external lighting other than security lighting is proposed in association with the non-residential uses. Any security lighting for the site will be baffled to ensure no emission of light into adjoining private land.</p> <p>A condition has been recommended ensuring compliance with the acceptable solution.</p>
<p>A4 – Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 5.00 pm Saturdays;</p> <p>(c) 9.00 am to 12 noon Sundays and Public Holidays.</p>	<p>A4 – Complies.</p> <p>This standard only applies to non-residential uses. Commercial vehicle movements including garbage removal will be within the hours listed in the acceptable solution.</p> <p>A condition has been recommended ensuring compliance with the acceptable solution.</p>
15.4 Development Standards for Buildings and Works	
<p>Clause 15.4.1 – Building Height</p> <p>A1 – Building height must be no more than: 10 m.</p>	<p>A1 – Does not comply.</p> <p>Building height is defined in the Scheme as the vertical distance from natural ground level at any point to the uppermost part of a building directly above that point, excluding minor protrusions such as aerials, antennae, solar panels, chimneys and vents. Natural ground level is defined in the Scheme as the natural level of a site at any point. This means the height calculation is not to be taken from the existing terraced ground level, rather measures from an approximated natural ground level prior to the terracing.</p> <p>The proposal exceeds the 10m height listed in the acceptable solution in the locations shown in the drape below.</p>  <p>The proposal includes a maximum height of approximately 11.797m in the area circled in red above and a height of approximately 11.047m in the area circled orange above.</p>
<p>A2 – Building height within 10 m of a residential zone must be no more than 8.5 m.</p>	<p>A2 – Does not comply.</p> <p>The proposed buildings are generally setback 10m from the side boundaries with the General Residential Zone. The accompanying sections confirm that the proposed buildings will not exceed</p>

Clause	Compliance/Comments
	the 8.5m standard within this setback. The proposal therefore complies with A2 in relation to the side boundary setbacks. The western building is setback 8.8m of the rear boundary with Kingston Green at its closest point and requires assessment under P2 as it exceeds 10m.
<p>Clause 15.4.2 – Setback</p> <p>A1 – Building setback from frontage must be parallel to the frontage and must be no more than: 3 m, if fronting Channel Highway. nil m, if fronting any other street.</p> <p>A2 – Building setback from the General Residential or Inner Residential Zone must be no less than: (a) 3 m; or (b) half the height of the wall, whichever is the greater.</p>	<p>A1 – Does not comply.</p> <p>The lot is an internal lot as the part of Village Drive within the strata lot boundaries is not a road as per the definitions of the Scheme. The setback is therefore measured from the Council maintained section of Village Drive as circled in the image below. The proposal therefore exceeds the nil setback allowed under the acceptable solution.</p>  <p>A2 – Does not comply.</p> <p>Retaining walls are proposed on some of the property boundaries ie a nil setback.</p>
<p>Clause 15.4.3 – Design</p> <p>A1 – Building design for non-residential use must comply with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ; (c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades 	<p>A1 – Does not comply.</p> <p>A1(a) – Does not comply as site is an internal lot. A1(b) – Does not comply. A1(c) – Does not comply. A1(d) – Complies. A1(e) – Complies. A1(f) – Complies. Awning not required. A1(g) – Complies.</p>

Clause	Compliance/Comments
<p>facing other public spaces is not greater than 30% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	
<p>A2 – Walls of a building facing the General Residential Zone or Inner Residential Zone must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>A2 – Complies. Plans do not specify colours and materials, however the application documentation confirms colours with a LRV less than 40. Condition recommended to ensure compliance.</p>
<p>Clause 15.4.4 – Passive Surveillance</p> <p>A1 – Building design for non-residential uses must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade;</p> <p>(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade;</p> <p>(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</p> <p>(e) provide external lighting to illuminate car parking areas and pathways;</p> <p>(f) provide well-lit public access at the ground floor level from any external car park.</p>	<p>A1 – Does not comply.</p> <p>A1(a) – Does not comply as the site is an internal lot.</p> <p>A1(b) – Does not comply.</p> <p>A1(c) – Does not comply for walls facing carparks internally.</p> <p>A1(d) – Complies.</p> <p>A1(e) – Complies.</p> <p>A1(f) – Complies.</p>
<p>Clause 15.4.5 – Landscaping</p> <p>A1 – Landscaping along the frontage of a site is not required if all of the following apply:</p>	<p>A1 – Does not comply.</p> <p>Does not comply with (a).</p>

Clause	Compliance/Comments
(a) the building extends across the width of the frontage, (except for vehicular access ways); (b) the building has a setback from the frontage of no more than 1 m.	It is not possible to comply with (b) as the only part of the site adjoining the frontage is the private section of Village Drive.
A2 – Along a boundary with the General Residential Zone or Inner Residential Zone landscaping must be provided for a depth no less than: 2 m.	A2 – Does not comply. Landscaping is proposed however, the minimum 2m depth is not achieved.
Clause 15.4.6 – Outdoor Storage Areas A1 – 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.	A1 – N/A No outdoor storage areas proposed. A condition has been recommended ensuring no outdoor storage associated with the non-residential uses occurs.
Clause 15.4.7 – Fencing A1 – Fencing must comply with all of the following: (a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage; (b) fences along a frontage must be at least 50% transparent above a height of 1.2 m; (c) height of fences along a common boundary with land in the General Residential Zone or Inner Residential Zone must be no more than 2.1 m and must not contain barbed wire.	A1 – Complies. No frontage fencing proposed and the fencing along the side boundaries adjoining residential land is proposed to be no more than 2.1m and not contain barbed wire.
Clause 15.4.8 – Residential Amenity A1 – A dwelling must have at least one habitable room window (other than a bedroom) facing between 30 degrees west of north and 30 degrees east of north. A2 – The potential for direct overlooking from windows of habitable rooms with a finished surface or floor level more than 1m above natural ground level on one lot to the windows of habitable rooms, balconies, decks and roof gardens on adjacent lots must be avoided or minimised by complying with any of the following: (a) have a side boundary setback no less than 3m; (b) be offset no less than 1.5 m from the windows of habitable rooms on adjacent lots where on the same horizontal lane; (c) have a window seal height no less than 1.5.	A1 – N/A No dwellings proposed as part of the application. Whilst the proposal includes assisted living apartments, these are not considered dwellings under the definitions and use classes of the Scheme. A2 – Complies. Habitable room windows to rooms with a floor level above 1m are proposed, however, all windows from habitable rooms will be setback at least 3m from side boundaries.

Clause	Compliance/Comments
<p>A3 – Outdoor living space must be provided for a dwelling that complies with all of the following:</p> <p>(a) be no less than 10m²;</p> <p>(b) have a width no less than 2m.</p>	<p>A3 – N/A</p> <p>No dwellings proposed as part of the application. Whilst the proposal includes assisted living apartments, these are not considered dwellings under the definitions and use classes of the Scheme.</p>
<p>A4 – Habitable rooms of dwellings adjacent to streets carrying more than 6000 vehicle per day must be designed to achieve internal noise levels no more than 45 dBA in accordance with relevant Australian Standards for acoustics control, (including AS3671 - Road Traffic, and AS2107 - Habitable Rooms).</p>	<p>A4 – N/A</p> <p>No dwellings proposed as part of the application. Whilst the proposal includes assisted living apartments, these are not considered dwellings under the definitions and use classes of the Scheme.</p>
<p>Clause 15.4.9 – Environmental Values</p> <p>A1 – No environmental values will be adversely impacted.</p>	<p>A1 – Does not comply.</p> <p>There are 16 trees within the Urban Mixed Use Zone (67 Village Drive). Of these trees, four (4) are of high-very high conservation value, with two (2) high conservation value trees proposed for removal (Trees 96 and 102). The development also encroaches into the tree protection zone of Tree 5, which is a very high conservation value tree. A further eight (8) trees which are not high conservation value trees are also proposed for removal in the Urban Mixed Use Zone. The development within the Urban Mixed Use also has the potential to create a collision risk and impact on birds, including the threatened swift parrot and blue-winged parrot.</p> <p>As the development impacts on environmental values, it requires assessment against the performance criteria.</p>

17.0 Community Purpose Zone

Use Status

Use Class	Only works proposed in the Community Purpose Zone are the water main works associated with the following uses: <ul style="list-style-type: none"> • Residential (Aged Care Facility and Retirement Village) • Business and Professional Services (Offices) • Community Meeting and Entertainment (Meeting room) • Food Services (Café) • General Retail and Hire (Hairdresser)
Use Status	Permitted (Community Meeting and Entertainment) Discretionary (Business and Professional Services, Food Services, General Retail and Hire and Residential)

Clause	Compliance/Comments
17.3 Use Standards	
Clause 17.3.1 – Hours of Operation A1 – Hours of operation of a use within 50 m of a residential zone must be within: <ul style="list-style-type: none"> (a) 8.00 am to 8.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 6.00 pm Saturdays; (c) 10.00 am to 5.00 pm Sundays and Public Holidays; except for office and administrative tasks.	A1 – N/A Only water main works are proposed on the land zoned Community Purpose.
Clause 17.3.2 – Noise A1 – Noise emissions measured at the boundary of a residential zone must not exceed the following: <ul style="list-style-type: none"> (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am; (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.	A1 – N/A Only water main works are proposed on the land zoned Community Purpose.
A2 – External amplified loud speakers or music must not be used within 50 m of a residential zone, except if a school system used for school announcements.	A2 – N/A Only water main works are proposed on the land zoned Community Purpose.

Clause	Compliance/Comments
Clause 17.3.3 – External Lighting A1 – External lighting, other than flood lighting of sport and recreation facilities, within 50 m of a residential zone must comply with all of the following: <ul style="list-style-type: none"> (a) be turned off between 9:00 pm and 6:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone. 	A1 – N/A Only water main works are proposed on the land zoned Community Purpose.
A2 – Flood lighting of sport and recreation facilities within 200 m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	A2 – N/A Only water main works are proposed on the land zoned Community Purpose.
Clause 17.3.4 – Commercial Vehicle Movements A1 – 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: <ul style="list-style-type: none"> (a) 7.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5 pm Saturdays; (c) 10.00 am to 12 noon Sundays and Public Holidays. 	A1 – N/A Only water main works are proposed on the land zoned Community Purpose.
Clause 17.3.5 – Discretionary Use A1 – No Acceptable Solution	A1 – Does not comply. Although only infrastructure works proposed in this zone, they are associated with discretionary uses.
A2 - No Acceptable Solution	A2 – N/A
17.4 Development Standards for Buildings and Works	
Clause 17.4.1 – Building Height A1 – Building height must be no more than: 10m.	A1 – N/A Only water main works are proposed on the land zoned Community Purpose.
A2 – Building height within 10m of a residential zone must be no more than 8.5m.	A2 – N/A Only water main works are proposed on the land zoned Community Purpose.
Clause 17.4.2 – Setback A1 – Building setback from frontage must be no less than: 6m, if fronting Channel Highway. 3m, if fronting any other street. A2 – Building setback from a residential zone must be no less than: <ul style="list-style-type: none"> (a) 3m; 	A1 – N/A Only water main works are proposed on the land zoned Community Purpose. A2 – N/A Only water main works are proposed on the land zoned Community Purpose.

Clause	Compliance/Comments
(b) half the height of the wall, whichever is the greater.	
<p>A3 – Building setback for buildings for sensitive use must comply with all of the following:</p> <p>(a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m;</p> <p>(b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200 m.</p>	<p>A3 – N/A</p> <p>Only water main works are proposed on the land zoned Community Purpose.</p>
<p>Clause 17.4.3 – Design</p> <p>A1 – Building design must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade;</p> <p>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	<p>A1 – N/A</p> <p>Only water main works are proposed on the land zoned Community Purpose.</p>
<p>A2 – Walls of a building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>A2 – N/A</p> <p>Only water main works are proposed on the land zoned Community Purpose.</p>
<p>Clause 17.4.4 – Passive Surveillance</p> <p>A1 – Buildings design must complying with all of the following:</p>	<p>A1 – N/A</p> <p>Only water main works are proposed on the land zoned Community Purpose.</p>

Clause	Compliance/Comments
<ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site; (b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area of the ground floor level facade; (c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground floor level facade; (d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces; (e) provide external lighting to illuminate car parking areas and pathways; (f) provide well-lit public access at the ground floor level from any external car park. 	
<p>Clause 17.4.5 – Landscaping</p> <p>A1 – Landscaping must be provided along the frontage of a site (except where access is provided) unless the building has nil setback to frontage.</p>	<p>A1 – N/A</p> <p>The land within the Community Purpose zone is contained within the Village Drive road reserve and therefore there is no frontage.</p>
<p>A2 – Along a boundary with a residential zone landscaping must be provided for a depth no less than: 2m.</p>	<p>A2 – Complies</p> <p>The boundary with the General Residential zone is part way through the Village Drive road reserve and therefore landscaping is not possible. The other boundary with the General Residential zone has existing landscaping consisting of grass verges and trees/shrubs along the private section of Village Drive.</p>
<p>Clause 17.4.6 – Outdoor Storage Areas</p> <p>A1 – Outdoor storage areas for non-residential uses must comply with all of the following:</p> <ul style="list-style-type: none"> (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>A1 – N/A</p> <p>Only water main works are proposed on the land zoned Community Purpose.</p>
<p>Clause 17.4.7 – Fencing</p> <p>A1 – Fencing must comply with all of the following:</p> <ul style="list-style-type: none"> (a) fences, walls and gates of greater height than 1.5m must not be erected within 4.5 m of the frontage; 	<p>A1 – N/A</p> <p>Only water main works are proposed on the land zoned Community Purpose.</p>

Clause	Compliance/Comments
(b) fences along a frontage must be at least 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.	
Clause 17.4.8 – Environmental Values A1 – No trees of high conservation value will be impacted.	A1 – Does not comply. There are 22 trees within the Community Purpose Zone at 35 Redwood Road, including 10 high-very high conservation value trees (Trees 1-3, 6-8, 13, 17, 21 and 22). The installation of water infrastructure within Village Drive and the Community Purpose Zone encroaches into the tree protection zones of one (1) high and one (1) very high conservation value tree. As the proposal will impact on high-very conservation value trees, it requires assessment against the Performance Criteria.

19.0 Open Space Zone

Use Status

Use Class	The carparking, maintenance shed and use of open space area are associated with the following uses: <ul style="list-style-type: none"> • Community Meeting and Entertainment (Meeting room) • Food Services (Café) • General Retail and Hire (Hairdresser) • Passive Recreation
Use Status	No Permit Required (Passive Recreation) Discretionary (Community Meeting and Entertainment, Food Services and General Retail and Hire).

Clause	Compliance/Comments
19.3 Use Standards	
Clause 19.3.1 – Hours of Operation A1 – Hours of operation of a use within 50 m of a residential zone must be within: <ul style="list-style-type: none"> (a) 8.00 am to 6.00 pm Mondays to Saturdays inclusive; (b) 10.00 am to 4.00 pm Sundays and Public Holidays; except for office and administrative tasks.	A1 – Does not comply. The carparking is partially associated with the Meeting Room which is proposed to accept bookings from 5.00pm – 10.00pm Monday-Friday which exceeds the hours listed in the acceptable solution. All other uses comply as follows: Café – 10.00am – 4.00pm (7 days) Hairdresser – 9.00am – 5.00pm (Monday – Saturday)
Clause 19.3.2 – Noise	A1 – Complies.

Clause	Compliance/Comments
<p>A1 – Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <ul style="list-style-type: none"> (a) 55dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm and 8.00 am; (c) 65dB(A) (LAmax) at any time. <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, second edition, July 2008, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	<p>A noise assessment was submitted as supporting documentation that demonstrated the proposal is expected to comply with the acceptable solution subject to recommendations being complied with. Council's Environmental Health Officer reviewed the assessment and agrees that the proposal complies with the acceptable solution.</p> <p>A condition has been recommended ensuring compliance.</p>
<p>A2 – External amplified loud speakers or music must not be used within 50 m of a residential zone.</p>	<p>A2 – N/A</p> <p>None proposed.</p>
<p>Clause 19.3.3 – External Lighting</p> <p>A1 – External lighting within 50 m of a residential zone must comply with all of the following:</p> <ul style="list-style-type: none"> (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone. 	<p>A1 – Complies.</p> <p>The only lighting proposed within the Open Space Zone is security lighting that will be baffled.</p> <p>Condition recommended for compliance.</p>
<p>Clause 19.3.4 – Commercial Vehicle Movements</p> <p>A1 – 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"> (a) 7.00 am to 5.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12 noon Saturdays; (c) Nil Sundays and Public Holidays. 	<p>A1 – N/A</p> <p>No commercial vehicle movements proposed within the Open Space portion of the site.</p>
<p>Clause 19.3.5 – Discretionary Use</p> <p>A1 – No Acceptable Solution</p>	<p>A1 – Does not comply.</p> <p>No Acceptable Solution.</p>
<p>19.4 Development Standards for Buildings and Works</p>	
<p>Clause 19.4.1 – Building Height</p> <p>A1 – Building height must be no more than: 6.5m.</p>	<p>A1 – Complies.</p> <p>Maintenance shed would have a maximum height of 3.954m.</p>
<p>Clause 19.4.2 – Setback</p> <p>A1 – Building setback from frontage must be no less than:</p>	<p>A1 – Complies.</p> <p>Maintenance shed is setback over 350m from the frontage.</p>

Clause	Compliance/Comments
<p>5m.</p> <p>A2 – Building setback from a residential zone must be no less than:</p> <p>(a) 3m;</p> <p>(b) half the height of the wall, whichever is the greater.</p>	<p>A2 – Complies.</p> <p>The maintenance shed would be setback approximately 19m from the nearest residential zone.</p>
<p>Clause 19.4.3 – Landscaping</p> <p>A1 – Landscaping along the frontage of a site must be provided to a depth of no less than 2m.</p>	<p>A1 – N/A</p> <p>Open Space section of land does not have a frontage.</p>
<p>A2 – Along a boundary with a residential zone landscaping must be provided for a depth no less than 2m.</p>	<p>A2 – Does not comply.</p> <p>Landscaping is not provided for a depth of 2m.</p>
<p>Clause 19.4.4 – Fencing</p> <p>A1 – Fencing must comply with all of the following:</p> <p>(a) fences, walls and gates of greater height than 1.5m must not be erected within 4.5m of the frontage;</p> <p>(b) fences along a frontage must be at least 50% transparent above a height of 1.2m;</p> <p>(c) height of fences along a common boundary with land in a residential zone must be no more than 2.1m and must not contain barbed wire.</p>	<p>A1 – N/A</p> <p>None proposed.</p>
<p>Clause 19.4.5 – Environmental Values</p> <p>A1 – No environmental values will be adversely impacted.</p>	<p>A1 – Does not comply.</p> <p>There are 86 trees within the Open Space Zone (67 Village Drive). Of these trees, 53 are of high-very high conservation value, with one (1) very high conservation value tree proposed for removal (Tree 94, a <i>E. amygdalina</i> >70cm and providing potential nesting habitat). The development also encroaches into the tree protection zone of Trees 13 and 67, which are high conservation value trees (<i>E. globulus</i> >40cm and providing potential foraging habitat). A further nine (9) trees of non-high conservation value are also proposed for removal in the Open Space Zone.</p> <p>In addition, the Open Space Zone contains potential habitat for the <i>Chaostola</i> skipper, with a small extent (~100m²) of this within the HMA and requiring modification for bushfire. As the development impacts on environmental values, it requires assessment against the performance criteria.</p>

Code Provisions

Clause	Compliance/Comments
E1.0 Bushfire-Prone Areas Code	
Clause E1.5.1 - Vulnerable Uses A1 – No acceptable solution (requires assessment against performance criteria)	A1 – Does not comply. The proposed development is for a new residential aged care home and assisted living apartments. As the use is located in a Bushfire-Prone Area and meets the definition of a vulnerable use under the Bushfire-Prone Areas Code it requires assessment against Clause E1.5.1. As there is no acceptable solution the proposal must be assessed against the Performance Criteria.
A2 – An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use considering: <ul style="list-style-type: none"> (a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; (b) the ability of occupants of the vulnerable use to: <ul style="list-style-type: none"> (i) protect themselves and defend property from bushfire attack; (ii) evacuate in an emergency; and (iii) understand and respond to instructions in the event of a bushfire; and (c) any bushfire protection measures available to reduce risk to emergency service personnel. 	A2 – Complies. There is a TFS/accredited person endorsed emergency management strategy (10 October 2024, Revision 01) that has been submitted with the application for this specific proposal. A condition is recommended for inclusion in any permit issued to ensure compliance with the plan, including development and implementation of a detailed bushfire emergency plan.
A3 – A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	A3 – Complies. A certified bushfire hazard management plan (Castellan Consulting, 12 December 2024, Rev 02) containing appropriate bushfire protection measures specific to the proposal has been provided. A condition is recommended for inclusion in any permit issued to ensure compliance with the plan.
Clause E1.5.2 - Hazardous Uses A1 – No acceptable solution (requires assessment against performance criteria)	A1 – N/A No hazardous uses proposed.
A2 – An emergency management strategy, endorsed by the TFS or accredited person, that provides for mitigation measures to achieve and maintain a level of tolerable risk that is specifically developed to address the characteristics, nature and scale of the use having regard to:	A2 – N/A

Clause	Compliance/Comments
<p>(a) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability; and</p> <p>(b) available fire protection measures to:</p> <p>(i) prevent the hazardous use from contributing to the spread or intensification of bushfire;</p> <p>(ii) limit the potential for bushfire to be ignited on the site;</p> <p>(iii) prevent exposure of people and the environment to the hazardous chemicals, explosives or emissions as a consequence of bushfire; and</p> <p>(iv) reduce risk to emergency service personnel.</p>	
<p>A3 – A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.</p>	<p>A3 – N/A</p>
<p>E2.0 Potentially Contaminated Land Code</p>	
<p>This Code applies to:</p> <p>(a) a use, on potentially contaminated land, that is a sensitive use, or a use listed in a use class in Table E2.2.1 and is one of the uses specified as a qualification; or</p> <p>(b) development on potentially contaminated land.</p> <p>Potentially contaminated land is defined in the Scheme as land that is, or adjoins, land that the applicant or the planning authority:</p> <ul style="list-style-type: none"> • knows to have been used for a potentially contaminating activity by reference to:– <ul style="list-style-type: none"> i. a notice issued in accordance with Part 5A of the Environmental Management and Pollution Control Act 1994; or ii. a previous permit ; or • ought reasonably to have known was used for a potentially contaminating activity. <p>41 Alfreds Gardens adjoins two sites which have been known to be used for a potentially contaminating activity therefore it meets the definition of potentially contaminated land.</p> <p>However, the only development proposed on 41 Alfreds Gardens is tree removal and ongoing bushfire hazard management. The development is exempt from the Code in accordance with Clause E2.4.4 and whilst the works are associated with a sensitive use, the sensitive use would be located on 67 Village Drive therefore the use does not require assessment against the Code.</p>	
<p>E5.0 Road and Railway Assets Code</p>	
<p>Clause E5.5.1 – Existing road accesses and junctions</p> <p>A1 – The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>A1 – N/A</p>

Clause	Compliance/Comments
A2 – 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 more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	A2 – N/A
A3 – 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 more than 20% or 40 vehicle movements per day, whichever is the greater.	A3 – Does not comply. The TIA estimates the traffic generation associated with the development at 487 vehicles per day with a peak of 50 vehicles per hour. The traffic flow of Village Drive is estimated at around 1,500 vehicles per day.
E5.5.2 Exiting level crossings A1 – Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater.	A1 – N/A
Clause E5.6.1 - Development adjacent to roads and railways A1.1 – Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h: (a) new buildings; (b) other road or earth works; and (c) building envelopes on new lots.	A1.1 – N/A
A1.2 – Buildings, may be: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than: (i) the existing building; or (ii) an immediately adjacent building.	A1.2 – N/A
Clause E5.6.2 - Road access and junctions A1 – No new access or junction to roads in an area subject to a speed limit of more than 60km/h.	A1 – N/A
A2 – 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.	A2 – Complies. The proposed development proposal includes two (2) access points onto the accessway at Village Drive, however, Village Drive is not a road as per the definition in the Scheme therefore the proposal complies as only one access is existing onto Council's road.

Clause	Compliance/Comments
Clause E5.6.3 – New level crossings A1 – No acceptable solution (requires assessment against performance criteria)	A1 – N/A
Clause E5.6.4 - Sight distance at accesses, junctions and level crossings A1 – Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	A1 – Complies.
E6.0 Parking and Access Code	
Clause E6.6.1 - Number of car parking spaces A1 - The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1; except if: (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;	A1 – Does not comply. (a) A total of 128 spaces is required for the development as follows: (b) Residential Aged Care Facility – 24 spaces (c) Retirement Village – 75 spaces (d) Offices – 2 spaces (e) Café – 23 spaces (f) Hairdresser – 1 space (g) Meeting Room – 3 spaces (h) Passive Recreation – 0 spaces (i) A total of 155 spaces are proposed for the development and located as follows: • Urban Mixed Use Zone (91 spaces) • General Residential Zone (2 indent parking spaces at front of building) • Open Space Zone (62 spaces) (j) Residential (Aged Care Facility and Retirement Village) and Business and Professional Services (Office) are prohibited uses in the Open Space Zone therefore any of the parking within the Open Space Zone is unable to be counted towards the residential and office component of the proposal. (k) Based on the Acceptable Solution the following parking would be required for these uses: • 23 spaces plus 1 emergency space for the Aged Care Facility • 75 spaces for the Retirement Village • 2 spaces for the Office. A total of 101 spaces are required to comply and only 93 can be considered associated with these uses as there are only 93 spaces located within the Urban Mixed Use and General Residential zones. Therefore, there is a shortfall of 8 spaces for these

Clause	Compliance/Comments
	uses and the proposal does not comply with the Acceptable Solution.
<p>Clause E6.6.2 – Number of Accessible Car Parking Spaces for People with a Disability</p> <p>A1 - Car parking spaces provided for people with a disability must:</p> <ul style="list-style-type: none"> (a) satisfy the relevant provisions of the Building Code of Australia; (b) be incorporated into the overall car park design; (c) be located as close as practicable to the building entrance. 	<p>A1 – Complies.</p> <p>A total of three (3) accessible parking spaces are to be provided in accordance with the BCA standards. Two (2) spaces are located in the Residential Aged Care Facility carpark and one (1) space in the Assisted Living Units (retirement village) carpark.</p>
<p>Clause E6.6.3 – Number of Motorcycle Parking Spaces</p> <p>A1 - The number of on-site motorcycle parking spaces provided must be at a rate of 1 space to each 20 car parking spaces after the first 19 car parking spaces except if bulky goods sales, (rounded to the nearest whole number). Where an existing use or development is extended or intensified, the additional number of motorcycle parking spaces provided must be calculated on the amount of extension or intensification, provided the existing number of motorcycle parking spaces is not reduced.</p>	<p>A1 – Complies.</p> <p>No dedicated motorcycle parking spaces are proposed on the plans; however, a condition is recommended for inclusion in any permit issued that 6 dedicated motorcycle spaces must be provided. The dedicated motorcycle parking spaces must be located within 30m of the main entrance to the building.</p>
<p>Clause E6.6.4 – Number of Bicycle Parking Spaces</p> <p>A1 - The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.</p>	<p>A1 – Complies.</p> <p>The planning scheme requires a total of 13 bicycle parking spaces (11 for the Residential Aged Care Facility and two (2) for the café) for staff with a class 2 lockable compound to be provided.</p> <p>Further to this a total of three (3) visitor bicycle parking spaces with a lockable hoop to be provided for the Residential Aged Care Facility.</p> <p>Whilst not shown on the plan, this requirement is recommended to be included as a condition of approval in any permit issued.</p>
<p>Clause E6.7.1 - Number of vehicular accesses</p> <p>A1 – 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>A1 – Complies.</p> <p>The proposed development proposal includes two (2) access points onto the accessway at Village Drive, however, Village Drive is not a road as per the definition in the Scheme therefore the proposal complies as only one access is existing onto Council's road.</p>
<p>Clause E6.7.2 - Design of vehicular accesses</p> <p>A1 – Design of vehicle access points must comply with all of the following:</p>	<p>A1 – Complies.</p>

Clause	Compliance/Comments
<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>Clause E6.7.3 - Vehicular passing areas along an access</p> <p>A1 – 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"> (i) it serves more than 5 car parking spaces; (ii) is more than 30 m long; (iii) it meets a road serving more than 6000 vehicles per day <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>A1 – Complies.</p> <p>Double width accesses proposed internally.</p>
<p>Clause E6.7.4 - On-site turning</p> <p>A1 – 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>A1 – Complies.</p>
<p>Clause E6.7.5 - Layout of parking areas</p> <p>A1 – 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>A1 – Complies.</p>


Clause	Compliance/Comments
<p>Clause E6.7.6 - Surface treatment of parking areas</p> <p>A1 – 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>A1 – Complies.</p>
<p>Clause E6.7.7 - Lighting of parking areas</p> <p>A1 – 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>A1 – Complies.</p> <p>Condition recommended ensuring compliance.</p>
<p>Clause E6.7.8 - Landscaping of parking areas</p> <p>A1 – 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>A1 – Complies.</p>
<p>Clause E6.7.9 – Design of motorcycle parking areas</p> <p>A1 - The design of motorcycle parking areas must comply with all of the following:</p> <p>(a) be located, designed and constructed to comply with section 2.4.7 “Provision for Motorcycles” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) be located within 30 m of the main entrance to the building.</p>	<p>A1 – Complies.</p> <p>Condition recommended ensuring compliance.</p>
<p>Clause E6.7.10 – Design of bicycle parking facilities</p> <p>A1 - The design of bicycle parking facilities must comply with all the following;</p> <p>(a) be provided in accordance with the requirements of Table E6.2;</p> <p>(b) be located within 30 m of the main entrance to the building.</p>	<p>A1 – Complies.</p> <p>Condition recommended ensuring compliance.</p>
<p>A2 - The design of bicycle parking spaces must be to the class specified in table 1.1 of AS2890.3-1993 Parking facilities Part 3: Bicycle parking facilities in compliance with section 2 “Design of Parking</p>	<p>A2 – Complies.</p> <p>Condition recommended ensuring compliance.</p>

Clause	Compliance/Comments
Facilities" and clauses 3.1 "Security" and 3.3 "Ease of Use" of the same Standard. R1	
<p>Clause E6.7.11 – Bicycle end of trip facilities</p> <p>A1 - For all new buildings where the use requires the provision of more than 5 bicycle parking spaces for employees under Table E6.2, 1 shower and change room facility must be provided, plus 1 additional shower for each 10 additional employee bicycle spaces thereafter.</p>	<p>A1 – Complies.</p> <p>Condition recommended ensuring compliance.</p>
<p>Clause E6.7.12 – Siting of car parking</p> <p>A1 - Parking spaces and vehicle turning areas, including garages or covered parking areas in the Inner Residential Zone, Urban Mixed Use Zone, Village Zone, Local Business Zone and General Business Zone must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.</p>	<p>A1 – Complies.</p>
<p>Clause E6.7.13 – Facilities for commercial vehicles</p> <p>A1 - 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>A1 – Complies.</p> <p>The Residential Aged Care Facility has dedicated loading bay at the rear of the building for deliveries and waste management. The Assisted Living Units (retirement village) has a turning bay and waste storage room at the entrance to the basement parking area. The turning paths for the medium rigid service vehicle (rubbish) and the small rigid vehicle (delivery) are shown the civil engineering drawings.</p>
<p>Clause E6.7.14 - Access to a road</p> <p>A1 – Access to a road must be in accordance with the requirements of the road authority.</p>	<p>A1 – Complies.</p> <p>Council is the Road Authority for Village Drive. It is acknowledged internal to the site the access is called Village Drive however this does not meet the definition of a road under the Scheme therefore the access to a road is considered where the private road reaches Council's road.</p>
E7.0 Stormwater Management Code	
<p>Clause E7.7.1 - Stormwater drainage and disposal</p> <p>A1 – Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p>A1 – Complies.</p>
<p>A2 – 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>A2 – Complies.</p> <p>The stormwater management system includes a piped stormwater detention and quality treatment system in the south-west carpark.</p>

Clause	Compliance/Comments
(a) the size of new impervious area is more than 600 m ² ; (b) new car parking is provided for more than 6 cars; (c) a subdivision is for more than 5 lots.	
A3 – A minor stormwater drainage system must be designed to comply with all of the following: (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; (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.	A3 – Complies.
A4 – A major stormwater drainage system must be designed to accommodate a storm with an ARI of 100 years.	A4 – Complies.
E10.0 Biodiversity Code	
Clause E10.7.1 - Buildings and works A1 – Clearance and conversion or disturbance must be within a Building Area on a plan of subdivision approved under this planning scheme.	A1 – Does not comply. A Natural Values Assessment (NVA) (North Barker Ecosystem Services, v1.4, 5 February 2024) submitted in response to a further information request confirms that the subject site (including 67 Village Drive and that part of 41 Alfreds Garden relied upon for the development) contains the following priority biodiversity values: <ul style="list-style-type: none"> • 0.15 ha of <i>Eucalyptus ovata</i> dry forest and woodland (DOV), with 0.0118 ha on 67 Village Drive and 0.1382 ha on 41 Alfreds Garden; and • 0.6 ha of <i>Eucalyptus amygdalina</i> forest and woodland on sandstone (DAS), with 0.5 ha on 67 Village Drive and 0.1 ha on 41 Alfreds Garden. These vegetation communities are listed as threatened under the <i>Nature Conservation Act 2002</i> and are a high priority biodiversity values under the Biodiversity Code (Table E10.1). While DOV also has the potential to be an endangered ecological community under the Commonwealth <i>Environment Protection and Biodiversity Conservation</i> (EPBC) Act 1999, according to the NVA the vegetation on the subject site does not qualify based on the patch size being less than 0.5 ha.

Clause	Compliance/Comments
	<p>That part of the subject site within a Biodiversity Protection Area also contains 28 high-very high conservation value trees, including:</p> <ul style="list-style-type: none"> • 7 trees of very high conservation value as they provide potential nesting and foraging habitat and (<i>E. ovata</i> or <i>E. globulus</i> >70cm); • 4 trees of very high conservation value as they provide potential nesting habitat (dbh >70cm); and • 17 trees of high conservation value as they provide potential foraging habitat (<i>E. ovata</i> or <i>E. globulus</i> >40cm). <p>These trees are all a moderate priority biodiversity value under the Biodiversity Code (Table E10.1).</p> <p>While there are an additional 53 trees of high-very high conservation value on or adjacent to the proposed development, these are located outside the Biodiversity Protection Area and are assessed under the relevant zone standards.</p> <p>In addition, the vegetation on the site provides suitable habitat for the chaostola skipper (<i>Antipodia chaostola leucophaea</i>), the swift parrot (<i>Lathamus discolor</i>), the blue-winged parrot (<i>Neophema chrysostoma</i>) and the eastern barred bandicoot (<i>Perameles gunnii</i>).</p> <p>The proposed development impacts upon the following high priority biodiversity values, including:</p> <ul style="list-style-type: none"> • 0.007 ha of DOV and 0.005 ha of DAS within the footprint of the proposed development on 67 Village Drive; • modification of 0.143 ha of DOV for bushfire hazard management on 67 Village Drive and 41 Alfreds Garden; and • modification of 0.152 ha of DAS for bushfire hazard management on 67 Village Drive and 41 Alfreds Garden. <p>The proposal also impacts on the following moderate priority biodiversity values, including:</p> <ul style="list-style-type: none"> • removal of two (2) trees of very high conservation value (both <i>E. ovata</i> trees >70cm), providing potential nesting and foraging habitat for the swift and potential nesting habitat for the blue-winged parrot (Trees AG34 and AG155); • removal of eight (8) trees of high conservation value (all <i>E. ovata</i> trees >40cm) providing potential foraging habitat for the swift parrot (Trees 96, 102, AG28, AG30, AG33, AG38, AG39 and AG41); and

Clause	Compliance/Comments
	<ul style="list-style-type: none"> modification of Chaostola skipper habitat within the bushfire hazard management area. <p>An additional tree of very high conservation value (Tree 94) is proposed for removal in the Open Space Zone and five (5) other high-very high conservation value trees are impacted through encroachment (Trees 5, 13, 67, WM13 and WM22). However, these trees are located outside the Biodiversity Protection Area and only require assessment against the relevant zone standards.</p> <p>It is also noted that the NVA states that the removal of trees within 2m of the property boundaries are exempt from the Biodiversity Code. However, the exemption provided under Clause E10.4.1 (l)(ii) only applies to impacts on trees for the purpose or erecting or maintaining a boundary fence. As the tree removal is required for the proposed development rather than the erection or maintenance of a boundary fence, this exemption is not applicable and the full scope of tree removal subject to Code E10.0 requires assessment.</p> <p>The proposal is unable to meet A1 as there is no building area on the title and the proposal involves the clearance and conversion or disturbance of high and moderate priority biodiversity values. Therefore, it must be assessed against the Performance Criteria P1 (b) and (c).</p>
E11.0 Waterway and Coastal Protection Code	
<p>There is a small watercourse at the southern end of the subject site. However, apart from rehabilitation and weed control within the proposed offset area, it does not occur on the parts of the site that are proposed for development or works. Pursuant to Clause 5.4.4, vegetation rehabilitation works including revegetation and weed removal, are exempt from requiring planning approval providing ground cover is maintained and erosion managed. Provided a condition is included in any permit issued requiring rehabilitation to maintain ground cover and manage erosion, the works within a Waterway and Coastal Protection Area meet this exemption and do not require an assessment against the code.</p>	
E14.0 Scenic Landscapes Code	
<p>Clause E14.7.1 Removal of bushland within scenic landscape areas</p> <p>A1 - Removal or disturbance of bushland must comply with both of the following:</p> <p>(a) be on land no less than 50 m (in elevation) from a skyline;</p> <p>(b) be no more than 500 m² in extent.</p>	<p>A1 – N/A</p> <p>The only portion of the site impacted by the Scenic Landscapes Code is shown below. No removal of bushland is proposed within this area.</p>

Clause	Compliance/Comments
	
<p>Clause E14.7.2 - Appearance of buildings and works within scenic landscape areas</p> <p>A1 - Buildings must comply with one of the following:</p> <ul style="list-style-type: none"> (a) not be visible from public spaces; (b) be an addition or alteration to an existing building that; <ul style="list-style-type: none"> (i) increases the gross floor area by no more than 25%; (ii) does not increase the building height; (iii) provides external finishes the same or similar to existing. 	<p>A1 – N/A</p> <p>No buildings proposed within the scenic landscape area.</p>
<p>A2 – Works must not be visible from public spaces.</p>	<p>A2 – Does not comply.</p> <p>The application proposes works within the scenic protection area for the laying of the new water main to facilitate the development.</p>
E15.0 Inundation Prone Areas Code	
<p>Clause E15.6 - Use standards</p> <p>A1 – Change of use of a non-habitable building to a habitable building or a use involving habitable rooms must comply with all of the following:</p> <ul style="list-style-type: none"> (a) floor level of habitable rooms is no less than the AHD level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor level of habitable rooms is no less than the AHD level for the 1% AEP plus 300mm if in an area subject to riverine flooding. 	<p>A1 – N/A</p>
<p>Clause E15.7.1 - Coastal inundation high hazard areas</p> <p>A1 – For a habitable building, including extensions to existing habitable buildings, there is no Acceptable Solution (requires assessment against performance criteria).</p>	<p>A1 – N/A</p>

Clause	Compliance/Comments
A2 – For a non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, there is no Acceptable Solution (requires assessment against performance criteria).	A2 – N/A
Clause E15.7.2 - Coastal inundation medium hazard areas A1 – For a new habitable building there is no Acceptable Solution (requires assessment against performance criteria).	A1 – N/A
A2 – Except for new rooms associated with habitable buildings other than dwellings, for which there is no acceptable solution, an extension to an existing habitable building must comply with one of the following: (a) new habitable rooms must comply with both of the following: (i) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, (ii) floor area of the extension no more than 40 m ² from the date of commencement of this planning scheme; (b) new habitable rooms must be above ground floor.	A2 – N/A
A3 – A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 40m ² .	A3 – N/A
Clause E15.7.3 - Coastal inundation low hazard areas A1 – A new habitable building must comply with the following: (a) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;	A1 – N/A
A2 – An extension to a habitable building must comply with either of the following: (a) floor level of habitable rooms is no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1; (b) floor area is no more than 60 m ² .	A2 – N/A
A3 – A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 60m ² .	A3 – N/A

Clause	Compliance/Comments
<p>Clause E15.7.4 - Riverine inundation hazard areas</p> <p>A1 - A new habitable building must have a floor level no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm.</p>	<p>A1 – Complies.</p> <p>The subject site is partially within a Riverine Inundation Hazard Area as it is subject to inundation from overland flow in a 1% AEP event. As the private road networks within the site are designed to fall away from buildings towards the boundary and the stormwater system is designed to capture and detain overland flows, the development is designed to ensure the proposed finish floor levels are no lower than the 1% AEP (100 yr ARI) storm event plus 300 mm.</p>
<p>A2 – An extension to an existing habitable building must comply with one of the following:</p> <p>(a) floor level of habitable rooms is no lower than the 1% AEP (100 yr ARI) storm event plus 300mm;</p> <p>(b) floor area of the extension no more than 60m² as at the date of commencement of this planning scheme.</p>	<p>A2 – N/A</p>
<p>A3 – The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60m².</p>	<p>A3 – N/A</p> <p>There are no non-habitable buildings, outbuildings or class 10b structures within a Riverine Inundation Hazard Area as part of the proposal.</p>
<p>Clause E15.7.5 - Riverine, coastal investigation area, low, medium high inundation hazard area</p> <p>A1 – For landfill, or solid walls greater than 5m in length and 0.5m in height, there is no acceptable solution (requires assessment against performance criteria).</p>	<p>A1 – N/A</p> <p>There is no landfill or solid walls greater than 5m length and 0.5m high in the area affected by overland flows, as the private road networks within the site are designed to capture and divert overland flows away from solid walls.</p>
<p>A2 – No acceptable solution (requires assessment against performance criteria)</p>	<p>A2 – N/A</p> <p>The proposal does not involve or rely upon any mitigation measures.</p>
<p>A3 – A land application area for onsite wastewater management must comply with all of the following:</p> <p>(a) horizontal separation distance from high water mark or from the top of bank of a watercourse or lake must be no less than 100m;</p> <p>(b) vertical separation distance from the water table must be no less than 1.5m.</p>	<p>A3 – N/A</p>
<p>Clause E15.7.6 - Development Dependent on a Coastal Location</p> <p>A1 - An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.</p>	<p>A1 – N/A</p>

Clause	Compliance/Comments
A2 - No acceptable solution (requires assessment against performance criteria).	A2 – N/A
A3 - No Acceptable Solution for coastal protection works initiated by the private sector (requires assessment against performance criteria).	A3 – N/A
E24.0 Significant Trees Code	
Part of the subject site (41 Alfreds Garden) is affected by this code; however the proposal will not impact on the listed tree, therefore an assessment against the code is not required.	

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

F1.0 Kingston Green Specific Area Plan

Use Status

Use Class	Residential Only tree removal and bushfire hazard management associated with Residential Aged Care Facility proposed on land within the SAP
Use Status	Discretionary

Clause	Compliance/Comments
Clause F1.4.1.1 Location of Use A1 – Use must be in accordance with Figures F1.2 and F1.3.	A1 – Does not comply.
Clause F1.5.1.1 Location of development A1 - Development must be in accordance with Figures F1.2 and F1.3.	A1 – Does not comply.
There are no other applicable development standards in the SAP as the only development proposed is vegetation removal and ongoing bushfire hazard management.	








551 **Edible seaweeds**

PROPOSED FLOOR AREA BREAKDOWN

RESIDENTIAL AGED CARE ROOMS (RAC)PAGE: 788

ASSISTED LIVING APARTMENTS (AL)	
1 BED APARTMENTS:	6
2 BED APARTMENTS:	54

THE SYMBOL LEGEND
 (names, journal) Transcribes with the original document

	RMV conservation from gsd T9.2	Non conservation values from	Proposed glycosylation
ProteinA			
ProteinB			

TREE SUMMARY

100%

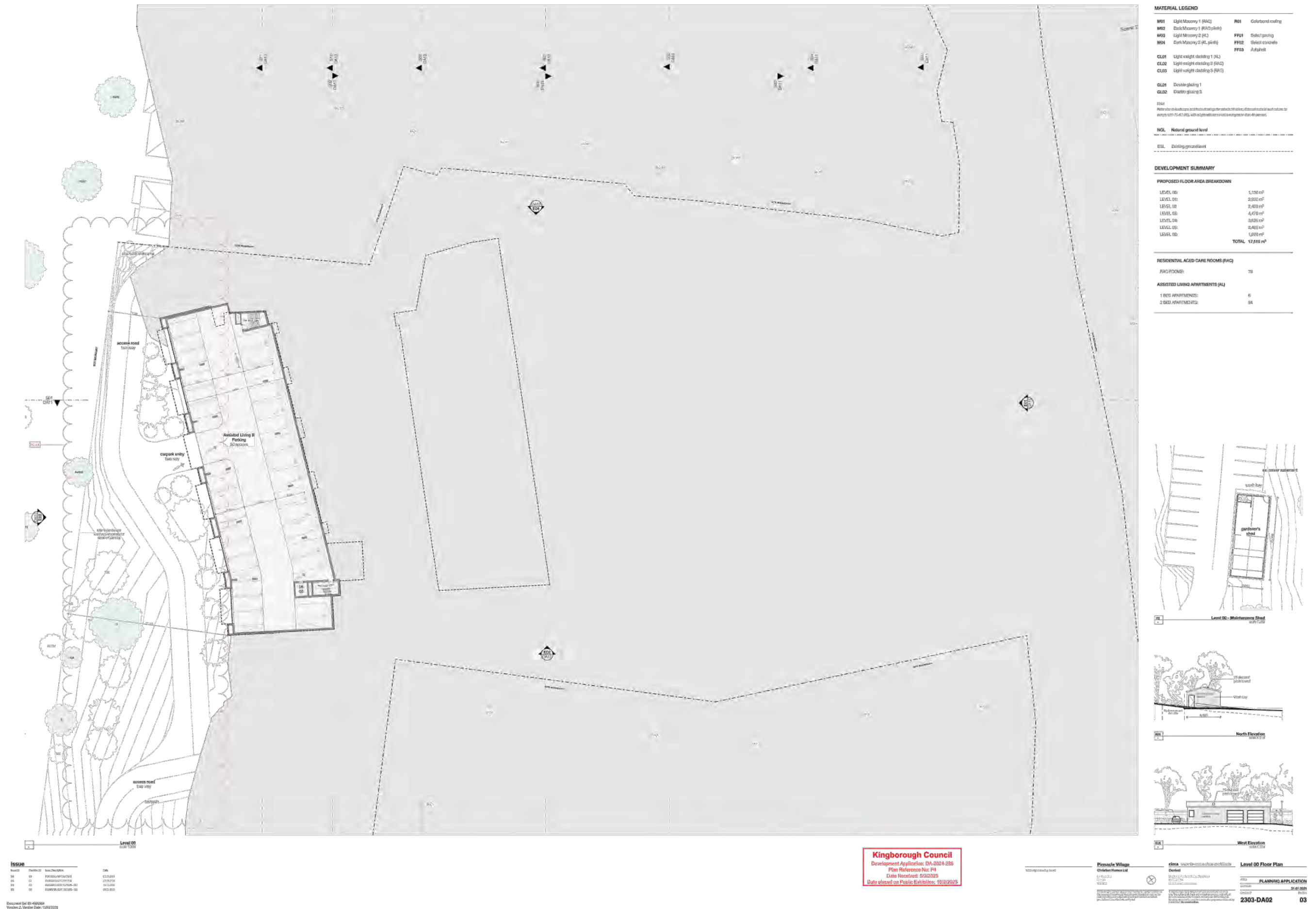
[illegible]

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73	Enfing	166	Enfing	Enfing
74	Enfing	167	Enfing	Enfing
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97	Enfing	190	Enfing	Enfing
98	Enfing	191	Enfing	Enfing
99	Enfing	192	Enfing	Enfing
100	Enfing	193	Enfing	Enfing

Cystoid

Genetic drift

10.1111/j.1365-3113.2011.04511.x





MATERIAL LEGEND	
M01	Light Masonry 1 (RAC)
M02	Dark Masonry 1 (RAC/Spalt)
M03	Light Masonry 2 (R)
M04	Dark Masonry 2 (R, Spalt)
R01	Colorbond roofing
FF01	Select paving
FF02	Select concrete
FF03	Asphalt

CL01	Light weight cladding 1 (AL)
CL02	Light weight cladding 2 (AL)
CL03	Light weight cladding 3 (AL)
GL01	Double glazing 1
GL02	Double glazing 2

Notes

Refer also to Appendix A for details of materials and construction of the building. The building is a two storey structure with a flat roof. The building is constructed of concrete and has a steel frame. The building is constructed of concrete and has a steel frame. The building is constructed of concrete and has a steel frame.

NGL: Natural ground level

DEVELOPMENT SUMMARY

PROPOSED FLOOR AREA BREAKDOWN

LEVEL 001	1,520 m ³
LEVEL 002	2,920 m ³
LEVEL 003	2,420 m ³
LEVEL 004	4,870 m ³
LEVEL 005	3,525 m ³
LEVEL 006	2,400 m ³
LEVEL 007	1,800 m ³
TOTAL	17,535 m³

RESIDENTIAL AGED CARE ROOMS (RAC)

REG ROOMS:	78
ASSISTED LIVING APARTMENTS (AL)	
1 BED APARTMENTS:	6
2 BED APARTMENTS:	54

Issue			
Issue ID	Due Date ID	Issue Description	Date
ISS-001	DD-001	Payment not received	12/15/2024
ISS-002	DD-002	Customer complaint	2025-01-10
ISS-003	DD-003	Software bug report	10/22/2024
ISS-004	DD-004	Hardware failure	08/15/2024

Document ID: 459594
Version: 2, Version Date: 03/02/2009

Kingborough Council
Development Application: DA-2024-235
Plan Reference No: P4
Date Received: 5/2/2025
Date placed on Public Exhibition: 15/2/2025

Wiley-Blackwell, 2008

Pinnacle Village
Christian Homes Ltd
© 2004
Pinnacle Village
Christian Homes Ltd

Order: *Chlorophyceae*
Genus: *Chlorella*
Species: *Chlorella vulgaris*

Level 01 Floor Plan

PLANNING APPLICATION
35 01 0025
2303-DA03 03



MATERIAL LEGEND			
M01	Light Masonry 1 (HAC)	R01	Colorbond roofing
M02	Dark Masonry 1 (HAC/plyth)	FF01	Select gilding
M04	Dark Masonry 2 (HAC/plyth)	FF02	Select stonemasonry
GL01	Light weight glazing 1 (HAC)	FF03	Asphalt
GL02	Light weight glazing 1 (HAC)		
GL03	Light weight glazing 2 (HAC)		
GL01	Double glazing 1		
GL02	Double glazing 2		

Notes

Water also flows into the drainage channels through the roof and the drainage channels are connected to the drainage system for the building. The drainage system is designed to handle the maximum rainfall rate for the building. The drainage system is designed to handle the maximum rainfall rate for the building. The drainage system is designed to handle the maximum rainfall rate for the building.

NGL National ground level

ETL Existing ground level

DEVELOPMENT SUMMARY

PROPOSED FLOOR AREA BREAKDOWN	
LEVEL 00	1,120 m ²
LEVEL 01	2,000 m ²
LEVEL 02	2,400 m ²
LEVEL 03	4,470 m ²
LEVEL 04	3,000 m ²
LEVEL 05	2,400 m ²
LEVEL 06	1,000 m ²
TOTAL	17,590 m²

RESIDENTIAL ACED CARE ROOMS (RAC)

RAC ROOMS: 78

ASSISTED LIVING APARTMENTS (AL)

1 BED APARTMENTS: 6
2 BED APARTMENTS: 61

Issue			
Issue ID	Version	Issue Description	Date
ISS-001	1.0	Initial release of the system.	2023-01-15
ISS-002	1.1	Added new user authentication module.	2023-02-01
ISS-003	1.2	Fixed a critical security vulnerability.	2023-02-10
ISS-004	1.3	Implemented new reporting features.	2023-03-05

Document ID: 459594
Version: 2, Version Date: 11/02/2007

Kingborough Council
Development Application: DA-2024-226
Plan Reference No: P4
Date Received: 6/2/2025
Date placed on Public Exhibition: 15/2/2025

Will accept money from

Pinnacle Village
Christian Homes Ltd
Orlando
FL 32835
USA

circ [WordPress.com article](#)

Level 02 Floor Plan

Job	PLANNING APPLICATION
Version	26 of 2025
Grids/P	B030
2303-DA04	03



MATERIAL LEGEND	
M01	Light Masonry 1 (RAC)
M02	Dark Masonry 1 (RAC/glass)
M03	Light Masonry 2 (RL)
M04	Dark Masonry 2 (RL/glass)
R01	Colorboard roofing
FF01	Select paving
FF02	Select concrete
FF03	Asphalt

GL01 Double glazing 1
GL02 Double glazing 2

Palabras clave: *Modelo de desarrollo humano; Autoestima; Autoconcepto; Autoimagen; Autovaloración; Autorespeto; Autoconfianza; Autocontrol; Autoconciencia; Autoconocimiento; Autoaceptación; Autoafirmación; Autoexigencia; Autoresponsabilidad; Autoconciencia; Autoconocimiento; Autoaceptación; Autoafirmación; Autoexigencia; Autoresponsabilidad.*

NGL Natural ground level

Fig. 1. Delineation of the study area.

DEVELOPMENT SUMMARY

PROPOSED FLOOR AREA BREAKDOWN

LEVEL 00:	1,020 m ³
LEVEL 01:	2,630 m ³
LEVEL 02:	2,420 m ³
LEVEL 03:	4,470 m ³
LEVEL 04:	0,625 m ³
LEVEL 05:	2,400 m ³
LEVEL 06:	1,600 m ³
TOTAL	17,515 m³

RESIDENTIAL AGED CARE ROOMS (RAC)

PAGE 2000: 78

ASSISTED LIVING APARTMENTS (AL)

1 BED APARTMENTS:	6
2 BED APARTMENTS:	66

Issue			
Issue ID	Project ID	Issue Description	Date
101	01	Project Initiation	2023-01-15
102	01	Project Planning	2023-01-20
103	02	Project Execution	2023-02-05
104	02	Project Monitoring	2023-02-10

Document ID: 458594
Version: 2, Version Date: 20020801

Kingborough Council
Development Application: DA-2024-206
Plan Reference No: P4
Date Received: 6/2/2025
Date placed on Public Exhibition: 15/3/2025

9922 • J. Neurosci., September 24, 2008 • 28(39):9917–9924

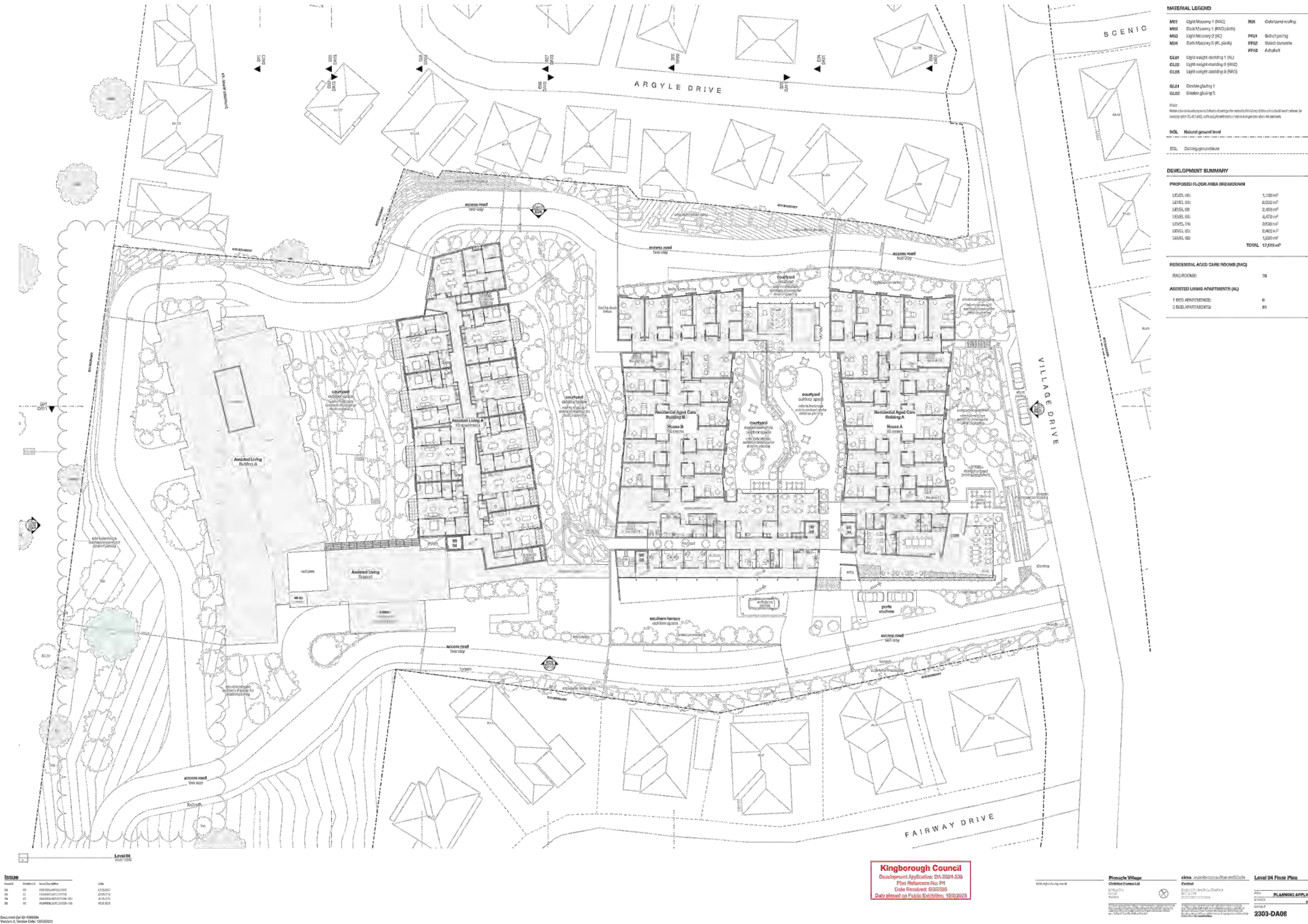
Pinnacle Village
Christian Homes Ltd.
6740
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10000

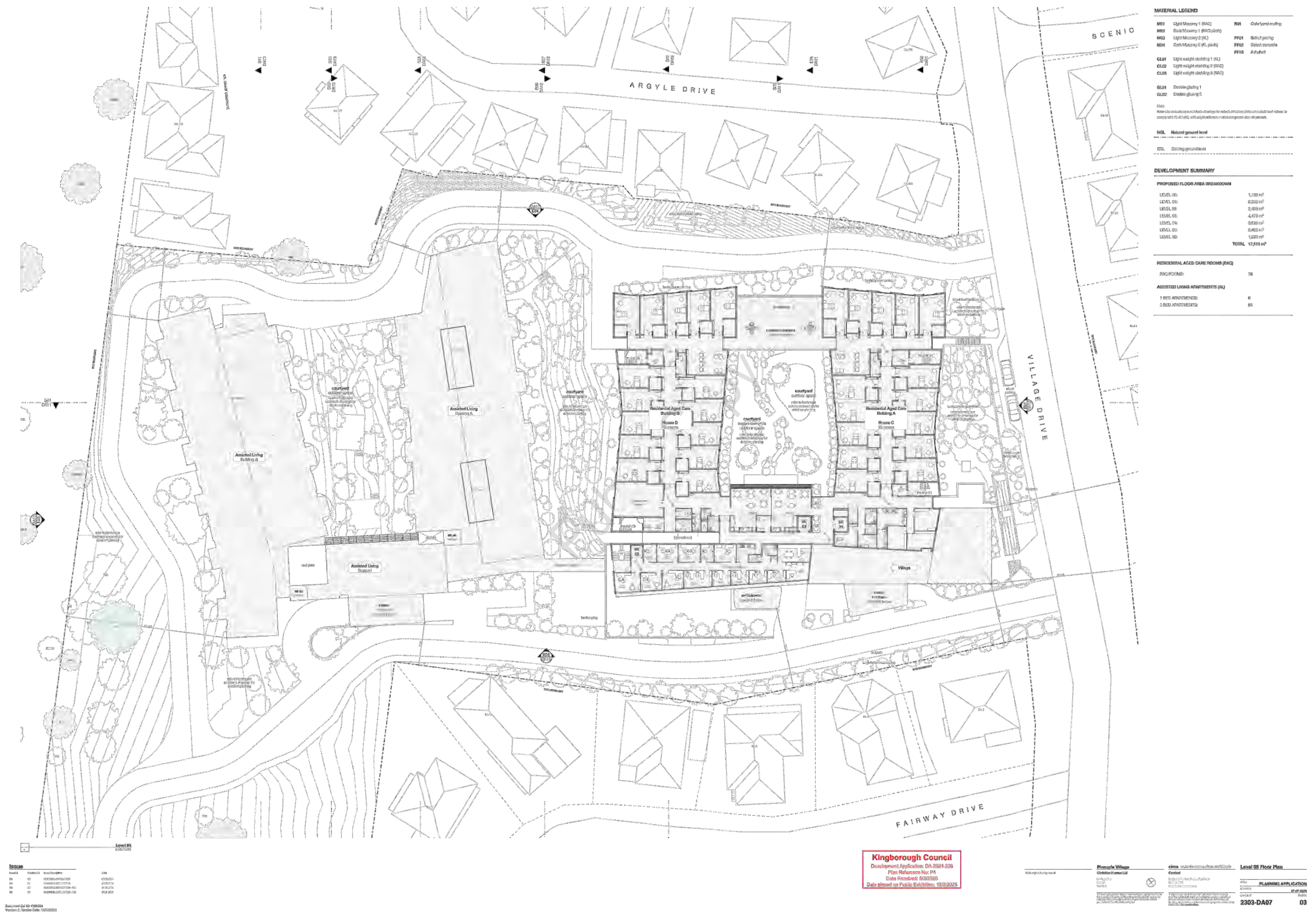
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Cynical
Noted for being a little bit
of a cynic
Cynical about the future
Cynical about the world

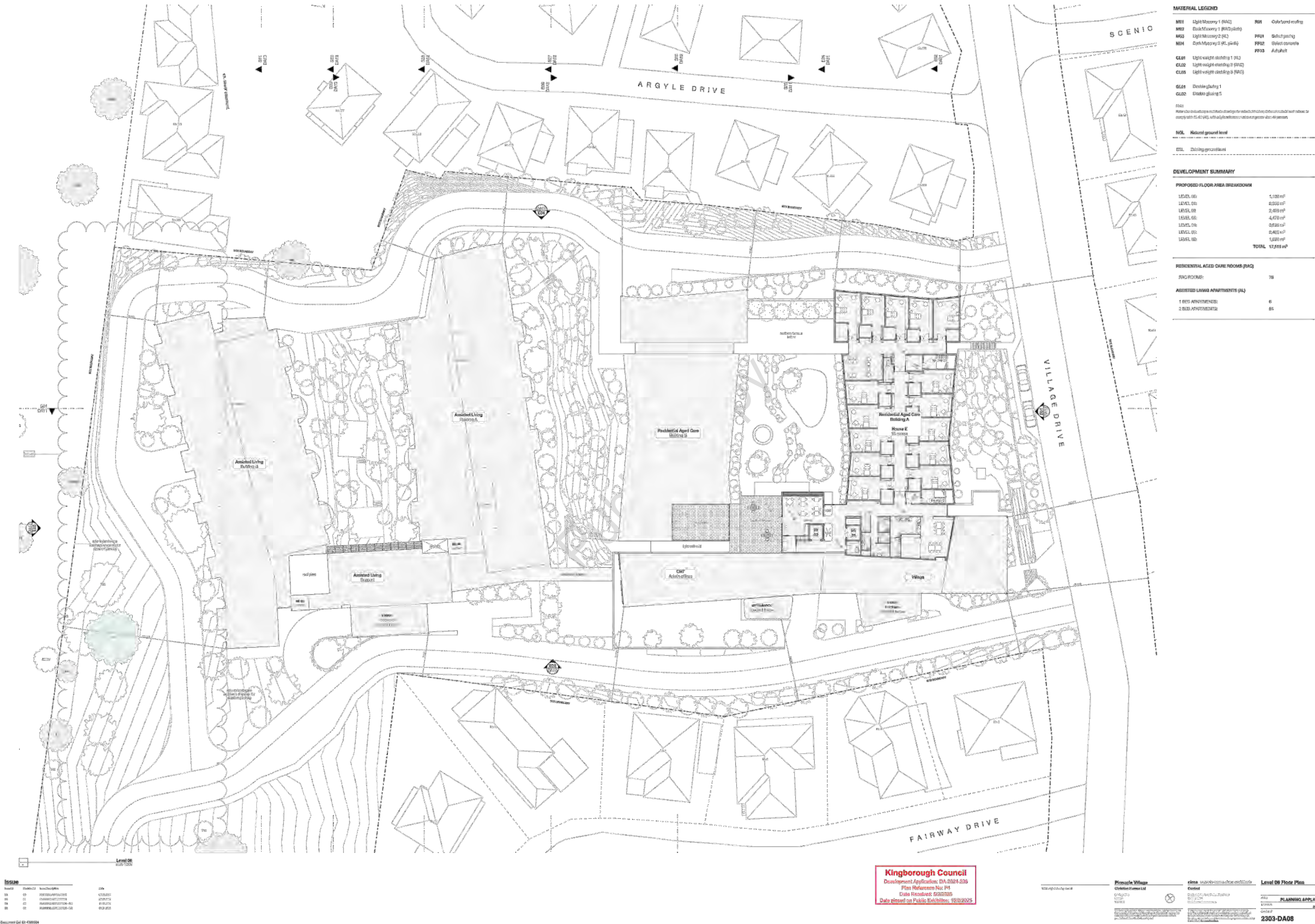
Level 03 Floor Plan

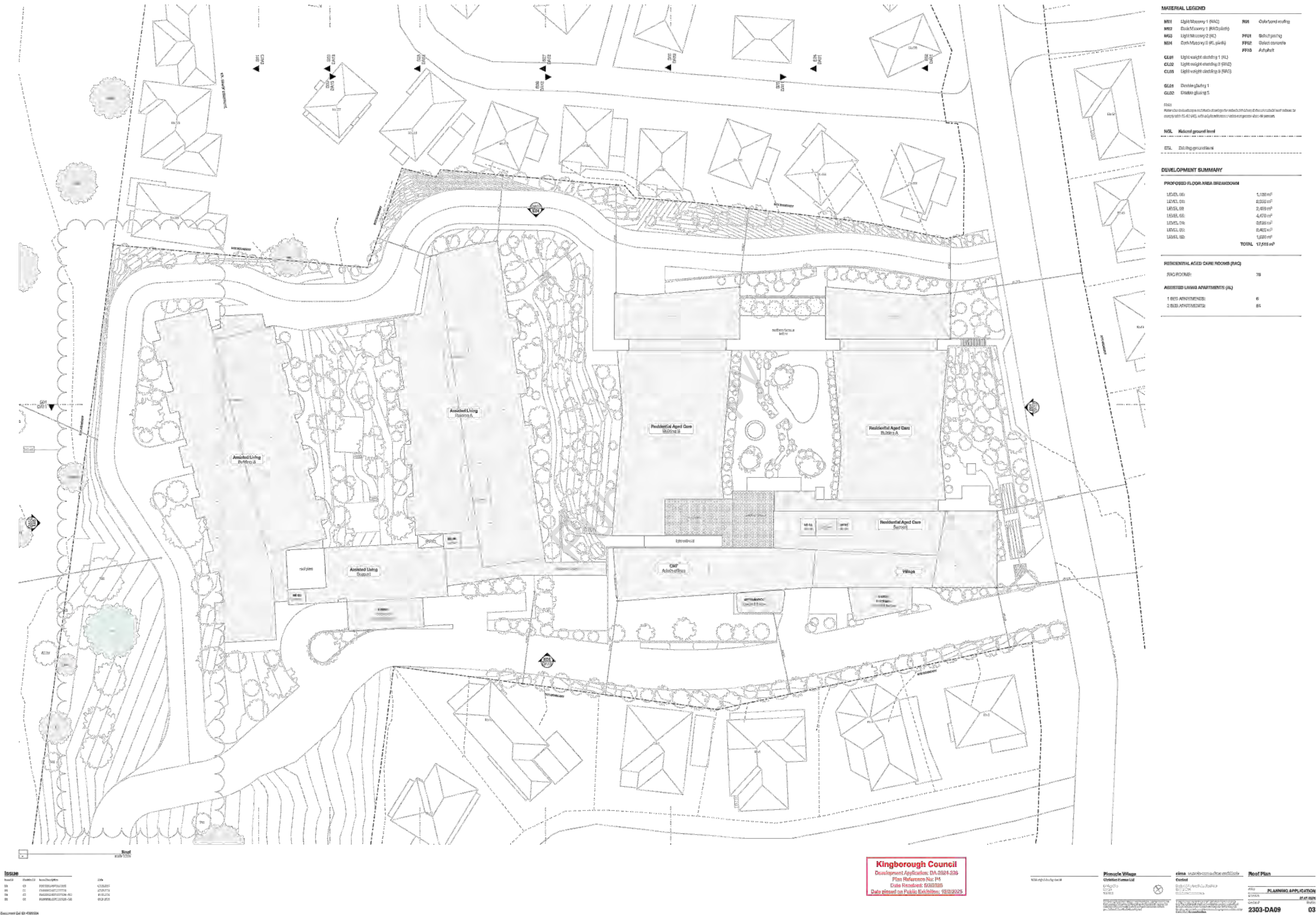
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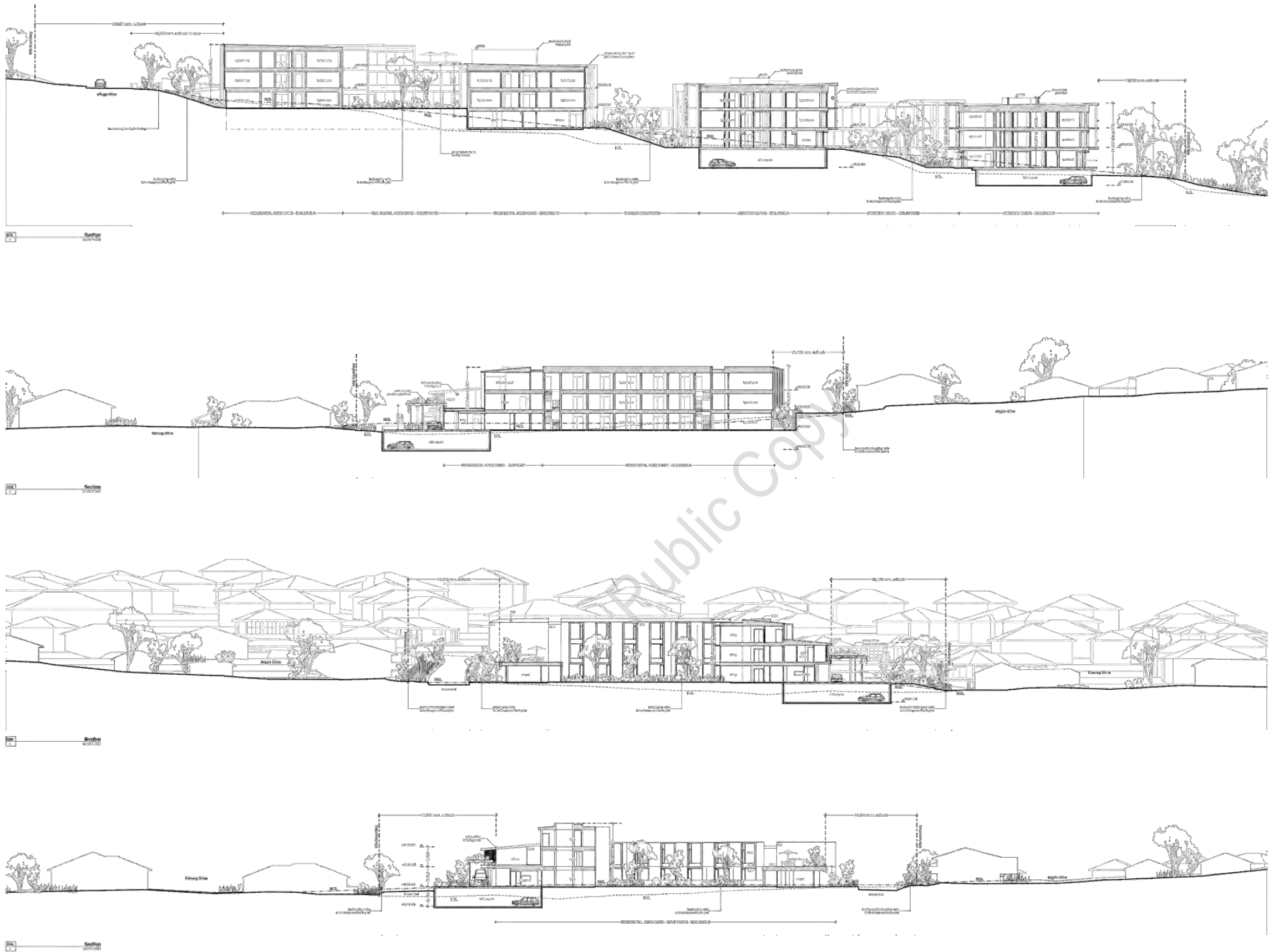
State	PLANNING APPLICATION
Contract	36 of 36
Order #	2303-DA05
Order #	03



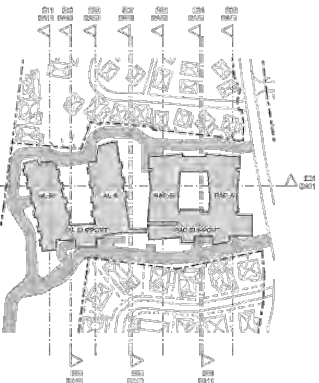








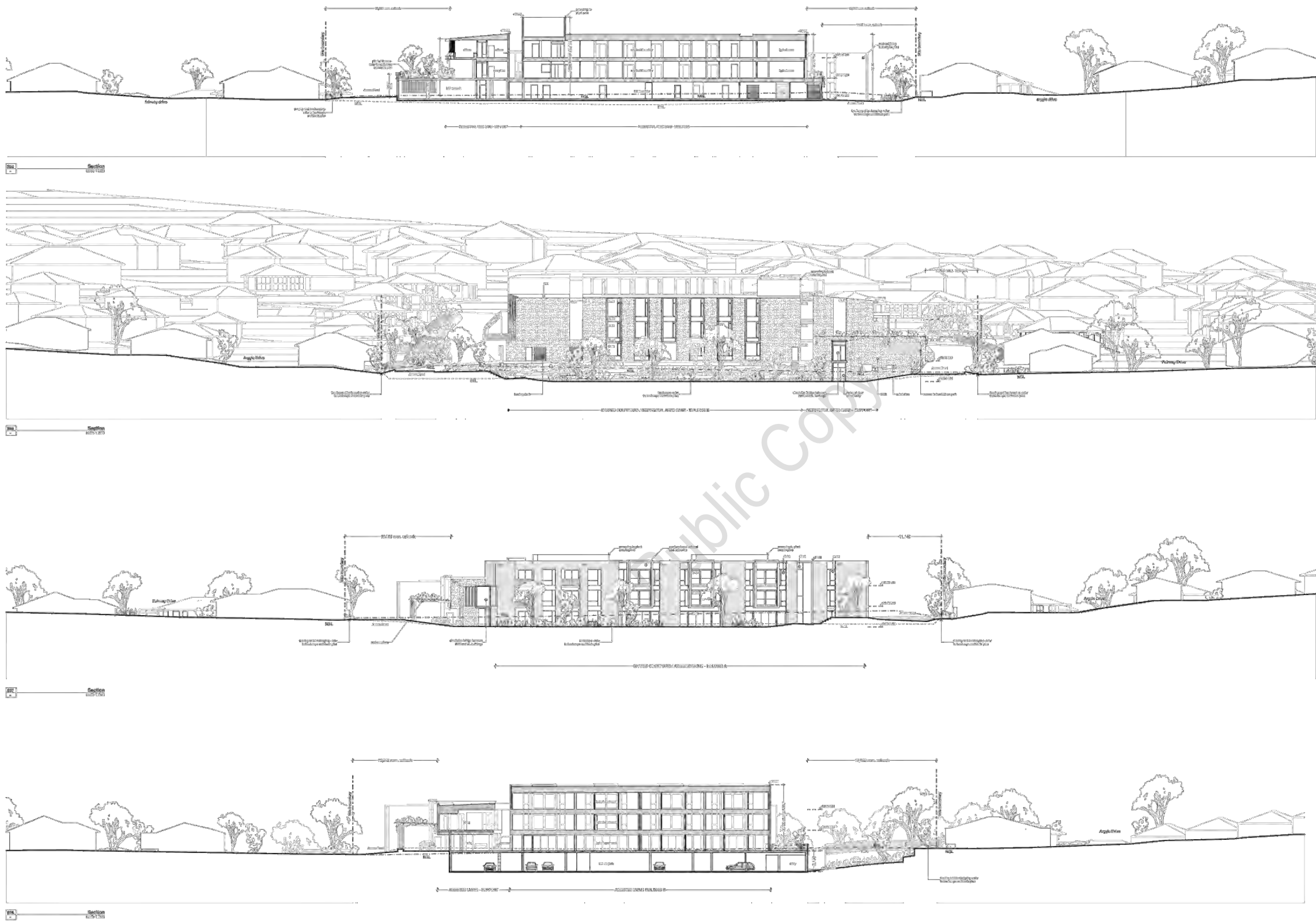
MATERIAL LEGEND			
M01	Light Masonry 1 (RAG)	R01	Coloured roofing
M02	Dark Masonry 1 (RAG/plan)	PF01	Soft paving
M03	Light Masonry 2 (RL)	PF02	Soft concrete
M04	Dark Masonry 2 (RL/plan)	PF03	Asphalt
CL01	Light weight cladding 1 (RL)		
CL02	Light weight cladding 2 (RAG)		
CL03	Light weight cladding 3 (RAG)		
GL01	Double glazing 1		
GL02	Double glazing 2		
Notes: Refer to the schedule of materials for details of the materials and their finish. Refer to the schedule of materials for details of the materials and their finish.			
NGL Natural ground level			
DGL Existing ground level			
DEVELOPMENT SUMMARY			
PROPOSED FLOOR AREA BREAKDOWN			
LEVEL 00	1,120 m ²		
LEVEL 01	2,520 m ²		
LEVEL 02	2,420 m ²		
LEVEL 03	4,470 m ²		
LEVEL 04	3,820 m ²		
LEVEL 05	2,420 m ²		
LEVEL 06	1,620 m ²		
TOTAL	17,970 m ²		
RESIDENTIAL ACED CARE ROOMS (RAG)			
RAG ROOMS:	78		
ASSISTED LIVING APARTMENTS (AL)			
1 BED APARTMENTS:	6		
2 BED APARTMENTS:	84		



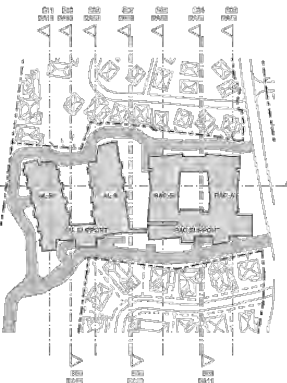
REVISION			
Rev	Date	By	Description
01	10/01/2024	DA	Initial Design
02	10/01/2024	DA	Revised Design
03	10/01/2024	DA	Final Design

Kingborough Council
Development Applications: DA-2024-036
Plan Reference: N14
Date Received: 05/05/2024
Date placed on Public Exhibition: 19/02/2025

Pinetree Village		Sections S01-S04	
Client	Pinetree Village	Drawn	AKG
Drawn	AKG	Checked	AKG
Scale	1:100	Project	2303-DA11
Sheet	03	Page	03



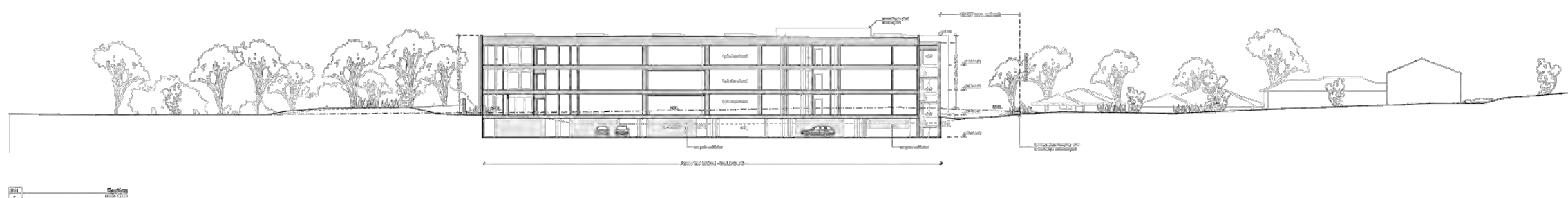
MATERIAL LEGEND			
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M03	Light Masonry 2 (RAG)	M04	Dark Masonry 2 (RAG)
M05	Light Masonry 3 (RAG)	M06	Dark Masonry 3 (RAG)
M07	Light Masonry 4 (RAG)	M08	Dark Masonry 4 (RAG)
M09	Light Masonry 5 (RAG)	M10	Dark Masonry 5 (RAG)
M11	Light Masonry 6 (RAG)	M12	Dark Masonry 6 (RAG)
M13	Light Masonry 7 (RAG)	M14	Dark Masonry 7 (RAG)
M15	Light Masonry 8 (RAG)	M16	Dark Masonry 8 (RAG)
M17	Light Masonry 9 (RAG)	M18	Dark Masonry 9 (RAG)
M19	Light Masonry 10 (RAG)	M20	Dark Masonry 10 (RAG)
M21	Light Masonry 11 (RAG)	M22	Dark Masonry 11 (RAG)
M23	Light Masonry 12 (RAG)	M24	Dark Masonry 12 (RAG)
M25	Light Masonry 13 (RAG)	M26	Dark Masonry 13 (RAG)
M27	Light Masonry 14 (RAG)	M28	Dark Masonry 14 (RAG)
M29	Light Masonry 15 (RAG)	M30	Dark Masonry 15 (RAG)
M31	Light Masonry 16 (RAG)	M32	Dark Masonry 16 (RAG)
M33	Light Masonry 17 (RAG)	M34	Dark Masonry 17 (RAG)
M35	Light Masonry 18 (RAG)	M36	Dark Masonry 18 (RAG)
M37	Light Masonry 19 (RAG)	M38	Dark Masonry 19 (RAG)
M39	Light Masonry 20 (RAG)	M40	Dark Masonry 20 (RAG)
M41	Light Masonry 21 (RAG)	M42	Dark Masonry 21 (RAG)
M43	Light Masonry 22 (RAG)	M44	Dark Masonry 22 (RAG)
M45	Light Masonry 23 (RAG)	M46	Dark Masonry 23 (RAG)
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M51	Light Masonry 26 (RAG)	M52	Dark Masonry 26 (RAG)
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M55	Light Masonry 28 (RAG)	M56	Dark Masonry 28 (RAG)
M57	Light Masonry 29 (RAG)	M58	Dark Masonry 29 (RAG)
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M61	Light Masonry 31 (RAG)	M62	Dark Masonry 31 (RAG)
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M65	Light Masonry 33 (RAG)	M66	Dark Masonry 33 (RAG)
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M113	Light Masonry 57 (RAG)	M114	Dark Masonry 57 (RAG)
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M123	Light Masonry 62 (RAG)	M124	Dark Masonry 62 (RAG)
M125	Light Masonry 63 (RAG)	M126	Dark Masonry 63 (RAG)
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M133	Light Masonry 67 (RAG)	M134	Dark Masonry 67 (RAG)
M135	Light Masonry 68 (RAG)	M136	Dark Masonry 68 (RAG)
M137	Light Masonry 69 (RAG)	M138	Dark Masonry 69 (RAG)
M139	Light Masonry 70 (RAG)	M140	Dark Masonry 70 (RAG)
M141	Light Masonry 71 (RAG)	M142	Dark Masonry 71 (RAG)
M143	Light Masonry 72 (RAG)	M144	Dark Masonry 72 (RAG)
M145	Light Masonry 73 (RAG)	M146	Dark Masonry 73 (RAG)
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M173	Light Masonry 87 (RAG)	M174	Dark Masonry 87 (RAG)
M175	Light Masonry 88 (RAG)	M176	Dark Masonry 88 (RAG)
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M183	Light Masonry 92 (RAG)	M184	Dark Masonry 92 (RAG)
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M187	Light Masonry 94 (RAG)	M188	Dark Masonry 94 (RAG)
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M191	Light Masonry 96 (RAG)	M192	Dark Masonry 96 (RAG)
M193	Light Masonry 97 (RAG)	M194	Dark Masonry 97 (RAG)
M195	Light Masonry 98 (RAG)	M196	Dark Masonry 98 (RAG)
M197	Light Masonry 99 (RAG)	M198	Dark Masonry 99 (RAG)
M199	Light Masonry 100 (RAG)	M200	Dark Masonry 100 (RAG)



Section	Drawn	Checked	Date
1/100	1/100	1/100	1/100
2/100	2/100	2/100	2/100
3/100	3/100	3/100	3/100

Kingborough Council
Development Applications: DA 2024-036
Plan Reference No: P4
Date Received: 05/07/2024
Date placed on Public Exhibition: 19/07/2024

Section	Drawn	Checked	Date
1/100	1/100	1/100	1/100
2/100	2/100	2/100	2/100
3/100	3/100	3/100	3/100



MATERIAL LEGEND	
M01	Light Masonry 1 (HAG)
M02	Dark Masonry 1 (HAG) (joint)
M03	Light Masonry 2 (HL)
M04	Dark Masonry 2 (HL) (joint)
R01	Coloured sand casting
FF01	Select painting
FF02	Select assembly
FF03	Autopaint

GLD1 Deutsches Institut
GLD2 Deutsches Institut

Notes

NGL National ground level

EEL **Dilling groundline**

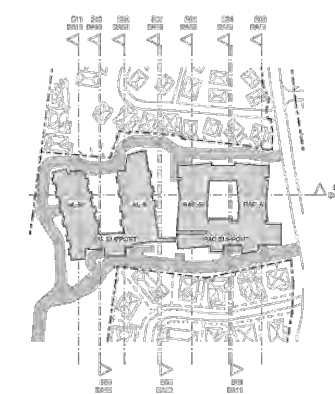
DEVELOPMENT SUMMARY

PROPOSED FLOOR AREA BREAKDOWN

LEVEL 00:	1,000 m ²
LEVEL 01:	2,000 m ²
LEVEL 02:	2,400 m ²
LEVEL 03:	4,470 m ²
LEVEL 04:	3,420 m ²
LEVEL 05:	2,400 m ²
LEVEL 06:	1,000 m ²
TOTAL	17,580 m²

RESIDENTIAL AGED CARE ROOMS (RAC)

HAC ROOMS:	78
ASSISTED LIVING APARTMENTS (AL)	
1 BED APARTMENTS:	6
2 BED APARTMENTS:	44



Issue		
Volume	Number	Issue Description
10	1	PLANNING AND DESIGN
10	2	PLANNING AND DESIGN
10	3	PLANNING AND DESIGN
10	4	PLANNING AND DESIGN

Document ID: 458594
Version: 2, Version Date: 10/10/2014

Kingborough Council
Development Application: DA-2024-206
Plan Reference No: P4
Date Received: 15/03/2025
Date placed on Public Exhibition: 15/03/2025

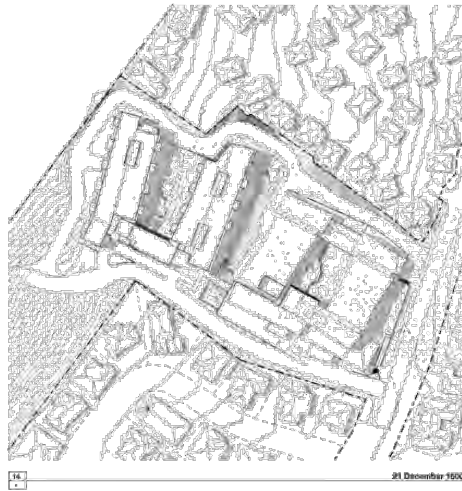
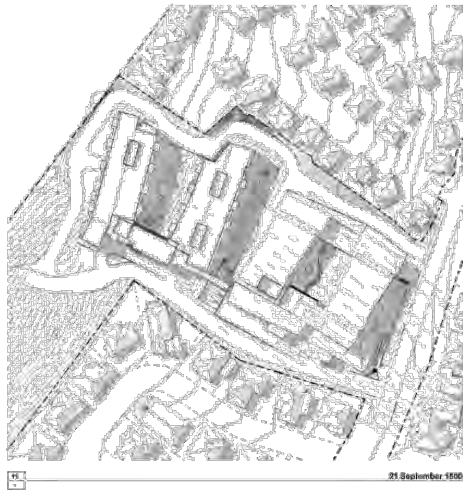
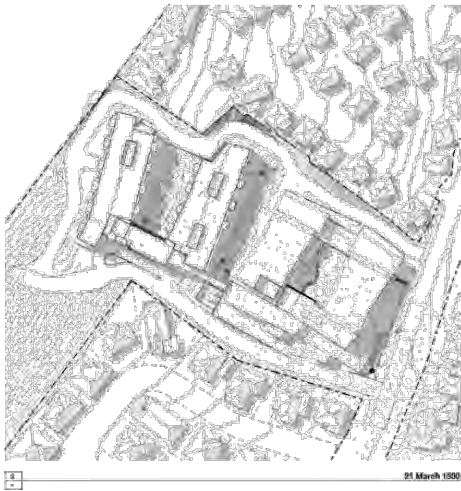
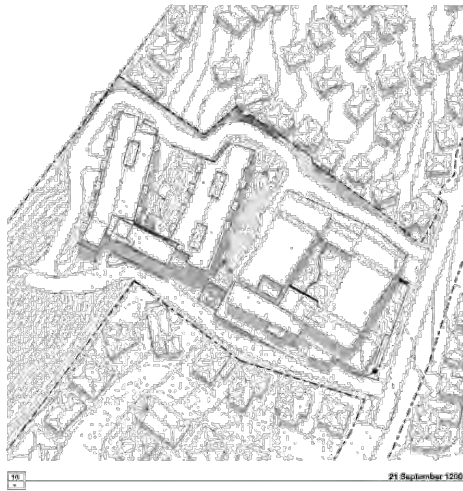
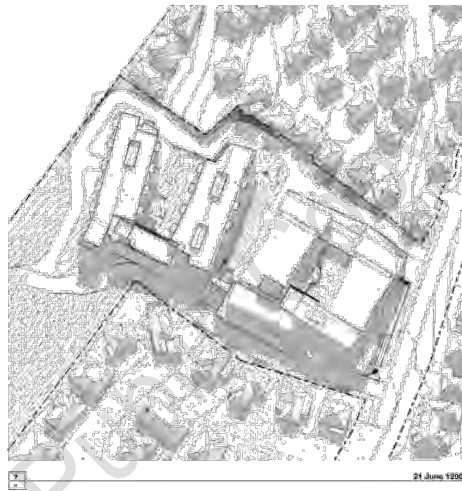
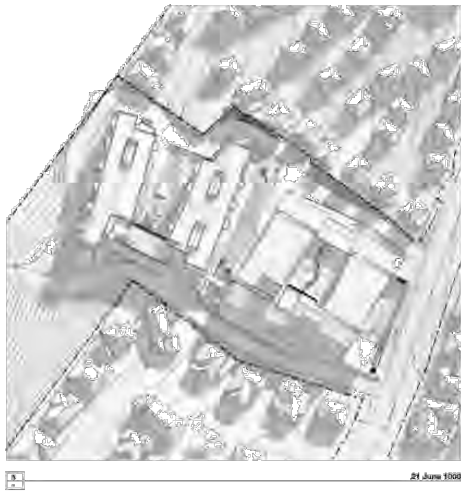
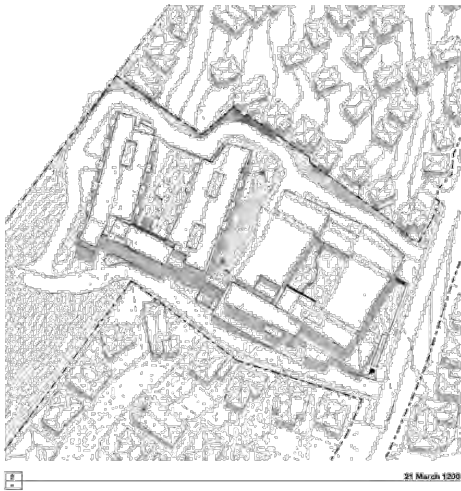
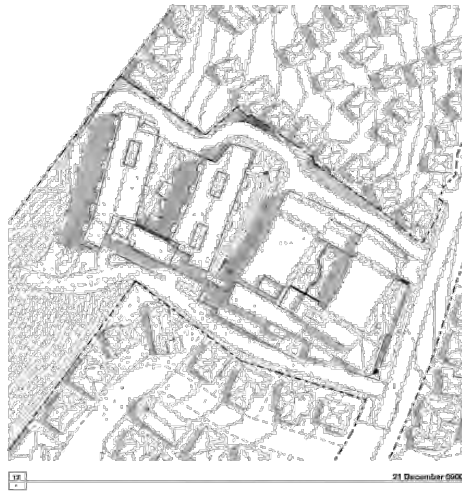
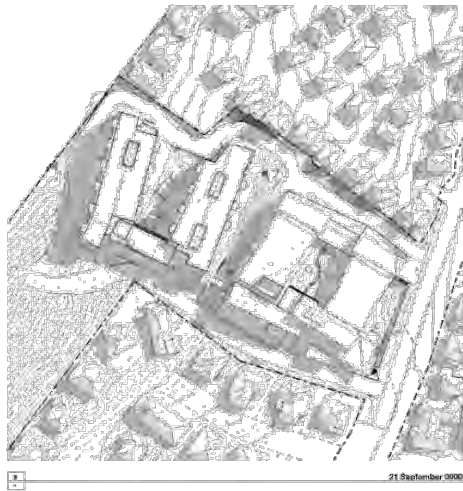
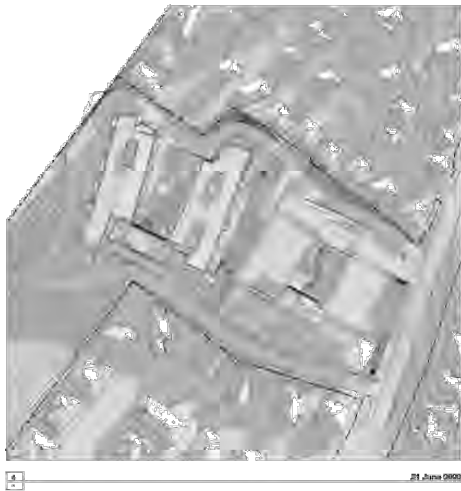
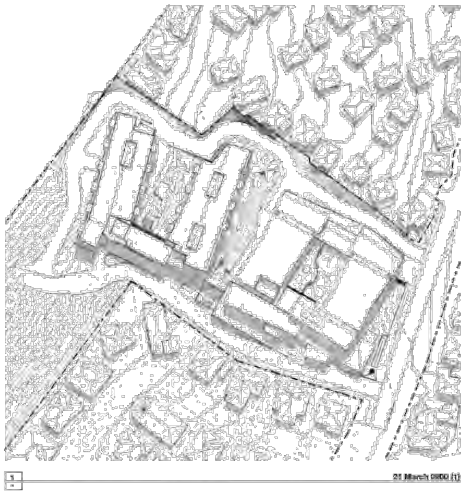
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Pinnacle Village
Christian Homes Ltd
Grange 230
Grange
100-1000

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 Sections 509-511

PLANNING APPLICATION	25 OF 2009
2303-DA13	03

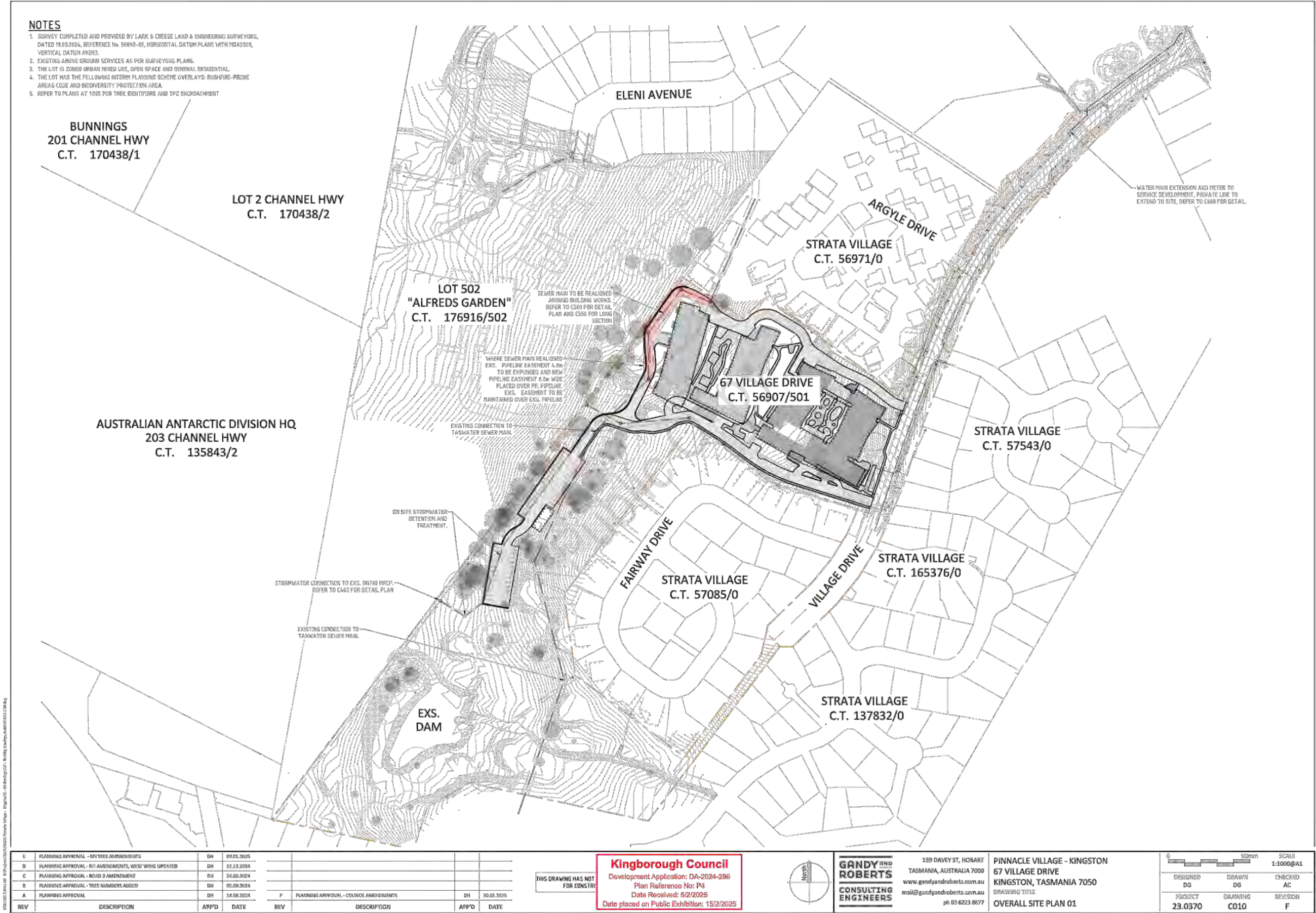


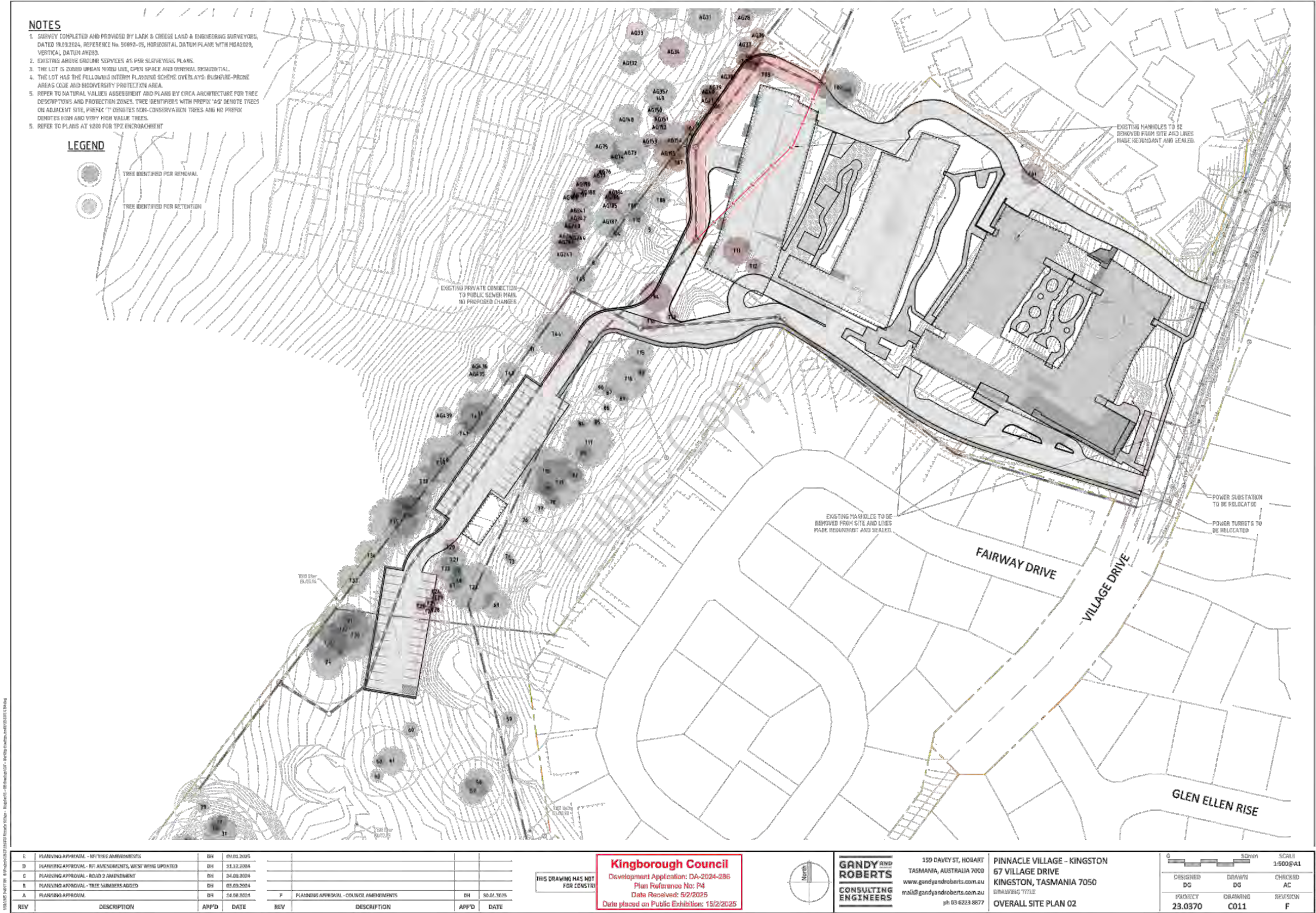
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Kingborough Council
Development Applications: DA-2024-235
Plan Reference No: P4
Date Received: 02/07/2024
Date placed on Public Exhibition: 15/02/2025

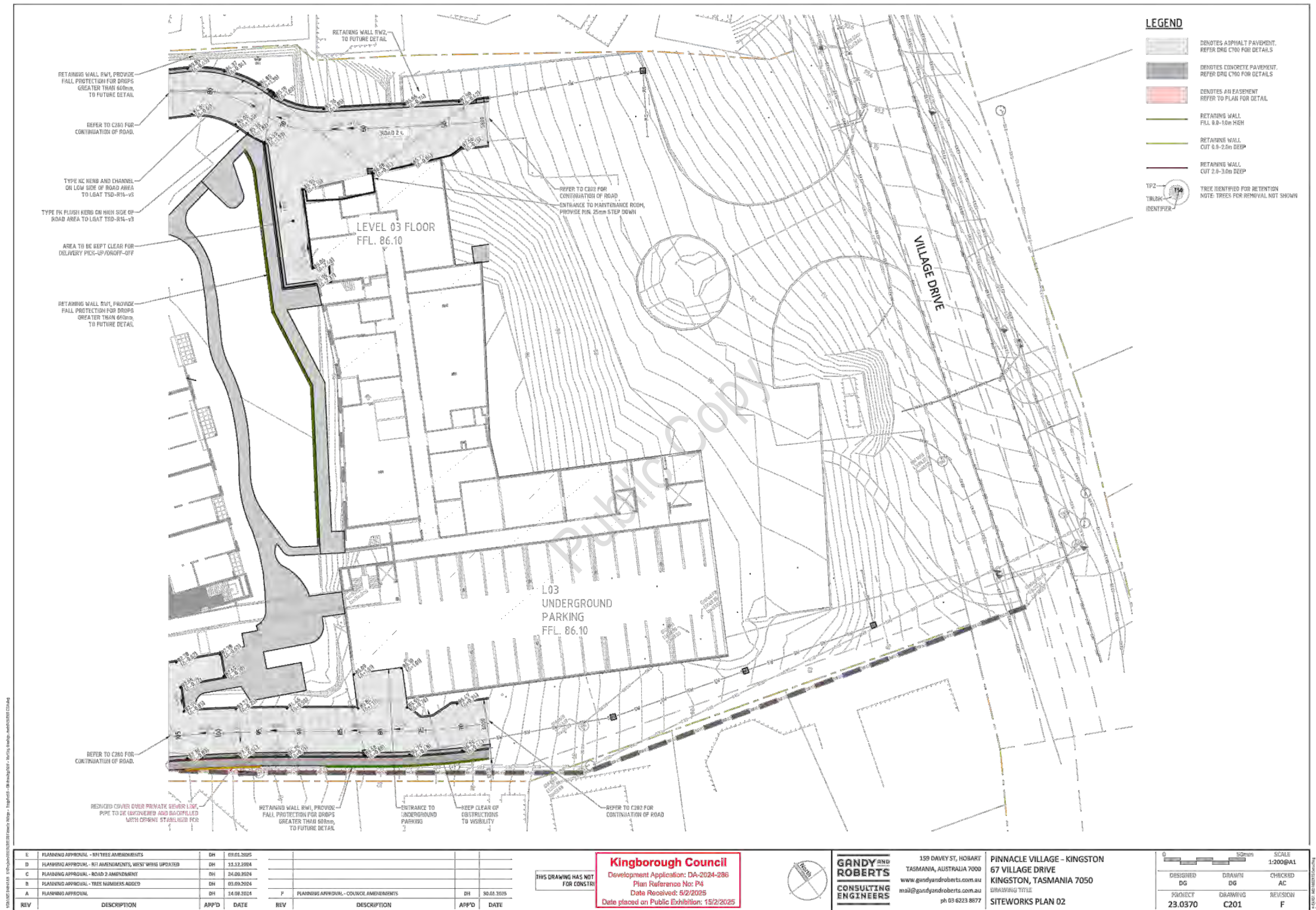
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Project	Pinacle Village	Project	Pinacle Village
Location	Pinacle Village	Location	Pinacle Village
Scale	1:1000	Scale	1:1000
Author	Pinacle Village	Author	Pinacle Village
Checker	Pinacle Village	Checker	Pinacle Village
Approver	Pinacle Village	Approver	Pinacle Village
Date	15/02/2025	Date	15/02/2025
Version	1.0	Version	1.0
Drawn	Pinacle Village	Drawn	Pinacle Village
Checked	Pinacle Village	Checked	Pinacle Village
Approved	Pinacle Village	Approved	Pinacle Village
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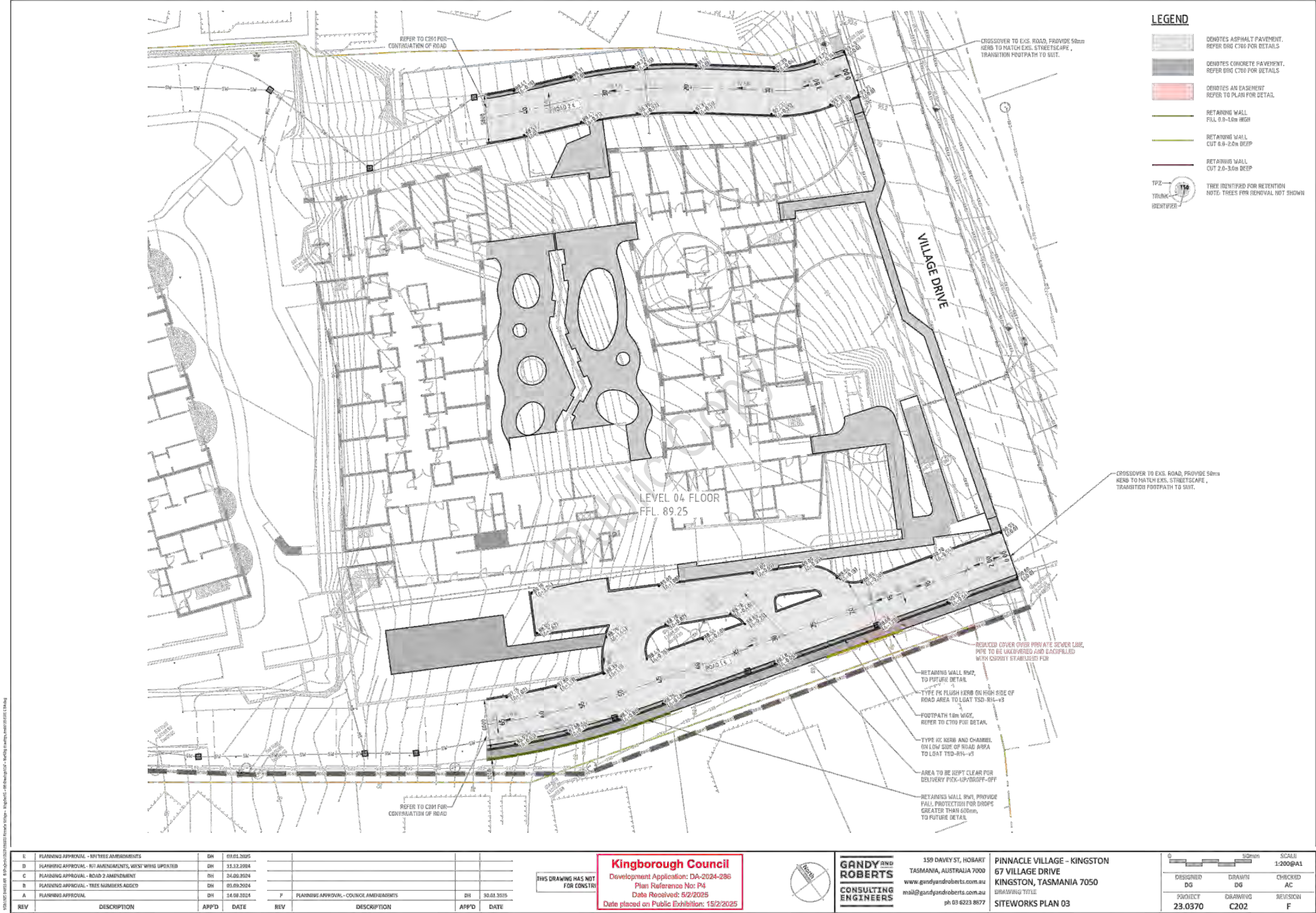
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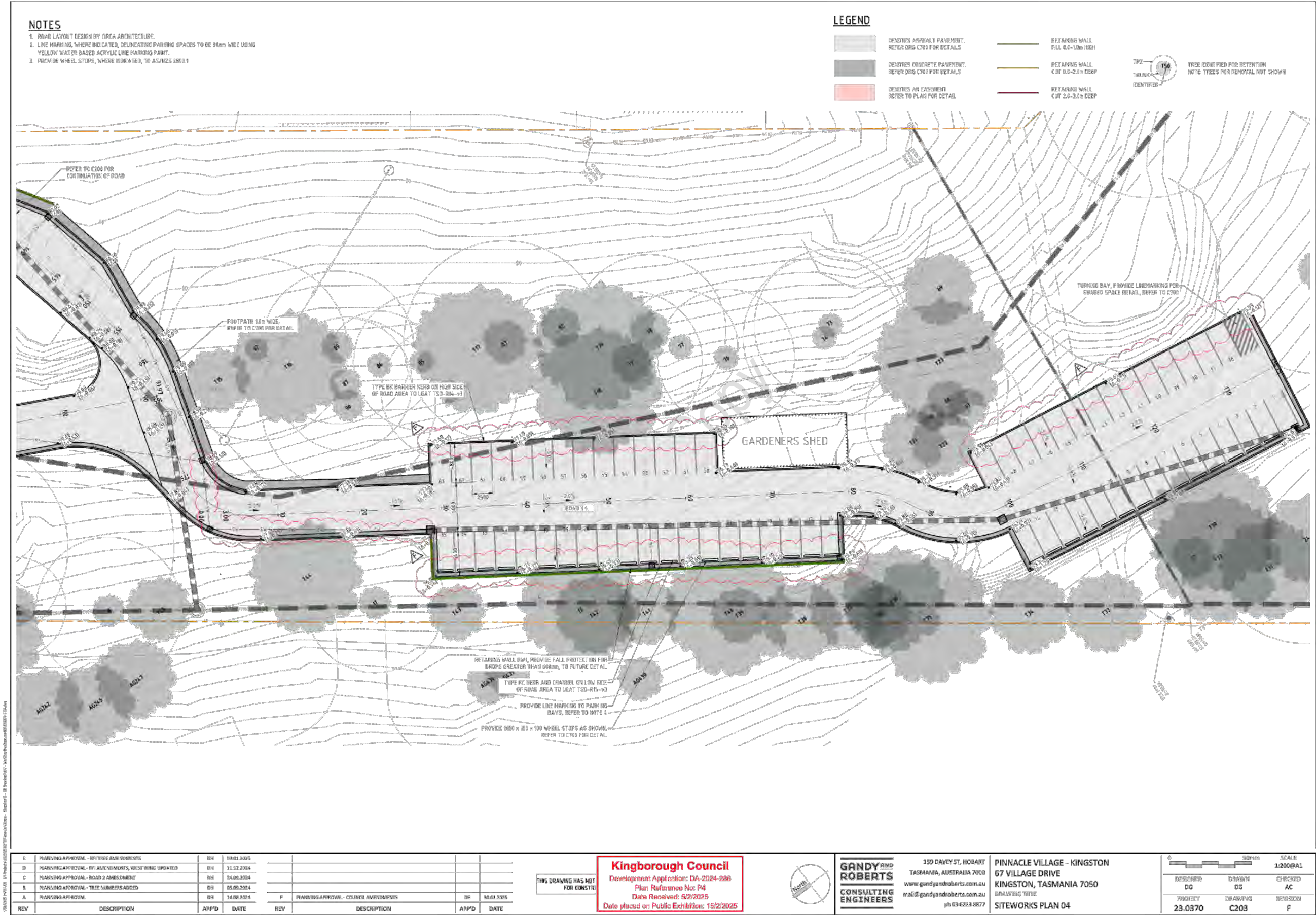


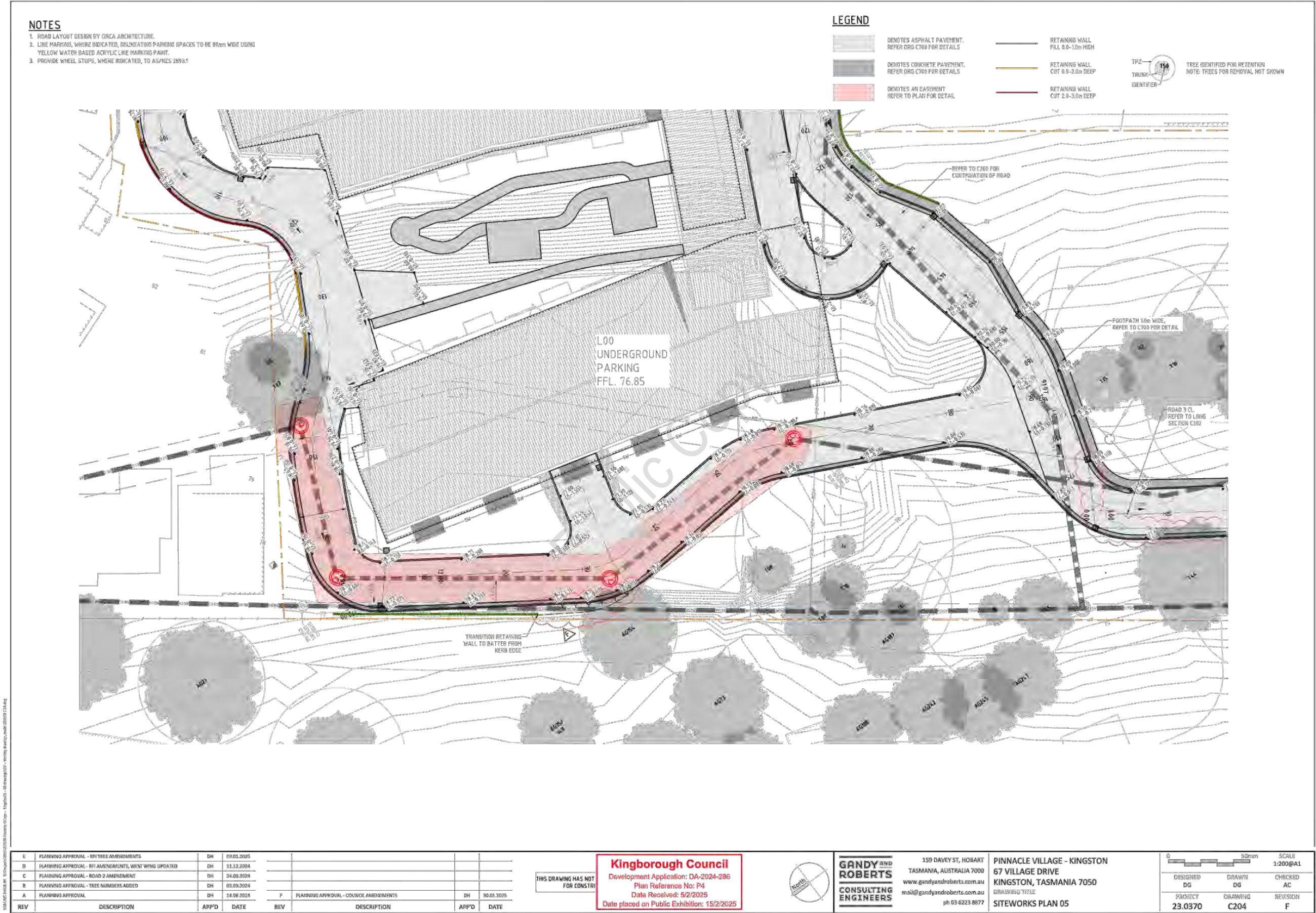


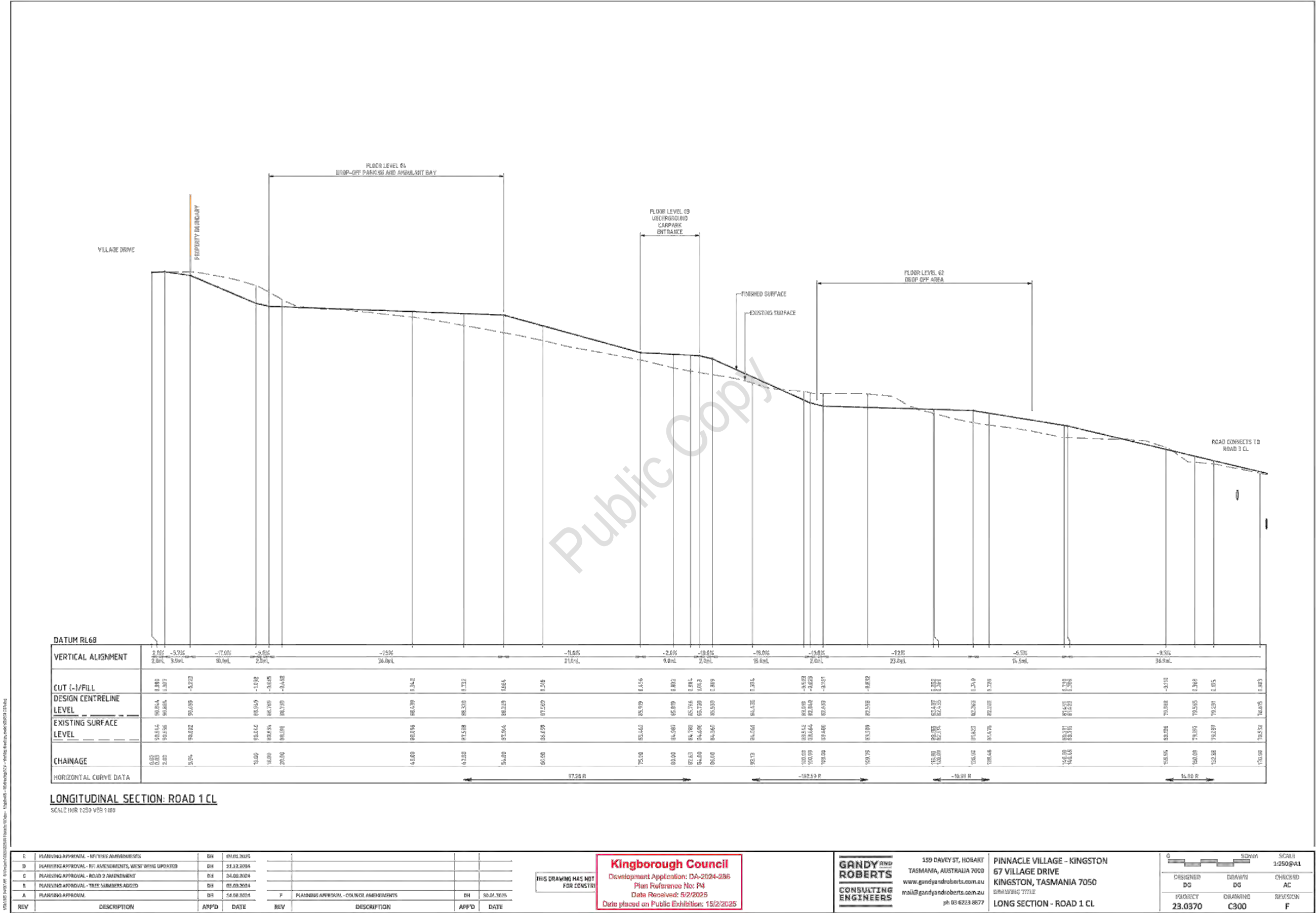


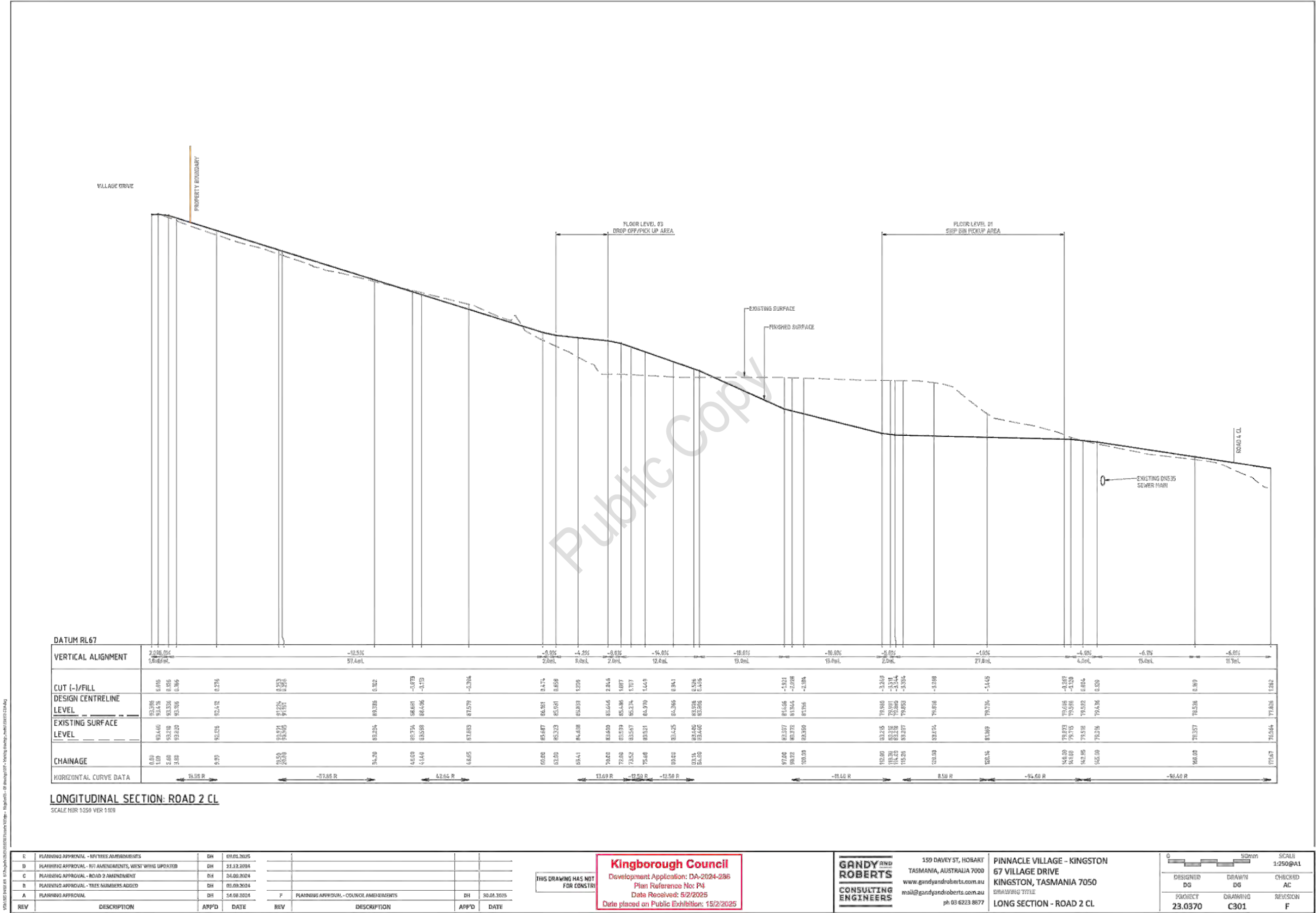


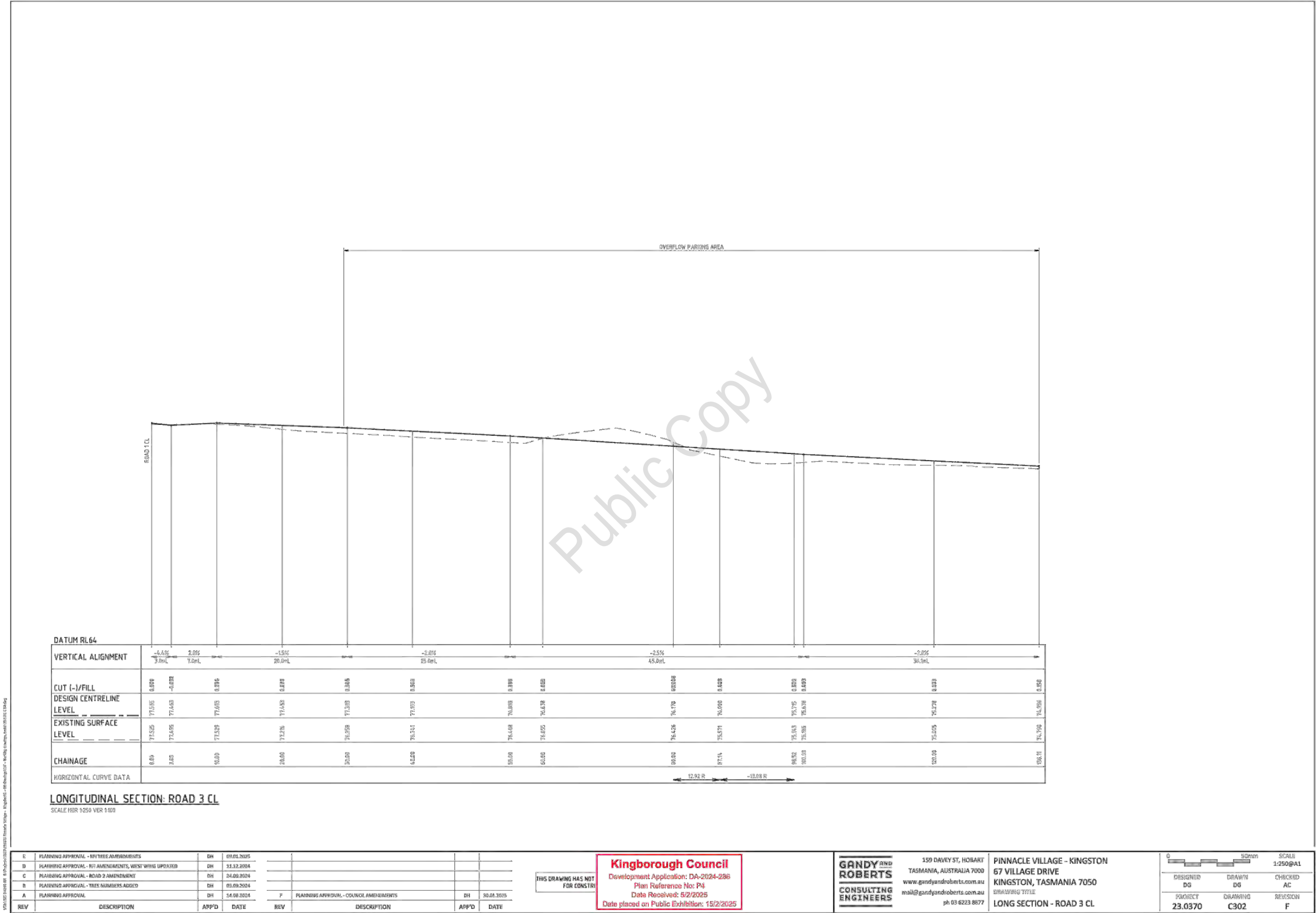


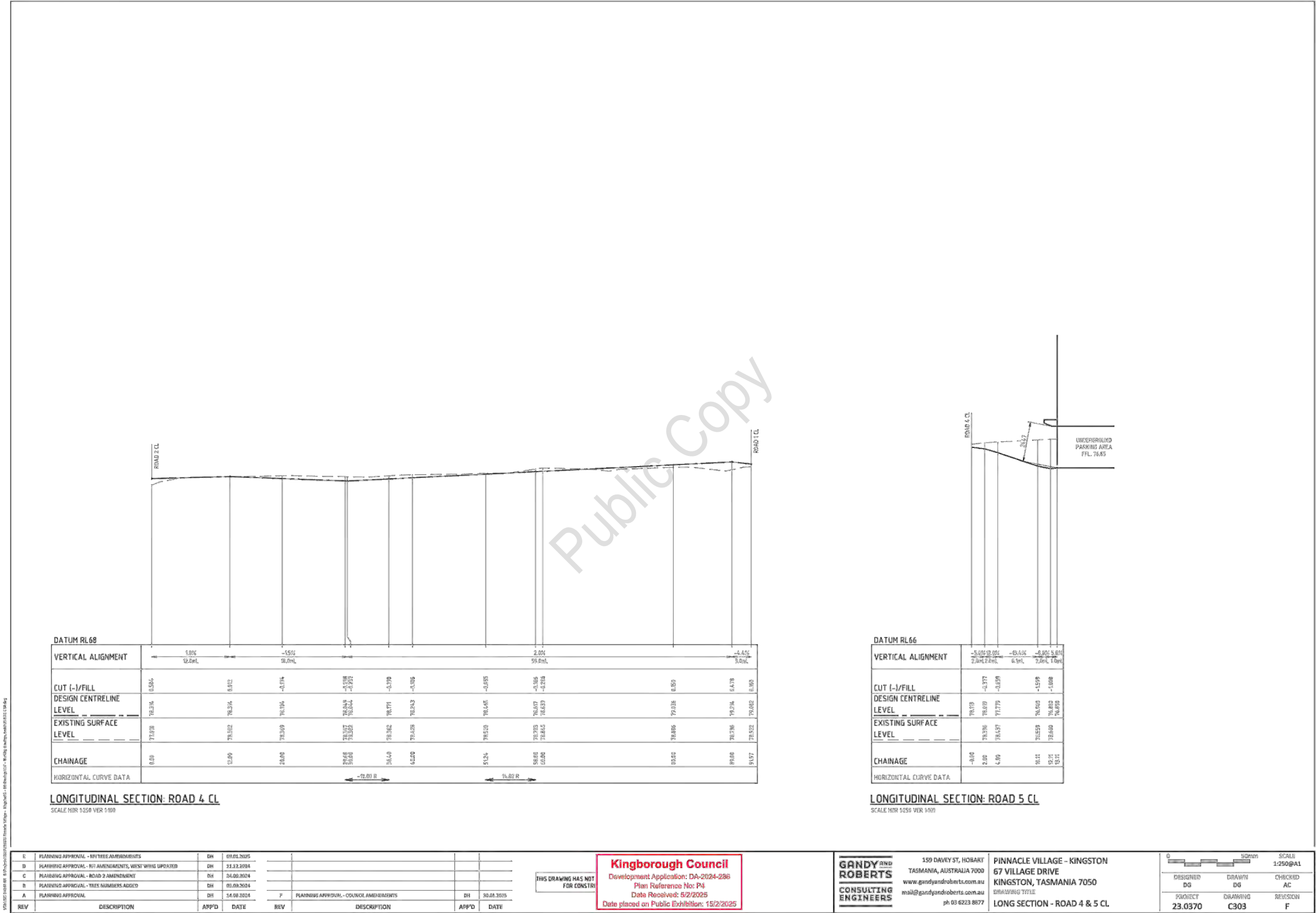


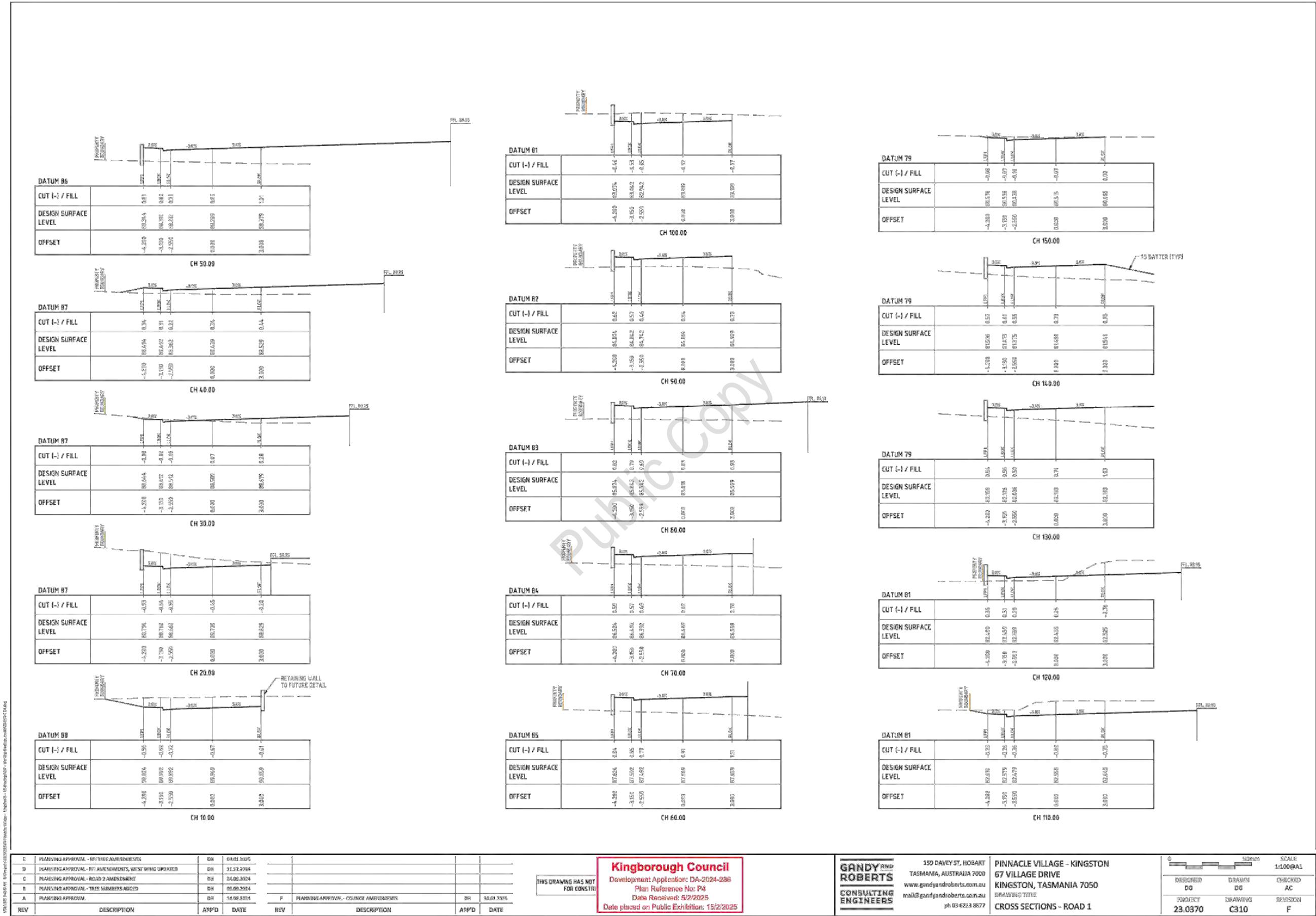


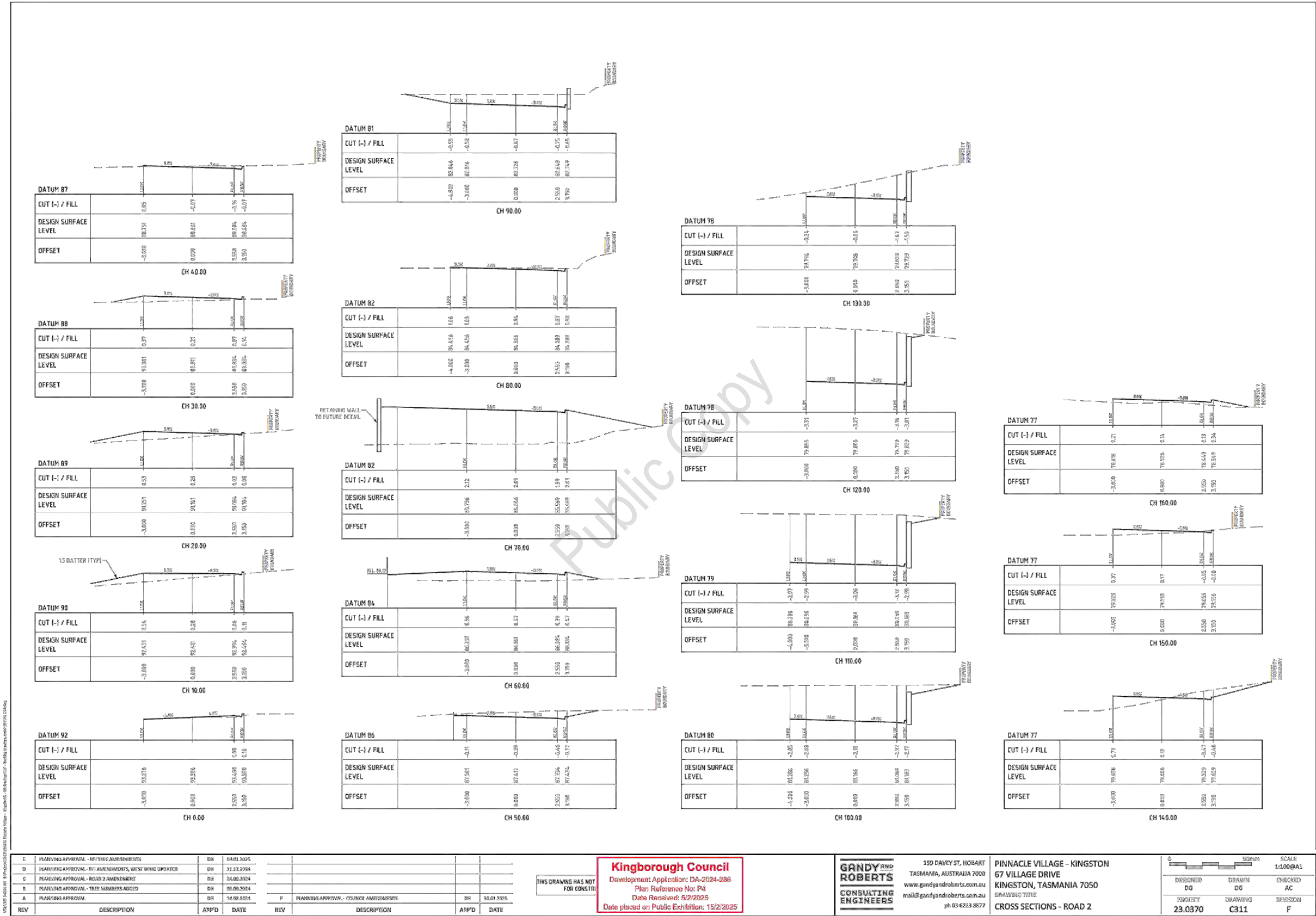


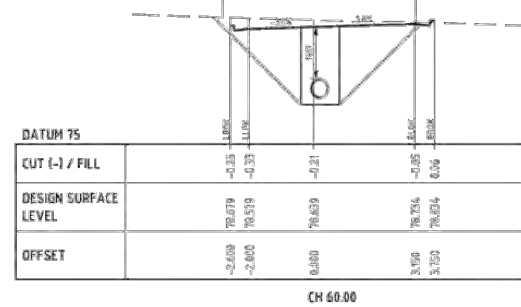





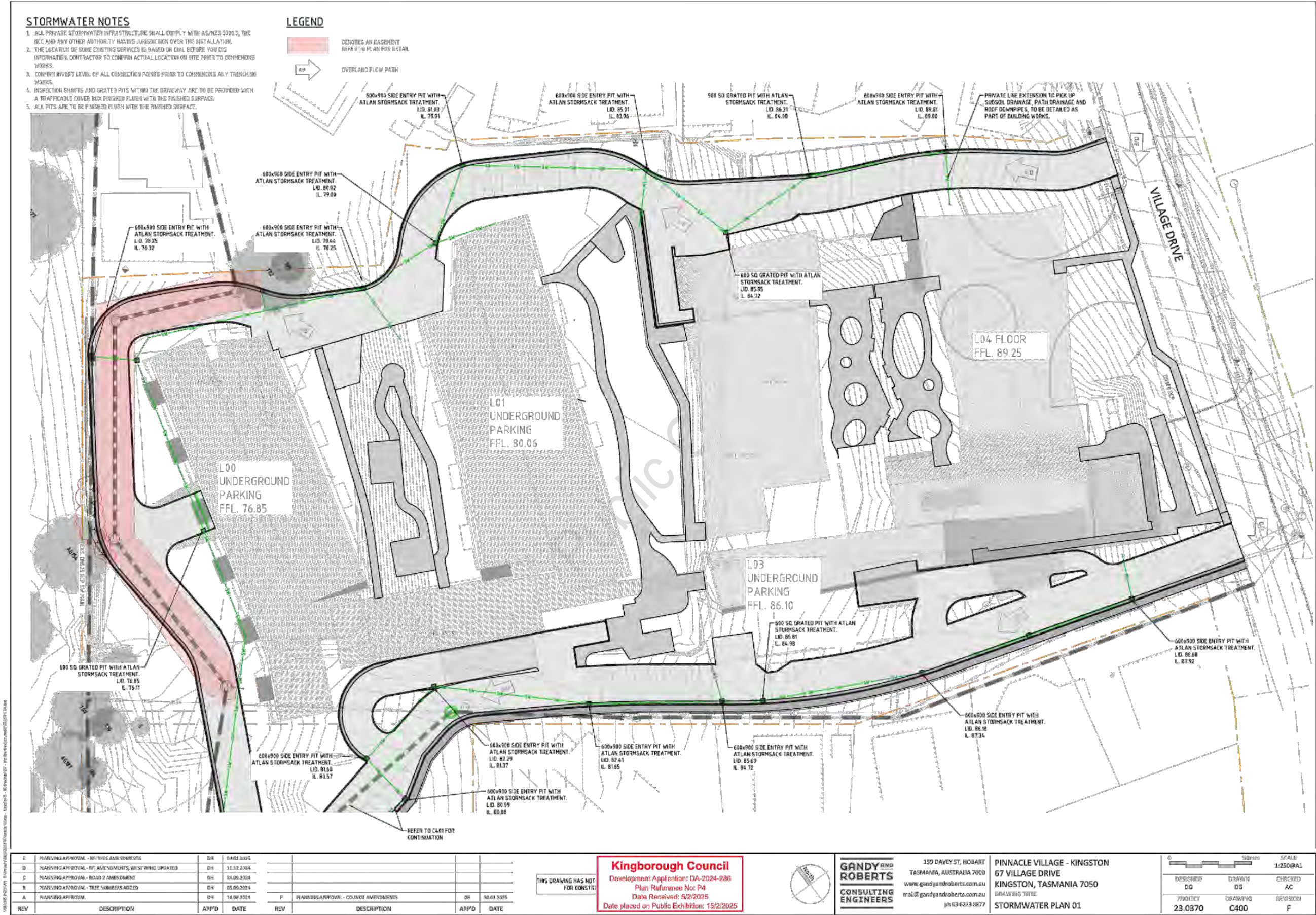








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PROJECT 23.0370	DRAWING C312	REVISION F



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D	PLANNING APPROVAL - RPT AMENDMENTS, WEST WING UPDATED	DH	11.12.2024
C	PLANNING APPROVAL - ROAD 2 AMENDMENT	DH	24.09.2024
B	PLANNING APPROVAL - TREE NUMBERS ADDED	DH	03.09.2024
A	PLANNING APPROVAL	DH	14.08.2024
REV	DESCRIPTION	APP'D	DATE

P	PLANNING APPROVAL - COUNCIL AMENDMENTS	DH	30.01.2025
REV	DESCRIPTION	APP'D	DATE

THIS DRAWING HAS NOT FOR CONSTRUCTION

Kingborough Council

Development Application: DA-2024-286

Plan Reference No: P4

Date Received: 5/2/2025

Date placed on Public Exhibition: 15/2/2025

GANDY AND ROBERTS CONSULTING ENGINEERS

159 DAVEY ST, HOBART TASMANIA, AUSTRALIA 7000

www.gandyandroberts.com.au

mail@gandyandroberts.com.au

ph 03 6223 8877

PINNACLE VILLAGE - KINGSTON

67 VILLAGE DRIVE

KINGSTON, TASMANIA 7050

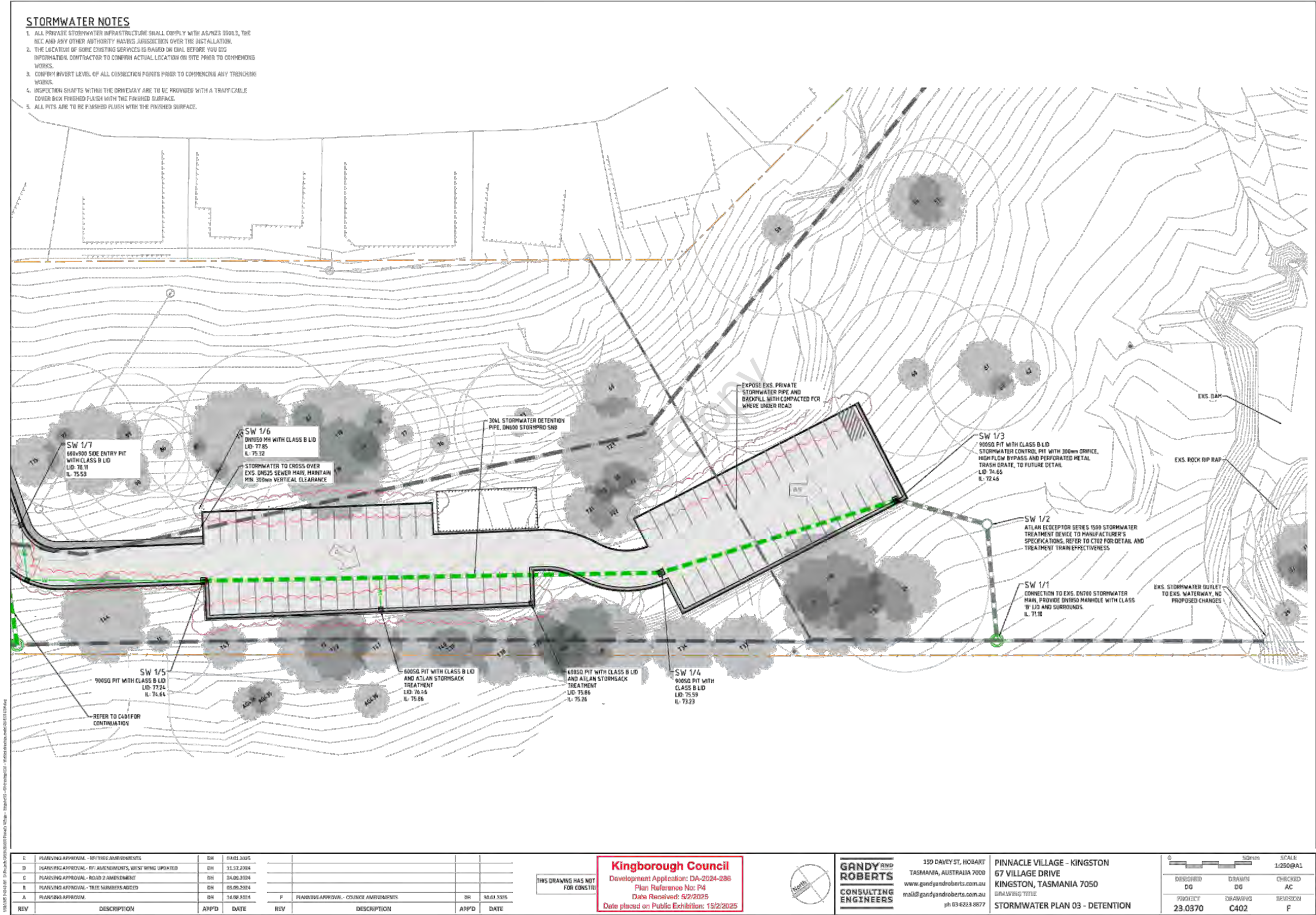
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STORMWATER PLAN 01

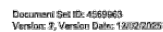
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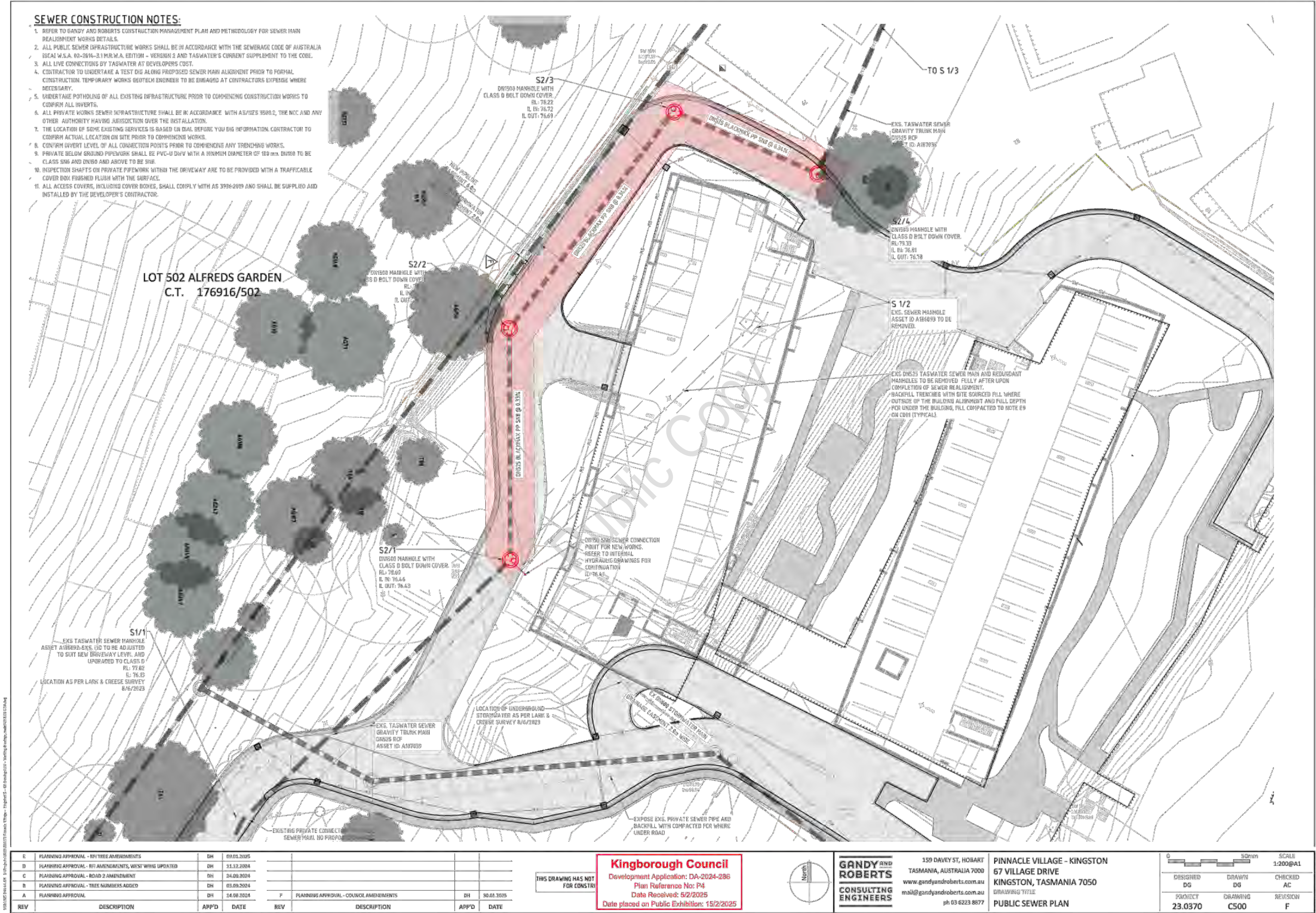


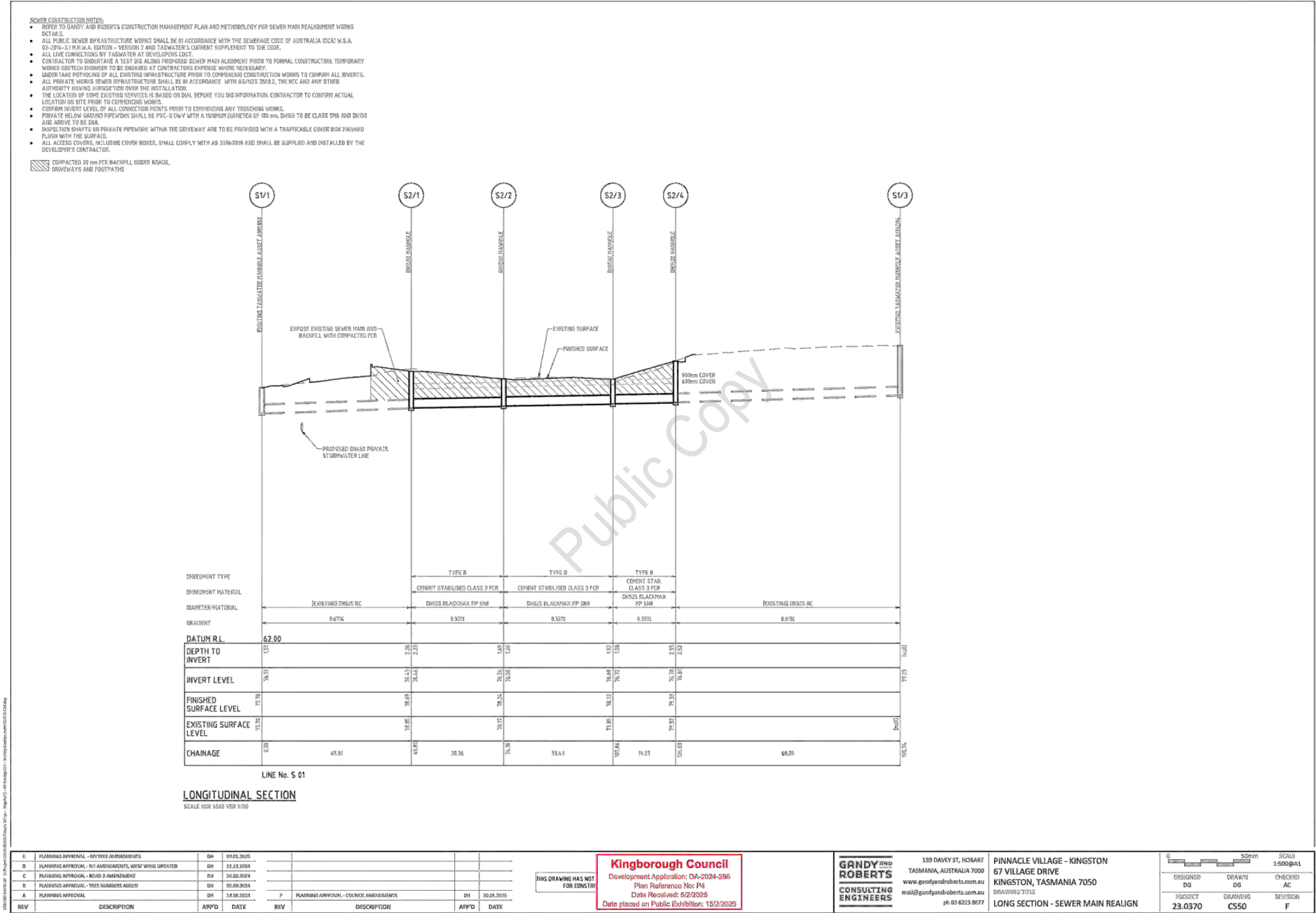


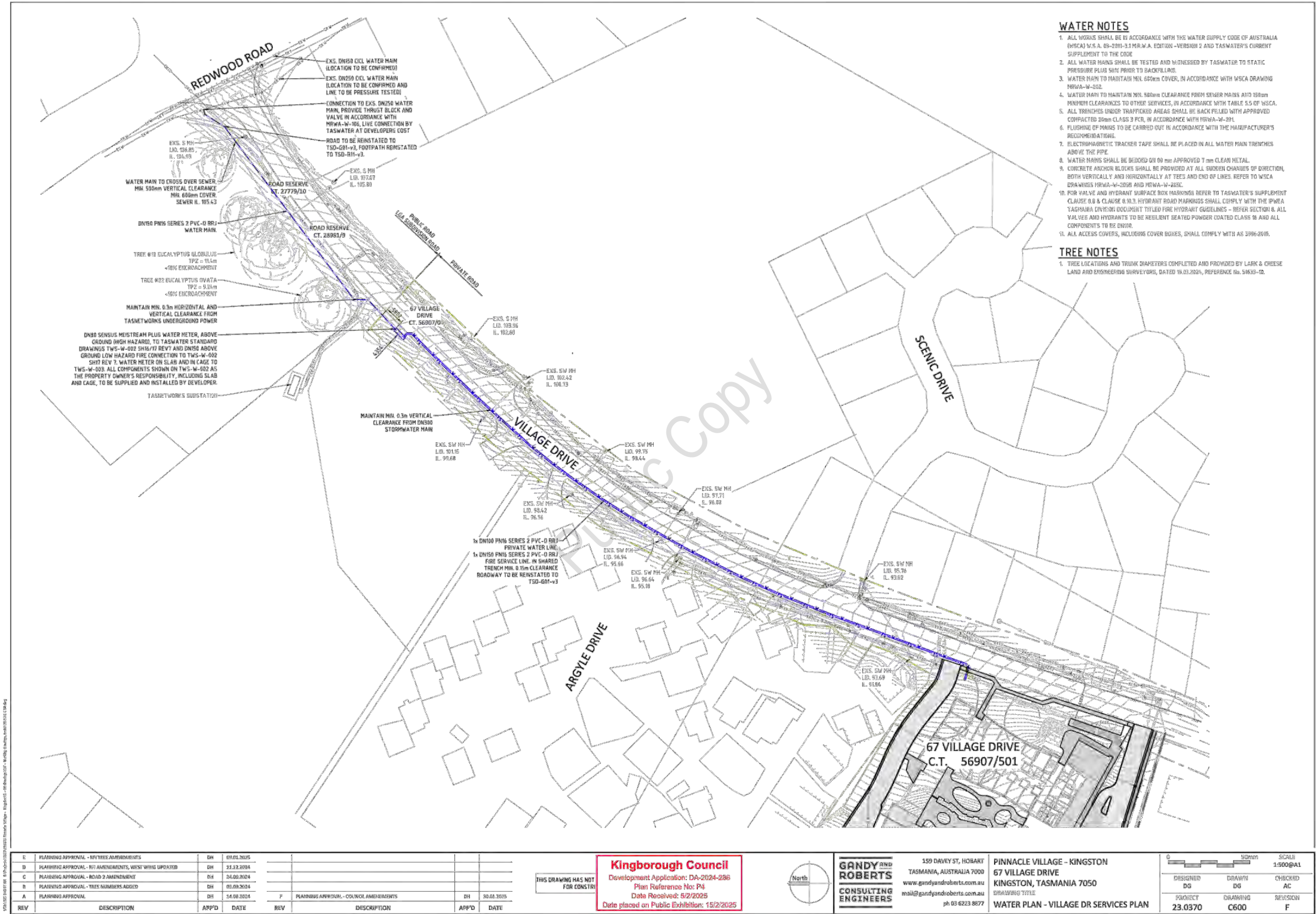


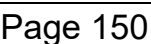


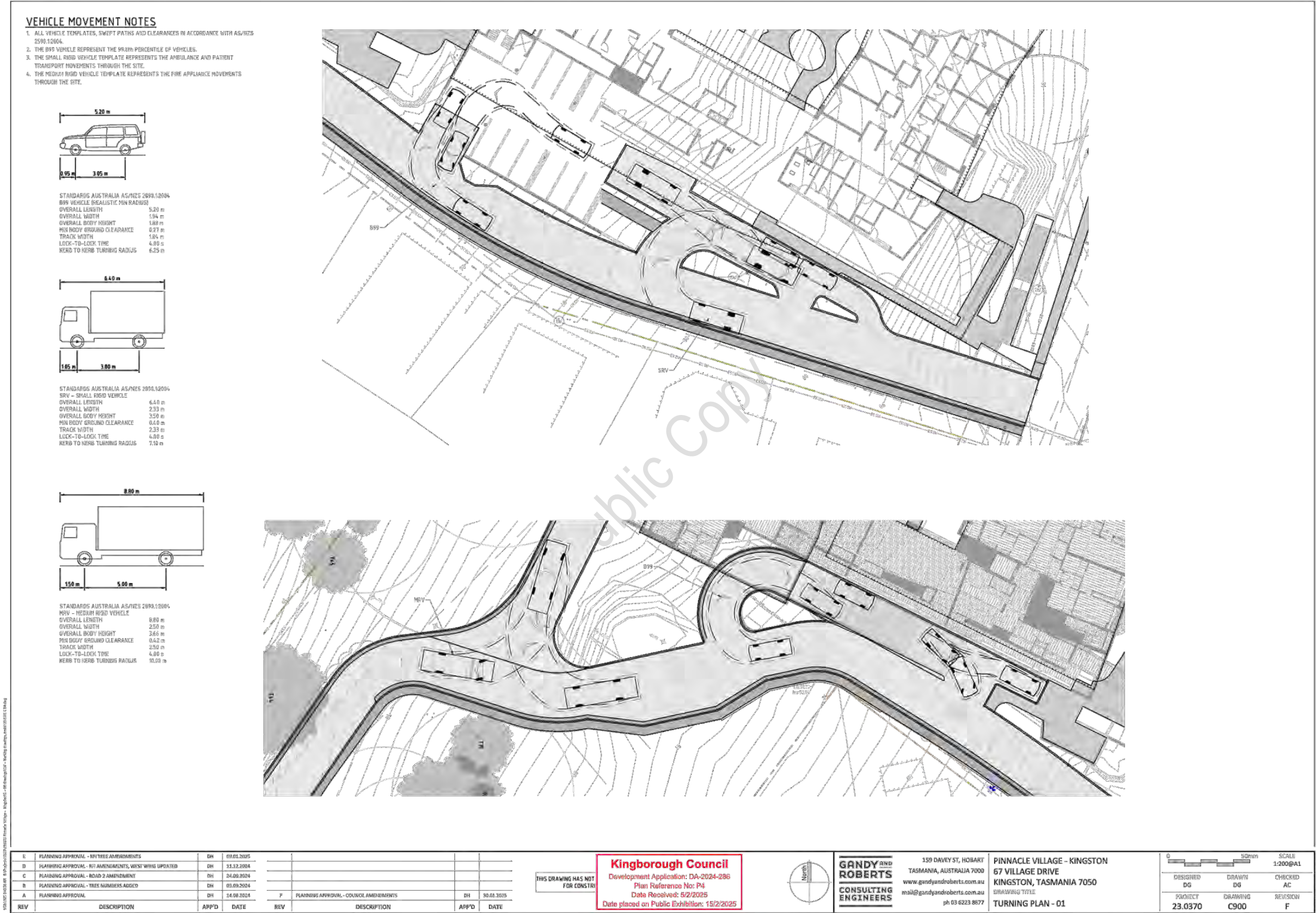














**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980**SEARCH OF TORRENS TITLE**

VOLUME 186856	FOLIO 1
EDITION 1	DATE OF ISSUE 27-May-2024

SEARCH DATE : 22-Aug-2024

SEARCH TIME : 05.00 PM

DESCRIPTION OF LAND

Town of KINGSTON

Lot 1 on Plan 186856

Derivation : Parts of Lot 1, 5.736ha, Lot 2, 5.112ha and Lot 4, 6.763ha (Sec. A) Gtd. to William Clark Hodgman

Prior CTs 56907/0, 56907/500 and 56907/501

SCHEDULE 1

M677198 & E292777 CHRISTIAN HOMES TASMANIA LTD Registered
27-Jul-2022 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP140624 BENEFITING EASEMENT: Right of Carriageway
(appurtenant to that part of the said land within
described formerly being Lot 501 on Strata Plan
56907) over the Right of Way Variable Width & Right
of Way 6.00 wide shown passing through Lot 8 on
Sealed Plan No. 140624 & shown on Plan 186856

D150104 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 on Plan
186856 (Subject to Provisions) Registered
12-Jan-2015 at noon

D150102 & D150105 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 3.
00 wide on Plan 186856 (Subject to Provisions)
Registered 12-Jan-2015 at noon

SP140624 BENEFITING EASEMENT: Right of Drainage over the
Drainage Easement 2.00 wide (SP28981) marked N.O.Y.
on Plan 186856

SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to
Lot 4 on SP28981) over the land marked Drainage,
Pipeline & Electricity Easement XX.K.L. on Plan 186856



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lots 1-9 inclusive on SP28981) over the land marked Drainage, Pipeline & Electricity Easement B1.B2.B3.B4.B5.B6. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lots 1-3 & 6-9 inclusive on SP28981) over the land marked Drainage, Pipeline & Electricity Easement XX.K. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lots 1 & 7-9 inclusive on SP28981) over the land marked Drainage Easement 2.00 wide Y.A2. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lots 1-3 & 6-9 inclusive on SP28981) over the land marked Drainage Easement 2.00 wide B5.A2. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lot 6 on SP28981) over the land marked Drainage Easement 2.00 wide P.Q. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lot 6 on SP28981) over the land marked Drainage Easement 2.00 wide R.S. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lot 4 on SP28981) over the land marked Drainage Easement 2.00 wide S.T. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Drainage (appurtenant to Lots 1-3 & 6-9 inclusive on SP28981) over the land marked Drainage Easement 2.00 wide A2.Q.Z. on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 1 on SP28981) over the land marked Rights of Way 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I' & 'J' on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 2 on SP28981) over the land marked Rights of Way 'B', 'C', 'E', 'F', 'G', 'H', 'I' & 'J' on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 3 on SP28981) over the land marked Rights of Way 'B', 'C', 'D', 'F', 'H', 'I' & 'J' on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 4 on SP28981) over the land marked Rights of Way 'B', 'C', 'D', 'E', 'G', 'H' & 'I' on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 6 on SP28981) over the land marked Rights of Way 'B', 'D', 'E', 'F', 'G', 'I' & 'J' on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 7 on SP28981) over the land marked Rights of Way 'C', 'D', 'E', 'F', 'G', 'H', 'I' & 'J' on Plan 186856
- SP140624 BURDENING EASEMENT: Right of Carriageway (appurtenant



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



- to Lot 8 on SP28981) over the land marked Rights of Way 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I' & 'J' on Plan 186856
- SP140624 BENEFITING EASEMENT: a pipeline easement over the land marked Pipeline & Electricity Easement M.L. on Plan 186856
- SP140624 BURDENING EASEMENT: a pipeline easement (appurtenant to Lots 1-4 & 6-8 inclusive on SP28981) over the land marked Drainage, Pipeline & Electricity Easement XX.K.L. on Plan 186856
- SP140624 BURDENING EASEMENT: a pipeline easement (appurtenant to Lots 1-4 & 6-8 inclusive on SP28981) over the land marked Drainage, Pipeline & Electricity Easement B1.B2.B3.B4.B5.B6. on Plan 186856
- SP140624 BURDENING EASEMENT: a water right in favour of the Kingborough Council over the land marked Pipeline Easement 4.00 wide on Plan 186856
- SP140624 BENEFITING EASEMENT: an electricity easement over the land marked Pipeline & Electricity Easement M.L. on Plan 186856
- SP140624 BURDENING EASEMENT: an electricity easement (appurtenant to Lots 1-4 & 6-8 inclusive on SP28981) over the land marked Drainage, Pipeline & Electricity Easement XX.K.L. on Plan 186856
- SP140624 BURDENING EASEMENT: an electricity easement (appurtenant to Lots 1-4 & 6-8 inclusive on SP28981) over the land marked Drainage, Pipeline & Electricity Easement B1.B2.B3.B4.B5.B6. on Plan 186856

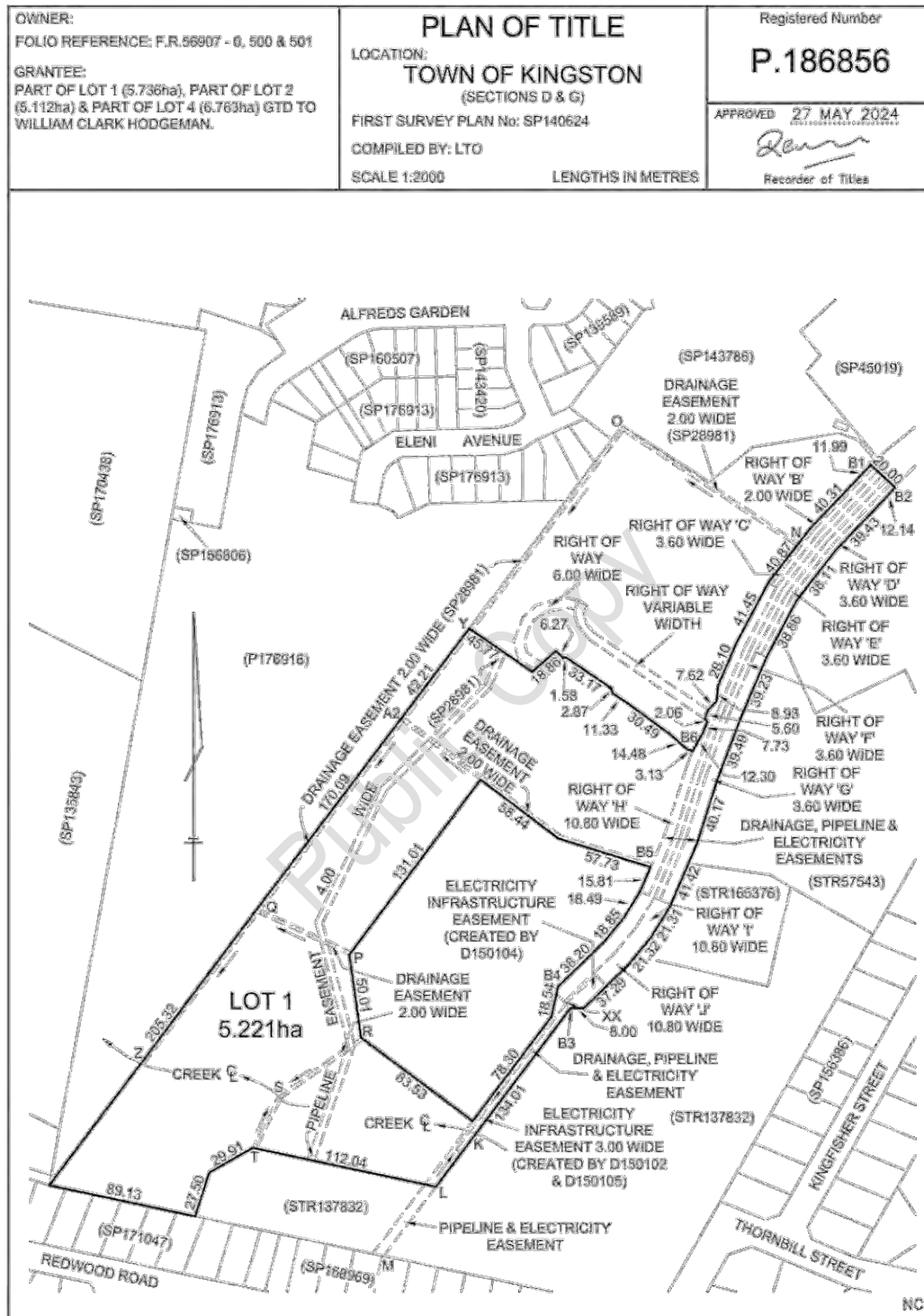
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 22 Aug 2024

Search Time: 05:00 PM

Volume Number: 186856

Revision Number: 02

Page 1 of 1

Department of Natural Resources and Environment Tasmania
 Version: 1, Version Date: 26/08/2024

www.thelist.tas.gov.au

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980**SEARCH OF TORRENS TITLE**

VOLUME 176916	FOLIO 502
EDITION 1	DATE OF ISSUE 05-Jun-2019

SEARCH DATE : 08-Mar-2024

SEARCH TIME : 05.58 AM

DESCRIPTION OF LAND

Parish of KINGBOROUGH Land District of BUCKINGHAM

Lot 502 on Plan 176916

Derivation : Part of Lot 678, 152 Acres Gtd. to Daniel O'Connor
Prior CT 171933/501**SCHEDULE 1**C308396 TRANSFER to KAMTONE PTY LTD Registered 18-Jul-2001
at 12.01 PM**SCHEDULE 2**

Reservations and conditions in the Crown Grant if any

SP139589 BENEFITING EASEMENT: A Right of Drainage over the Drainage Easement 2.00 wide shown passing along the western boundary of Lot 108 on Sealed Plan 139589

SP156806 BURDENING EASEMENT: A Right of Carriageway (appurtenant to Lot 950 on Sealed Plan 156806) over the Right of Way (SP156806) shown on Plan 176916

SP171932 BURDENING EASEMENT: A Right of Drainage (appurtenant to Lot 555 on Sealed Plan 171932) over the Drainage Easement variable width 'A' (SP171932) on Plan 176916

M577328 BURDENING EASEMENT: A Right of Drainage in favour of Kingborough Council over the Drainage Easement variable width 'A' (SP171932) on Plan 176916
Registered 24-Aug-2016 at 12.02 PM

M577330 BURDENING EASEMENT: A Pipeline and Services Easement in favour of the Tasmanian Water and Sewerage Corporation Pty Ltd over the Drainage Easement variable width 'A' (SP171932) on Plan 176916 (subject to provisions) Registered 24-Aug-2016 at 12.03 PM

SP176913 BURDENING EASEMENT: A Drainage Easement (appurtenant to Lot 700 on SP176913) over the Drainage Easement 2.50 wide 'B', Drainage Easement variable width 'C' and Drainage Easement 3.50 wide 'G' on Plan 176916

SP176913 BURDENING EASEMENT: A Right of Drainage (appurtenant to Lots 407 & 408 on SP176913) over the Drainage Easement 3.50 wide 'G' on Plan 176916

Page 1 of 2

**RESULT OF SEARCH****RECORDER OF TITLES***Issued Pursuant to the Land Titles Act 1980*

- SP176913 BURDENING EASEMENT: A Right of Drainage (appurtenant to Lots 410 to 417 on SP176913) over the Drainage Easement 2.50 wide 'B' and Drainage Easement variable width 'C' on Plan 176916
- M753532 BURDENING EASEMENT: A Right of Drainage in favour of Kingborough Council over the Drainage Easement 3.50 wide 'G' on Plan 176916 Registered 05-Jun-2019 at 12.05 PM
- M753544 BURDENING EASEMENT: A Pipeline and Services Easement in favour of Tasmanian Water and Sewerage Corporation Pty Ltd over the Drainage Easement 3.50 wide 'B', Drainage Easement 3.50 wide 'C' and Drainage Easement 3.50 wide 'G' on Plan 176916 Registered 05-Jun-2019 at 12.06 PM
- A658191 BURDENING EASEMENT: A Pipeline Easement in favour of the Metropolitan Water Board over the land marked Pipeline Easement 4.50 wide on Plan 176916 (conditions more fully set forth in Transfer)
- A851869 BURDENING EASEMENT: A Pipeline Easement in favour of Kingborough Council over the lands marked Pipeline Easement 8.00 wide and Pipeline Easement 4.00 wide on Plan 176916 (conditions more fully set forth in Transfer)
- B863760 AGREEMENT pursuant to Section 71 of the Land Use Planning and Approvals Act 1993 Registered 26-Aug-2003 at 12.02 PM
- E167943 AGREEMENT pursuant to Section 78 of the Land Use Planning and Approvals Act 1993 Registered 05-Jun-2019 at 12.01 PM
- E167944 AGREEMENT pursuant to Section 78 of the Land Use Planning and Approvals Act 1993 Registered 05-Jun-2019 at 12.02 PM
- E167945 AGREEMENT pursuant to Section 78 of the Land Use Planning and Approvals Act 1993 Registered 05-Jun-2019 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 08 Mar 2024

Search Time: 05:59 AM

Volume Number: 176916

Revision Number: 01

Page 1 of 1

Department of Natural Resources and Environment Tasmania
 Version: 1, Version Date: 26/08/2024

www.thelist.tas.gov.au

TASMANIAN LAND TITLES OFFICE

Notification of Agreement
under theLand Use Planning and Approvals Act 1993
(Section 71)

B863760

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
252401	1		

REGISTERED PROPRIETOR:
Kamtone Pty Ltd

PLANNING AUTHORITY:
Kingborough Council

Dated this 4th day of August 2003

I **Richard Anthony McClean**

of **Kingborough Council, 15 Channel Highway, Kingston, General Manager on behalf of**

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed
(on behalf of the Planning Authority)

Executed by Phillip Kimber, Director, Investment Ltd, registered proprietor of Suburbage (421819), pursuant to s.127 of the Corporations Act, by signing by 2 directors in the presence of

emmerc

Marie Mesic
Clerk

Garry Grant
Legal Practitioner
20 Murray St, Hobart
Tel: (03) 6222 9444

Phillip Kimber
Legal Practitioner
20 Murray St, Hobart

Land Titles Office Use Only

20 Murray St, Hobart

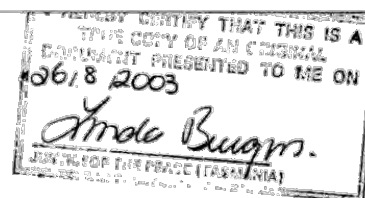
26 AUG 2003

Alice Kawa
RECORDER OF TITLES

THE BACK OF THIS FORM MUST NOT BE USED

LUA Version 1

Stamp Duty



**Agreement pursuant to Part V of the Land Use Planning Approvals Act 1993 (Tas)
(the Act).**

Between

Kamtone Pty Ltd ACN 009 549 713 the registered office of which is at Dawson Partners, level 2, 105 Macquarie St, Hobart, 7000 ("Subdivider")

And

The Kingborough Council of council chambers, Kingston, Tasmania ("Council")

RECITALS

- A The Subdivider is subdividing land in folio of the register 252401/1 ("the land").
- B The Council has required, and to which the Subdivider has consented to, that the Subdivider enter into the following agreement with respect to development of the land.

AGREEMENT

- 1 The Subdivider (for itself and its successors in title) as the registered proprietor of the land hereby covenants and agrees with Council that:

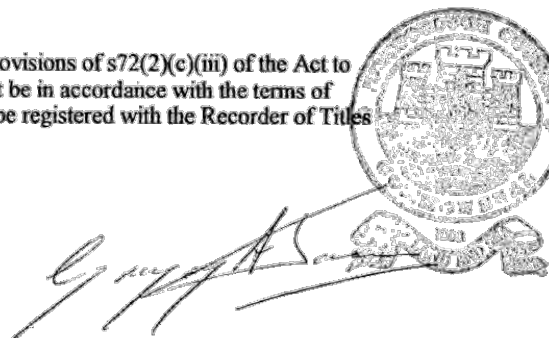
All lots created on CT 252401/1 are subject to the provisions of the Antarctic Buffer Area (Kingborough Planning Scheme 1988, clause 7.3). Super Lots 1 – 21 inclusive and all lots created within these super lots will be endorsed to the effect that no use or development will occur other than in accordance with the principles and standards set out in the document titled "Masterplan Report", prepared by Annand Alcock Urban Design (2001) and lodged with Council 10th December 2001.

- 2 This agreement is made pursuant to the provisions of s72(2)(iii) of the Act to the effect that all use or development must be in accordance with the terms of paragraph 1 above. This agreement is to be registered with the Recorder of Titles

Dated:

Executed by Kamtone Pty Ltd ACN 009 549 713
Registered proprietor of the land in
folio of the register 252401/1 by signing
by its sole director and sole secretary
pursuant to s127 of the Corporations Act
in the presence of:

A. S. Hamilton
314 Howden Rd,
Howden.
Surveyor.



The COMMON SEAL of the Kingborough Council has been hereunto affixed pursuant to a resolution of the said Council passed on the 22nd day of July 2003 in the presence of:

Mayor *[Signature]*
Councillors *[Signature]*
General Manager *[Signature]*

TASMANIAN LAND TITLES OFFICE

Notification of Agreement
under the

E167943

Land Use Planning and Approvals Act 1993
(Section 71)

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
171933	501		

REGISTERED PROPRIETOR:
Kamtone Pty LtdPLANNING AUTHORITY:
Kingborough Council

Dated this 12th day of April 2018

I Mr G Arnold, General Manager

of Kingborough Council

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed
(on behalf of the Planning Authority)

Land Titles Office Use Only

LUA Version 1

REGISTERED
5 JUN 2019
DEPUTY
RECORDER OF TITLES

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

PIN OR STAPLE HERE
DO NOT GUM THIS
FORM TO THE INSTRUMENT

ANNEXURE PAGE

PAGE 1 OF 57 PAGES
Vol. 171933 Fol. 501

**AGREEMENT UNDER PART 5
LAND USE PLANNING AND APPROVALS ACT 1993**

This **Agreement** is made on the 1st day of April 2018 SR

BETWEEN: Kamtone Pty Ltd
of 12 Osborne Esplanade, Kingston Beach 7050 (Postal address - PO Box 1000, Kingston
7051) in Tasmania ("the Owner")

-and-

KINGBOROUGH COUNCIL
of 15 Channel Highway Kingston in Tasmania ("the Council")

TERMS OF AGREEMENT

1. OBJECTIVES

- (a) This **Agreement** is entered into pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*.
- (b) The purpose of the **Agreement** is to protect in perpetuity the **Environmental Values** of the **Land** and, in particular, the **Conservation Zone**.
- (c) It is the intention of both parties to the **Agreement** that it will have the effect of binding all future owners as well as the current owner of the **Land**. The **Owner's** covenants shall run with the **Land** as if they were covenants to which section 102(2) of the *Land Titles Act 1980* applies.
- (d) This **Agreement** is to be registered pursuant to section 78 of the *Land Use Planning and Approvals Act 1993*.

2. LAND

This **Agreement** applies to the **Land**, being:

The whole of the land comprised in Folio of the Register Volume 171933 Folio 501 and known as 41 Alfreds Garden, Kingston in the Municipality of Kingborough in Tasmania comprising 9.549 hectares.

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[Signature]
General Manager, Kingborough Council

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3. DEFINITIONS AND INTERPRETATIONS

3.1 In this agreement unless the contrary intention appears:

- (a) **"Agreement"** means this instrument including any schedules, attachments and annexures;
- (b) **"Balance Land"** means that part of the **Land** (if any) that is not within the **"Conservation Zone"**;
- (c) **"Building Envelope"** means that part of the land (if any) marked "Building Envelope" on the plan attached hereto as Schedule A;
- (d) **"Clearance of Native Vegetation"** means the clearing, cutting, pushing over or otherwise removing of native vegetation or the destruction of native vegetation in any way;
- (e) **"Conservation Zone"** means that part of the **Land** marked "Conservation Zone" on the plan attached hereto as Schedule A;
- (f) **"Council"** means Kingborough Council;
- (g) **"Environmental Values"** means all of the natural features of the **Conservation Zone**, including but not limited to landscapes, soils, watercourses, species, habitats, ecological communities and the physical and hydrological processes that support those features; it may also include other values that have been specifically identified by Council (eg view-fields, cultural heritage values);
- (h) **"Exotic Species"** means any species not native to the **Land** or its immediate surrounds and includes any genetically modified organisms;
- (i) **"Foreign Material"** means any material that is derived from outside the boundaries of the **Land** and includes effluent, rubbish, soil, gravel, mulch and compost;
- (j) **"General Manager"** means the General Manager for the time being of Kingborough Council and his/her successors in office;
- (k) **"Interference with the Natural Flow of Water"** means any diversion or capture of natural water flows and any addition to natural water flows, including the construction of dams or drains and irrigation of any kind;
- (l) **"Land"** means the land described in clause 2 of this **Agreement**;
- (m) **"Local Provenance"** means plants and plant propagules (seeds and cuttings) which are local in origin, preferably collected from within the local catchment area;

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- (n) "**Native Vegetation**" means all plants, plant matter and fungi native to the **Land** or its immediate surrounds, including fallen dead wood and litter;
- (o) "**Owner**" means the person or persons named at the beginning of this **Agreement** as "the Owner" and includes any successors or assignees of that person;
- 3.2 Nothing contained herein should be taken to mean or imply that planning approval or any other approval has been or will be granted for activities which require such approval;
- 3.3 A reference to the harming or taking of any wildlife includes a reference to the killing, destroying, hunting, pursuing, catching, shooting, netting, snaring or injuring that wildlife.

4. GENERAL COVENANTS

In consideration of the Council as the relevant planning authority granting a planning permit for the development and/or use of the **Land** (Application number DAS-2014-48) the Owner hereby covenants with the Council as follows:

- (a) All of the native vegetation in the **Conservation Zone** (approximately 2.12 hectares) is to be protected and must be managed by the Owner in perpetuity in accordance with this **Agreement** so as to protect and maintain or improve the condition of environmental values contained therein, including native vegetation and habitat for threatened fauna species.

CONSERVATION ZONE

4.1 The **Owner** agrees in relation to the **Conservation Zone**:

- (a) to use best endeavours to ensure that **Exotic Species** that pose a threat to the **Environmental Values** of the **Conservation Zone** do not become established;
- (b) to use best endeavours to eliminate or control established **Exotic Species** that pose a threat to the **Environmental Values** of the **Conservation Zone**;
- (c) to implement the weed management prescriptions contained within the Conservation Management Plan attached hereto as Schedule B until such time as the target weed species are eradicated from the **Conservation Zone** or until an alternative weed management plan is otherwise agreed in writing with the **General Manager**;
- (d) to implement the Conservation Management Plan attached hereto as Schedule B for the ongoing protection of *Eucalyptus amygdalina* forest and woodland on Sandstone Ridge.

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threatened native vegetation community & providing potential species habitat for the threatened *Chaostola* skipper.

- (e) to observe any fire management recommendations provided by Tasmania Fire Service or **Council** and to use best endeavours to protect the **Conservation Zone** from uncontrolled fire;
 - (f) to maintain fences where those fences are necessary to protect the **Environmental Values** of the **Conservation Zone**;
 - (g) to use best endeavours to ensure that the **Environmental Values** of the **Conservation Zone** are protected from any external impacts that are under the **Owner's** control;
 - (h) when clearing **Native Vegetation** for activities approved under this **Agreement**, to clear by cutting and slashing wherever possible so as to minimise any soil disturbance;
 - (i) in the event that any of the **Owner's** activities are found to pose a threat to the **Environmental Values** of the **Conservation Zone**, to use best endeavours to remove the threat and to undertake any rehabilitation that may be necessary; and
- 4.2 The **Owner** agrees in relation to the **Conservation Zone** not to undertake or allow any actions that will damage or degrade the **Environmental Values**, except where necessary for the conduct of specific activities approved by the **Council** under clause 4.4 or clause 4.5 of this **Agreement**.
- 4.3 The following actions may damage or degrade the **Environmental Values** and must not be undertaken within the **Conservation Zone**, except where necessary for the conduct of specific activities approved by the **Council** under clause 4.1 or 4.4 of this **Agreement**:
- (a) **Clearance of Native Vegetation**;
 - (b) introduction of **Exotic Species**;
 - (c) planting of any plants;
 - (d) use of chemicals (including fertilisers);
 - (e) introduction of **Foreign Material**;
 - (f) disturbance of the soil;
 - (g) removal of soil, gravel or other mineral resources;
 - (h) **Interference with the Natural Flow of Water**;

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- (i) subdivision or stratum title development;
- (j) building or placement of structures;
- (k) construction of roads or tracks;
- (l) removal of dead trees - standing or fallen;
- (m) off-road use of vehicles;
- (n) grazing of domestic animals; and
- (o) harming or taking of wildlife.

4.4 The **Council** agrees that the **Owner** may undertake the following activities in the **Conservation Zone**, provided that any associated **Clearance of Native Vegetation** is the minimum required for the conduct of the approved activity:

- (a) emergency fire-fighting operations, including fire breaks, control lines or "back-burns";
- (b) maintenance of the existing walking track, provided the track is a maximum of 1.5m wide and does not impact any threatened species or trees of high conservation value;
- (c) Implementation of the Conservation Management Plan, including a weed management plan, developed by North Barker, Environmental Consultants, in accordance with Kingborough Council;
- (d) off-road use of vehicles for emergency or essential management purposes;
- (e) use of registered herbicides or pesticides where necessary for the control of **Exotic Species** that threaten the **Environmental Values** of the **Land**;
- (f) revegetation using **Local Provenance** where necessary to stabilise exposed ground following soil disturbance or erosion;
- (g) introduction of biological control agents which are declared agent organisms under the *Biological Controls Act 1986* for the control of declared target organisms under the *Biological Controls Act 1986*;
- (h) harming or taking of wildlife where authorised by a permit under the *Nature Conservation Act 2002* or the *Wildlife Regulations 1999*;

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- (i) if and when required by Tasmania Fire Service or the Council, **Clearance of Native Vegetation** for fire hazard reduction; and,
- (j) use of controlled burns for ecological purposes (eg the maintenance of biodiversity).

BALANCE LAND

4.5 The Owner agrees in relation to the Balance Land to the following:

- (a) only conduct activities of a type or in a manner that do not pose a threat to the **Environmental Values of the Conservation Zone**;
- (b) when clearing **Native Vegetation** for activities approved under this **Agreement**, to clear by cutting and slashing wherever possible so as to minimise any soil disturbance; and
- (c) Landscape with **Local Provenance** plants where possible.

4.6 In the event that any of the **Owner's** activities on the **Balance Land** are found to pose a threat to the **Environmental Values of the Conservation Zone**, to use best endeavours to remove the threat and to undertake any rehabilitation that may be necessary.

5. WAIVER OF RIGHTS TO RECOVERY AND OTHER COMPENSATION

The **Owner** waives all rights to recover damages from the **Council** for any liability to the **Owner** for:

- (a) personal injury to, or death of, any person; or
- (b) for damage to any of the **Owner's** property or finances,

arising from the performance or purported performance of any obligations or activities required or approved under this **Agreement**. This waiver does not operate to release the **Council** from any liability attributable to a wrongful (including negligent) act or omission on the part of the **Council**

6. DISPUTE

- (a) If a dispute arises between the parties under this **Agreement**, then (except in the case of action required to be taken under statute) the parties agree that it must be resolved expeditiously in accordance with the provisions of this clause.
- (b) If a dispute arises requiring resolution, a party must serve a notice on the other specifying the nature and substance of the matter in dispute.

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- (c) If, within thirty (30) days of a notice under Clause 6(b) being served, the parties are unable to resolve the dispute, then the dispute must be submitted by the parties for resolution under the following sub-clauses.
- (d) The matter in dispute must be referred for resolution by a person of appropriate qualifications and experience, as agreed between the parties, who will act as mediator and conduct a mediation concerning the matter in dispute.
- (e) If the dispute is not settled under Clause 6(d) or the parties fail to appoint a mediator, the **General Manager** may establish, in an attempt to resolve the dispute, a review committee comprising an independent chairperson and a representative of the **Owner** and a representative of the **Council**. This committee will be required to review the dispute and then attempt to resolve the dispute by agreement.
- (f) The costs of all mediation under this clause are to be shared equally between the parties.
- (g) Each of the parties agrees to use their best endeavours to resolve the dispute through mediation.
- (h) If a dispute cannot be settled within thirty (30) days (or such other period as the parties agree) of one party serving a notice of that dispute in accordance with Clause 6(b), the dispute must be determined under the provisions of the *Commercial Arbitration Act 1986*.

7. SEVERANCE

If any provision of this **Agreement** or its application to any person or circumstance is or becomes invalid, illegal or unenforceable, then so far as possible, the provision will be read down to the extent necessary to ensure that it is not illegal, invalid or unenforceable. If any provision or part of it cannot be so read down, then the provision or part of it will be taken to be void and severable and the remaining provisions of this **Agreement** will not be affected or impaired in any way

8. NOTIFICATION OF CHANGE OF OWNERSHIP

- (a) The **Owner** must notify the **Council** in writing of any agreement entered into by the **Owner** to effect any change of ownership or control of the **Land** and that notice must detail the name and address of all parties to the agreement and the nature of the change of ownership or control.
- (b) The **Owner** must notify the **Council** in writing of any change of ownership or control of any portion of the **Land** and that notice must detail the name and address of the new owner, lessee or licensee.
- (c) The **Owner** must provide a copy of all directions and approvals given by the **Council** under the terms of this **Agreement** to all prospective purchasers, lessees or licensees of the **Land**.

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General Manager, Kingborough Council

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9. NOTIFICATION AND COMMUNICATION

- (a) The **Owner** and the **Council** must:
- i) advise each other of any proposed action which could adversely affect the **Land**; and,
 - ii) respond promptly to all communications from each other relating to this **Agreement**.
- (b) The **Owner** must notify the **Council**:
- i) of any event which has or could have a significant adverse impact on the **Environmental Values** of the **Land**;
 - ii) if the **Owner** intends to alter the use of any part of the **Land**; or,
- (c) The **Council** must notify the **Owner** of any information relating to the **Land** within its knowledge that could adversely affect the use and management of the **Land**.

10. ACCESS

- (a) The **Owner** must, having been given reasonable notice by the **General Manager** or servants of the **Council**, allow relevant and identified servants of the **Council** to enter the **Land** at a reasonable time in order to:
- i) inspect the condition of the **Land**;
 - ii) carry out research relevant to protection of the **Land**; or,
 - iii) determine whether the conditions of this **Agreement** have been complied with.
- (b) The **Owner** and the **Council** must agree on the means of notification for a visit and the length of notice required. The **Owner** may also specify an access route, and the servants of the **Council** must follow that route, except in cases of emergency.

11. NOTICES

- (a) A notice or other communication given or made under this **Agreement** must be in writing and addressed to the party to whom the notice is to be given at the address for service of notices as agreed by the parties from time to time.
- (b) A notice or other communication is taken to have been duly served:

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- i) in the case of hand delivery - when delivered;
 - ii) if sent by prepaid post - on the third business day after the date of posting;
 - iii) if sent by facsimile transmission (only if the sending facsimile machine produces a print out of the time, date and uninterrupted transmission record of the sending of the notice) - upon completion of sending if completion is within ordinary business hours in the place where the recipient's facsimile machine is located, but if not, then at 9.00 a.m. on the next business day in that place;
 - iv) if sent by email, when the recipient acknowledges receipt of the email.
- (c) A notice or other communication given or made under this Agreement is sufficient if:
- i) in the case of the **Council**, it is under the hand of the **General Manager** or a duly authorised officer of the **Council** or the **Council's** solicitors;
 - ii) in the case of the **Owner**, it is under the hand of the **Owner** or the **Owner's** solicitors.
- (d) A printed or copied signature is sufficient for the purposes of sending any demand, written consent or other communication by facsimile transmission or by email.

12. PERFORMANCE AND REVIEW

The **Owner** and the **Council** agree to review the operation of this **Agreement** every five (5) years, or at lesser intervals if circumstances necessitate, including but not limited to discussion of the operation of the **Agreement** and assessment of the level of compliance by both parties.

13. COSTS

The **Owner** must pay all costs associated with the preparation, execution and registration of this **Agreement**. Each party is to pay its own costs of the future operation of this **Agreement**.

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SIGNED SEALED AND DELIVERED
BY THE OWNER in the presence of:

Witness Signature: *GF*
 Witness Name: *George Falconer*
 Address: *6/220 Melville St*
 Occupation: *Chef.*

THE COMMON SEAL of the Kingborough Council
has been hereunto affixed pursuant to a resolution of
the said Council passed the 23rd day
of August 2011 in the presence of us:

Mayor/Councillor: *[Signature]*

Council Delegate: *[Signature]*



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[Signature]
General Manager, Kingborough Council

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SCHEDULE A – PLAN OF CONSERVATION ZONE

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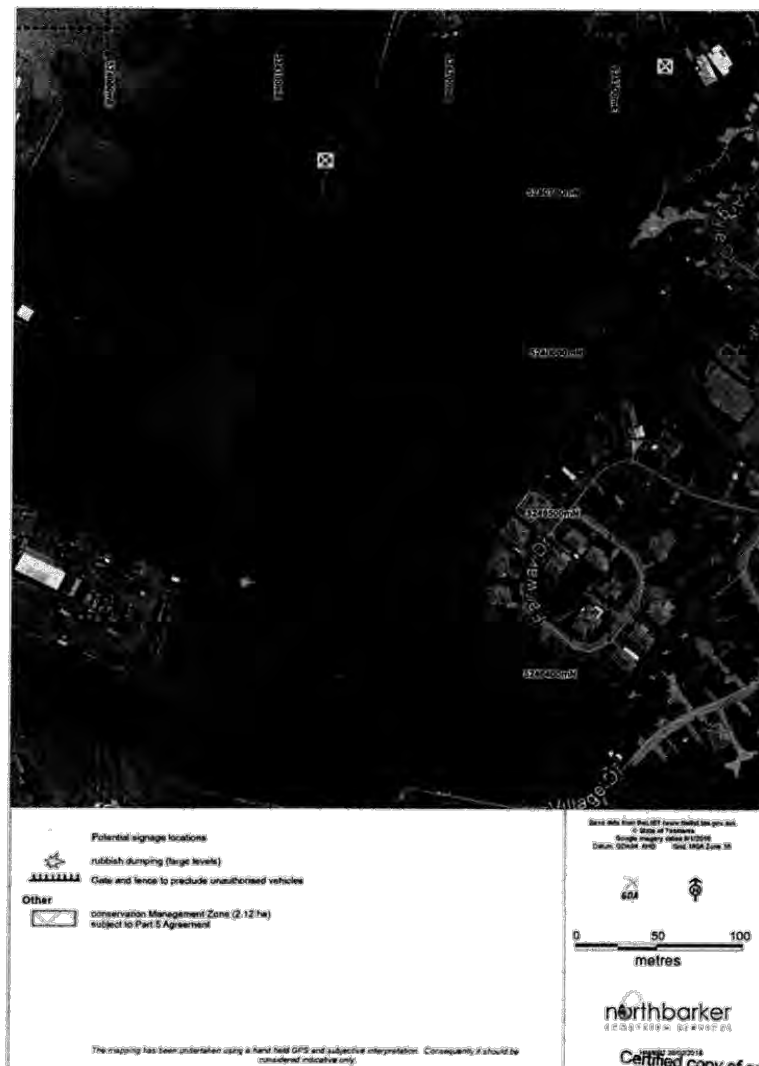
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SCHEDULE B - CONSERVATION MANAGEMENT PLAN



**KINGSTON GREEN
CONSERVATION MANAGEMENT PLAN
(PART 5 AGREEMENT)
2018 - 2023**

FEBRUARY 2018 (FINAL)

Prepared for Kingborough Council obo Kamfene Pty Ltd



Andrew N
163 Camp

ker.com.au
3, 6231 9877

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1 Introduction

This Reserve Management Plan outlines management schedules for five years to be undertaken by and with the authority of Kamtone Pty Ltd. This agreement is via a Part 5 Agreement with Kingborough Council for the onsite retention and long-term protection of native vegetation to be retained on private land. It refers specifically to a part offset for the land to the south of the subdivision covered by black peppermint forest (DAS).

2 Background/Context

A 17 lot residential subdivision and balance of land at 41 Alfreds Garden, Kingston (DAS 2014-48) was approved by Kingborough Council in March 2015 and amended on the 4th December 2017. Condition 5 of the permit requires a Conservation Management Plan over 2.52 ha of land. The 2.52 ha offset is broken up into 2.12 ha offset secured under a Part 5 Agreement with Council under the *Land Use Planning and Approvals Act 1993* and a separate 0.40 ha offset going into Public Open Space. This Conservation Management Plan covers the 2.12 ha offset subject to Part 5 Agreement. This area will remain in private ownership.

5. To meet the requirements of Clause 10.2.1.1(b) of the Kingborough Planning Scheme 2000 for the loss of approximately 0.84ha of Schedule 10 vegetation, including 0.61ha of *Eucalyptus ovata* forest and woodland, 0.23ha of *Eucalyptus amygdalina* forest and woodland on sandstone, potential swift parrot habitat and potential chaostola skipper habitat, the following offset package must be secured and implemented prior to the Start of Works:

- (a) onsite retention and long-term protection of a minimum of 2.52ha of Schedule 10 vegetation as identified in the Revised Offset Plan in accordance with Council Plan Reference P3 submitted on 4 September 2017 (North Barker, 14/08/2017) and incorporate any additional clearing required for the installation of services at a replacement ratio of 3:1; and
- (b) onsite retention and protection of potential chaostola skipper habitat within the proposed offset areas; and
- (c) development of Conservation Management Plan(s) for the offset areas which:
 - (i) verifies the extent of the offset areas in accordance with (a) above;
 - (ii) provides for the maintenance and protection for all native vegetation and habitat values within the offset areas in perpetuity; and
 - (iii) details management prescriptions for a period of no less than 5 years including but not limited to weed management and recreational use, to ensure that environmental values are managed for their long term survival. These management prescriptions must be drafted by a suitably qualified environmental consultant and include timeframes, details and costings for each action; and
- (d) a financial contribution of \$15,400 for the loss of one (1) individual *Eucalyptus ovata* tree with a diameter of >70cm, eight (8) individual *Eucalyptus ovata* trees with a diameter of 40-70cm and fourteen (14) individual *Eucalyptus ovata* trees with a diameter of 25-40cm to offset impacts on the endangered swift parrot.

Amended pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993* Certified copy of original agreement

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This Reserve Management Plan provides the necessary prescriptions and an implementation schedule in accordance with the above conditions for 2.12 ha of land. It is understood that the management of the reserve will be the responsibility of Kamtone Pty Ltd (the Landowner).

3 Management Objectives for Natural Values

3.1 General Objectives

The following general objectives apply to the management of the Land:

- Protection and conservation of the natural systems and features in the Land, including the diversity of species, habitats and communities.
- Protection of significant vegetation communities and populations of threatened and/or priority plant and animal species.
- Protection of the Land from damage by introduced plants and animals, disease and inappropriate management regimes.

3.2 Specific Management Objectives for Natural values

The management objectives are:

- To maintain the structure of vegetation communities and allow for regeneration of native species under the proposed management regime.
- To maintain the habitat of threatened and/or priority species.
- To eradicate or control weeds and prevent any further introduction(s) of exotic species.
- To control means of public access to limit the risk of inadvertent or deliberate damage to the natural values.
- To protect the reserve from incursions from adjacent residences.

In general, the measures of success of the management regimes are:

- the maintenance or improvement in native species diversity, richness and abundance;
- adequate and appropriate opportunities for recruitment or regeneration of native species;
- the maintenance or an improvement in the habitat for threatened species and their habitat known within the area; and
- a reduction in infestations of environmental weed species (where present).

The Reserve will be subject to bi-annual monitoring to confirm the implementation of the scheduled works and to assess their effectiveness in achieving the management objectives (and make improvement recommendations where appropriate).

4 Reserve Location

The reserve, occupying 2.12 ha, is located approximately 1.5 km to the south-west of Kingston town centre. It is within the municipality of Kingborough in the South East.

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bioregion of Tasmania¹ (Figure 1). It is bounded by residences to the north, south and east, fragmented bushland and the Antarctic division and Bunnings to the west.

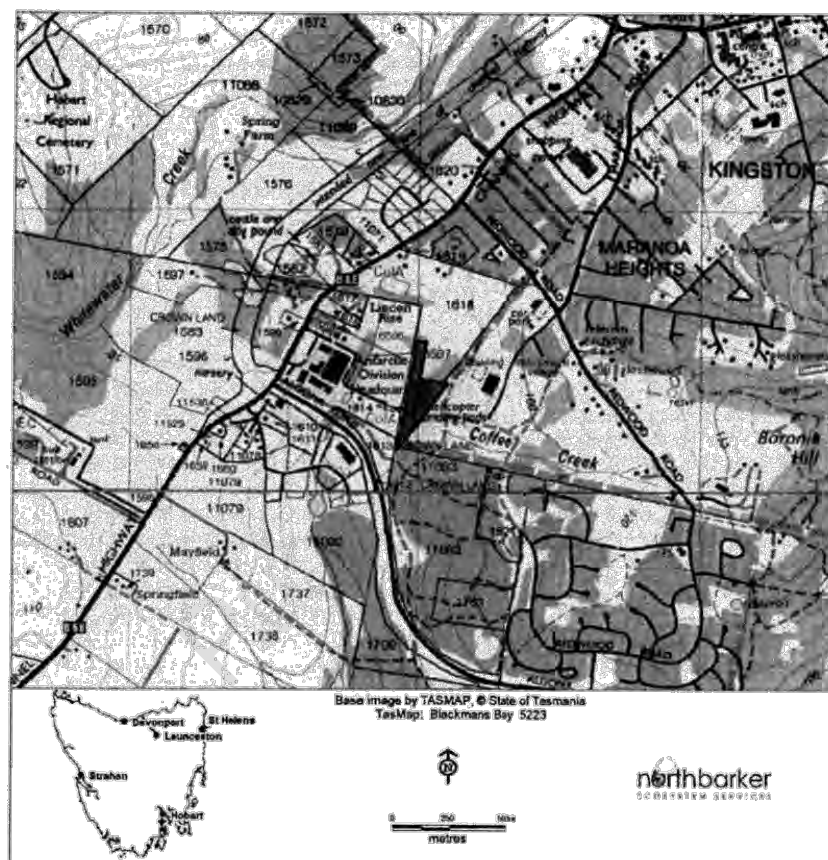


Figure 1: Location of 2.14 ha offset subject to Part 5 Agreement

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[Signature]
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¹ IBRA5 - Peters & Thackway 1998

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6 Natural Values

6.1 Offset Site Description

The entire offset area is covered by native bushland, in varying condition with disturbances such as dumping of rubbish, walking tracks and weed infestations present, however the bulk of the offset is in good condition. The bushland is part of a larger forested area (divided by the new Algona Road subdivision to the south) that once extended from Peter Murrell Conservation Area through to Boronia Hill. The proposed reserve is now surrounded by suburbia on the eastern and southern side, with the Peter Murrell Conservation Area and Algona Rd Reserves further south.

The site gently slopes to the west falling from 110 to 80 metres above sea level. The underlying geology is Triassic sandstone, and the soil is very sandy. It is in the moist sub-humid cool zone and within the 600 to 800 mm annual rainfall zone. The site is crossed by tracks used by local residences and people using the area for recreation purposes.

6.2 Vegetation Communities

Eucalyptus amygdalina forest and woodland on sandstone (DAS)

This community occupies the whole of the conservation area. The community is characterised by a single-aged cohort of relatively young *E. amygdalina* over a less dense ground layer dominated by bracken (*Pteridium esculentum*). Other common species in this area include *Exocarpos cupressiformis*, *Leptospermum scoparium*, *Melaleuca squarrosa*, *Stylidium graminifolium*, *Amperea xiphioclada* and *Gahnia radula* is also present in this area. There are a small number of old growth trees, suggesting that the area has been burnt, thinned or cut over for firewood at some time, but regeneration of canopy trees has resulted in medium-height woodland to open forest over a dense heathy, sedgy and shrubby understorey.

Very few weeds occur within the bulk of the community, except for track margins and occasional radiata pines. Boneseed, English broom, canary broom, blackberry and other important weeds are common at the edges and tracks through the community. One infestation of a variety of declared and environmental weeds occurs to the south along a moist depression.

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Plate 1: Eucalyptus amygdalina on sandstone. This photo is looking south west taken from the north west corner of the offset area in DAS.



Plate 2: Another view of the Eucalyptus amygdalina forest looking north along walking track along the western edge.

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Plate 3 - typical DAS understory

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Figure 2: Vegetation communities, the subdivision and offset location protected under this CMP. The offset area will be under Part 5 Agreement to remain on private land.

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6.3 Threatened Flora & Fauna Species

Surveys to date have yielded no observations of threatened flora within the offset area or immediate surrounds.

Based on fauna habitat surveys, there is a moderate possibility that two threatened fauna occur within the area at certain times of the year. These are the swift parrot (*Lathamus discolor*) and the eastern barred bandicoot (*Perameles gunnii*). Habitat is also present for the Chaostola skipper (*Antipodia chaostola*).

Swift parrot (*Lathamus discolor*)

There are numerous records for swift parrot within 5 km. This small fast flying parrot occurs in eucalypt forests in south-eastern Australia and Tasmania. Swift parrots breed in Tasmania and migrate to mainland Australia in autumn where they are semi-nomadic foraging on flowering eucalypts in Victoria and New South Wales. In Tasmania the breeding range is largely restricted to the south-east coast within the range of Tasmanian blue gum (*Eucalyptus globulus*) and black gum (*E. ovata*) forest – its main nectar food sources. It has suffered a significant decline in abundance, as has the extent of its foraging habitat. Blue gum forests within the breeding range of the species have been fragmented and substantially reduced in area by land clearance for agricultural, urban, and coastal development, while black gum (*Eucalyptus ovata*) forest has been extensively cleared for agriculture throughout its range in Tasmania.

The offset area supports some individual blue gum and black gums with black gum forest in the surrounding landscape. Few obvious hollows suitable for nesting were observed within the trees on site, although smaller hollows may be present in some of the larger trees, and hollow development will increase with time.

Eastern barred bandicoot (*Perameles gunnii*)

There are numerous records for the eastern barred bandicoot within a 5 km radius. Eastern barred bandicoots inhabit grassland and grassy woodland and they have also adapted to pasture, semi-urban parks and gardens. They forage preferably in open grassy areas, but for shelter and nesting they require a dense ground cover of native tussock grasses, sedges and shrubs. They forage after dusk and sleep during the day in grass-lined nests where the cover is thick. The dense sedgy, healthy and shrubby understorey and thickets of weeds in the property would provide suitable shelter and nesting habitat whilst the open areas would provide opportunities for foraging for this species.

The eastern barred bandicoot is listed as 'vulnerable' nationally, under the EPBCA. However state legislation does not reflect that view and it is not listed under the TSPA.

Chaostola skipper (*Antipodia chaostola*)

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There are records for the chaostola skipper within a 5 km radius. Adults of this butterfly are very rarely seen. It occurs in dry sclerophyll forest at low altitudes in eastern Tasmania. The flight season is October and November. In 1992 the butterfly was recorded from only two sites in Tasmania (Hop Pole Bottom and near Conningham). In recent years the chaostola skipper has been found to be more widespread with observation from Knocklofty Reserve, Hobart, Peter Murrell Reserve and other bushland sites in Kingston.

Among other skipper species, larvae are known to live and feed in looped leaves of the sedge *Gahnia radula*. *G. radula* is common within the offset area. A targeted survey for *A. chaostola* failed to locate any larvae of the species or their characteristic shelters in a prior survey for the subdivision. No evidence could be found of insect herbivory with all leaf damage showing the coarser and more extensive browsing of vertebrates such as wallabies. However the offset area contains potential habitat for this species and may provide habitat for future colonisation from other vulnerable sites.

6.4 Weeds

Seven introduced plants listed as 'declared' weeds under the Weed Management Act 1999 were recorded within the offset areas. They are:

- blackberry (*Rubus fruticosus*);
- spanish heath (*Erica lusitanica*);
- gorse (*Ulex europaeus*);
- English broom (*Cytisus scoparius*);
- Canary broom (*Genista monspessulana*);
- Boneseed (*Chrysanthemoides monilifera* subsp. *monilifera*); and
- Karamu (*Coprosma robusta*).

A number of environmental weeds also occur. These are:

- radiata pine (*Pinus radiata*);
- bluebell creeper (*Billardiera heterophylla*);
- sweet Pittosporum (*Pittosporum undulatum*);
- mainland wattle species (*Acacia baileyana*, *Acacia longifolia* ssp. *longifolia*, *Acacia retinodes* and *Acacia pravissima*);
- tutsan (*Hypericum androsaemum*);
- blue butterfly bush (*Psoralea pinnata*);
- banana passionfruit vine (*Passiflora tarminiana*);
- New Zealand flax (*Phormium tenax*);
- Cabbage tree (*Cordyline australis*);
- Cape Leeuwin wattle (*Paraserianthes lophantha* subsp. *lophantha*); and
- Cotoneaster (*Cotoneaster* species)

The northern offset area which contains the DOV community contains an extensive weed understorey. The balance of the offset area is largely free of weeds except from track margins and the southern area.

Appendix 13 provides photos of the weeds above from the site.

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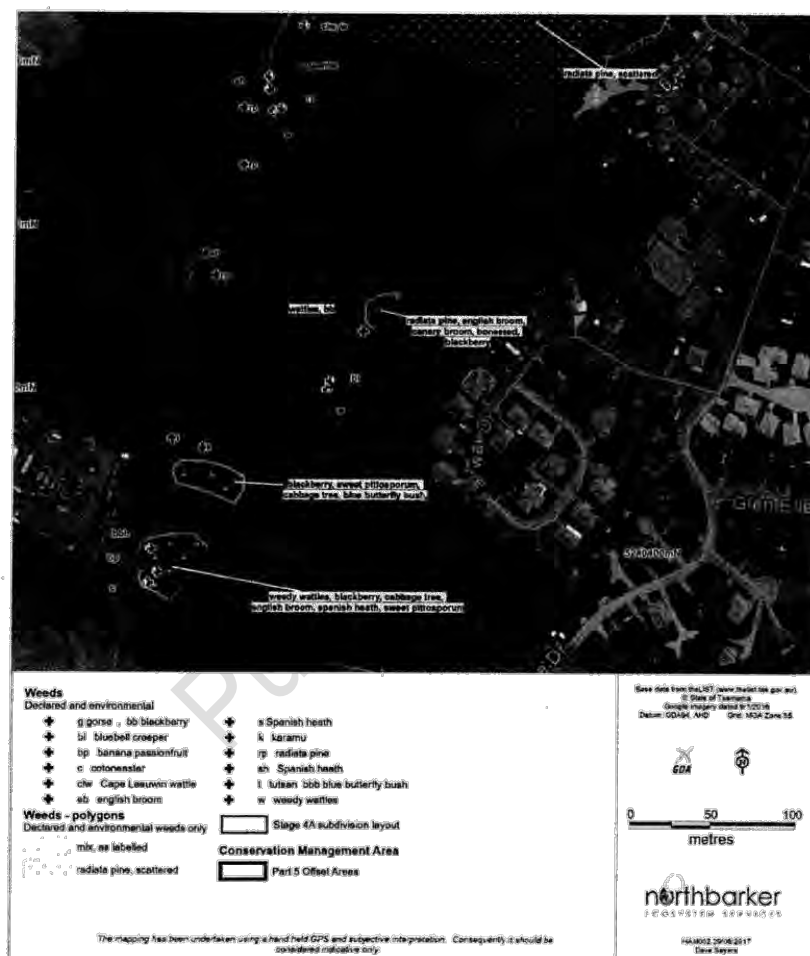


Figure 3: Weeds

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8 Management Prescriptions

The following management prescriptions have been subdivided into logical sub-sections which indirectly address all parts of Condition 5.

8.1 Bushfire Management

A hazard management area is designated within the subdivision footprint outside of the area subject to this Conservation Management Plan. Therefore no bushfire management is to occur within the conservation area.

Bushfire Management

- Figure 2 identifies the location of the hazard management area. No clearing is to occur outside this area which will result in no impact to the offset conservation areas.

8.2 Weed Management

The conservation area contains numerous weeds as shown in Figure 3. The following prescriptions are recommended.

Weed Management

- Undertake weed removal and treatment in accordance with the Implementation Schedule (section 7).
- Where identified, all exotic trees and shrubs above 2m are to be felled and left in situ. This is to reduce the environmental harm of using machinery to extract the timber.
- The Contractor may utilise physical methods of clearing larger weed infestations with machinery including but not limited to slashing and/or mulching. The use of any machinery other than 4WD vehicle will require consent from Council and must be subject to washdown procedures prior to entry and departure.
- Secondary control (follow up) of any regrowth of weeds or new weed seedlings is to occur on an annual basis. Given the number of weeds at particular infestations, secondary and tertiary treatment are extremely important to ensure the initial treatment does not result in making infestations worse.
- Any declared or environmental weeds not previously recorded but observed during the five years of this plan must undergo primary control, with secondary control to follow up until the end of this plan.
- No material is to be left to smother native species.
- Vehicular access is restricted to the tracks where damage to vegetation can be avoided.
- The Weed Control Contractor will use methods appropriate to the situation ensuring spray drift and off-target damage is avoided. In sensitive areas, bushcare methods such as cut and paste, drill and fill or hand weeding should be used. This will be left up to the discretion of the Weed Control Contractor. Refer to Section 8 for weed control timing and appropriate methods.
- Only herbicides that are registered in Tasmania for the control of the target species are to be applied (see product label &/or contact DPIWE for advice).
- Weed management is to be carried out by suitably qualified Weed Control Contractors (that must be in possession of valid Chemcert qualification) who are experienced in a wide range of bushcare and environmentally sensitive weed control techniques.
- All contractors must be approved by Council.

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- Appropriate hygiene measures must be implemented to all vehicles and machinery prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment. Refer to Section 10 for specific hygiene management techniques. Washdown location is to be determined following consultation with Council.

Weed Monitoring

- a weed survey of the reserve will occur on an annual basis.
- The Ecologist will report to the owner and Council on an annual basis and prescribe any specific works necessary in treatment. Survey to occur in conjunction with annual audit.
- The Weed Control Contractor will ensure that the programme schedule is followed and any additional works suggested by the Ecologist or Council that is agreed by the owner is implemented. The Weed Control Contractor may provide recommendations to alter the future treatment schedule.

8.3 Track Management

The reserve is crossed by a number of tracks that range from small almost indistinct foot pads to well-worn tracks capable of accommodating small vehicles.

Vehicular access may be required for the long term management of the Reserve. Preventing vehicular access is not deemed necessary for this site given narrow access and requirement to access the Taswater pump station. (Figure 4)

It is envisaged that walking tracks will be retained for public walkers.

No Track closures within this reserve are deemed necessary.

The condition of all tracks will be monitored for ongoing maintenance requirements, such as erosion control.

Track Management:

- No track closure is considered necessary.
- Annual audits will monitor track conditions however given they are small tracks for walkers, little wear is expected based on observations.

8.4 Fencing

The boundary of the offset areas are already fenced around the boundary perimeter. No fencing is recommended through the bushland to prevent additional disturbance. This may change in the future depending on future subdivision within the bush outside of the offset areas. In order to prevent unauthorised vehicles entering the area, some minor fencing is recommended to be installed (refer to Figure 4). This fencing will aide in preventing 6.5 and 6.6 – rubbish dumping and wood hooking). Numerous break throughs of the boundary fence was observed. It is recommended these are patched up and monitored over time.

There is no road frontage to this reserve requiring fencing. Future audits will make a recommendation on fencing based on progress with weed control (Figure 4). Pedestrian access will continue to be available along the walking tracks.

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Plate 4 - example of fence damage

Fencing

- Monitor boundary fences and patch up damage by locals cutting through.
- Future audit post weed work to monitor fencing requirements and make adjustments where required

The developer will install signage to explain to the public that this area has been protected for conservation values.

8.5 Rubbish Dumping

Rubbish dumping is a particular issue in the reserve and is a generally degrading influence and aesthetic issue. A small number of spots within the proposed reserve have household rubbish dumped. The largest collection is shown on Figure 4. Rubbish will need to be collected from the whole site. Based on the level of rubbish observed, the issue is not deemed large.

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Plate 5: examples of rubbish dumping.

Rubbish

- Collect and remove all rubbish off site within 3 months of the commencement of the plan.
- Monitor and remove rubbish during the civil works period on a monthly basis.
- Monitor for rubbish throughout the reserve annually.
- Document any incidences of ongoing rubbish dumping.
- Inform Council and Ecologist of any actions taken.

Monitoring of this issue will need to occur. If rubbish dumping is still occurring, additional management options such as fence construction or fence strengthening may need to be considered.

The landowner will consider installing signage near the subdivision (entrance to walking tracks) to discourage rubbish dumping if fencing measures are not successful (Figure 4).

8.6 Wood Hooking

Wood hooking (cutting and removing trees for firewood) has occurred on a minor scale historically. This obviously affects biodiversity values of the reserve by removing habitat trees and potentially hollow bearing trees. Subdivision over the past ten years may have alleviated this issue to some degree given removal of firewood is more publicly visible. Monitoring of this issue will still need to occur. If wood hooking is still occurring, management options such as fence construction or fence strengthening may need to be considered as well as limiting vehicle access. Signage should be installed to highlight the importance of the reserve and its focus on biodiversity conservation.

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Wood hooking

- Monitor this issue on an annual basis.
- Identify where wood hookers are accessing and discuss with Council options for control.
- Inform ecologist of any actions taken.

The landowner will install signage to discourage wood hooking where appropriate (Figure 4).

8.7 Biodiversity Management

The reserve supports a significant diversity of vegetation structure and floristic composition. The objective for management should be to ensure a diversity of biomass and adequate regeneration. Effective weed management will go a long way towards maintaining the integrity of the biodiversity on site, and ensure that species diversity is not lost via weed invasion, whilst also maintaining fauna habitat values. Human activities such as rubbish dumping and wood hooking will negatively affect biodiversity and needs to be monitored, with adjustments made to management where necessary. Given the majority of the reserve is in good condition, little human intervention is required. Letting nature take its course in the short term is the most appropriate response combined with weed control. An annual inspection of condition is considered most appropriate given the condition of the bushland present which should include survey for chaostola skipper.

Biodiversity Management

- Monitor *Gahnia radula* distribution each audit. This species is relatively abundant already thus it is recommended no human intervention is implemented. Consider recommendations to habitat levels drop negatively based on assessment.

8.8 Monitoring

Biological monitoring is important to ensure there is adequate review that the management regime in place is producing the desired outcomes. With novel management prescriptions it is essential to pick up and address any unanticipated adverse effects. Monitoring allows for an adaptive management response that may necessitate minor amendments to the prescriptions.

It is proposed that the management activities are audited annually and some of the key values are assessed at the same time.

A final report is to be prepared that includes recommendation for future management

Monitoring and reporting

1. Biodiversity Management

- Undertake weed management works to control current weed infestations.
- Annual inspection to ensure condition remains good. A VCA is recommended each year within the DAS.
- A small targeted survey for chaostola skipper in Year 2 and 4 is recommended to monitor this species for its potential to occur.

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- At completion of 5 year plan conduct survey of the entire reserve and conduct a revised botanical inventory. Compare results from previous surveys.
- 2. Weed Management**
 - Annual audit to review and document the effectiveness of the past 12 months of weed management or new incursions of the subdivision.
 - Documentation of all weed management including target species, timing, method, chemical and
 - Identify new infestations of weeds that require primary treatment in subsequent year.
 - Quantify the effectiveness of the previous years weed management (including kill estimate to nearest 10% of infestations).
 - Set up photo points to monitor change to key weed infestation covering major species. Images will be retaken at annually from the same location.
- 3. Human Impacts**
 - Annual audit of human influences on the reserve including - track use, bike tracks, wood hooking, rubbish dumping, fence maintenance and illegal incursions into the reserve (outside of public recreational walking).
- 4. Reporting**
 - Annual report to Kingborough Council describing the extent of works undertaken, the state of all attributes monitored and recommendations for any amendment to the plan.
 - Provision of final report to Council to make recommendations and to describe the values and how they have responded to the management.

8.9 Reserve signs

The landowner will be responsible to install signs that identify the reserve, explain public access and clearly discourage dumping of waste, wood hooking etc.

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Figure 4: Reserve Management Plan

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9 Implementation Schedule

Note timing relating to 'Approval' is agreed approval of this plan.

Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#
1 (2018)	Set up photo points	Prior to commencing weed removal	6.8	Ecologist	250
	Begin primary weed control work	Prior to sealing of the final plan of survey	6.2	Landowner, Weed contractor	2,280
	Treat any new declared or environmental weeds observed (not listed in Sec 5.5)	Prior to final plan of survey	6.2	Weed Contractor	350
	Collect and remove all rubbish from site.	Prior to final plan of survey	6.5	C Landowner	500
	Monitor boundary fencing and make repairs	Prior to final plan of survey	6.4	Landowner	250
	Install reserve signs at public access point based on discussions with Kingborough Council	Prior to final plan of survey	6.9	Landowner	Discuss with Council 2,200
	Erect fencing & gate to restrict vehicular access to bushland	Prior to final plan of survey			
	Monitor and audit weed, track management and other human influences on the reserve. Retake photographs.	Prior to final plan of survey	6.8	Ecologist	2,000
				Year 1 Cost estimate	\$7,830

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Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#
2 (2019)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	1,500
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Monitor and audit weed, track management and other human influences on the reserve. Retake photographs.	Nov-Jan	6.8	Ecologist	1,600
Year 2 Cost estimate					\$3,350
3 (2020)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	1,000
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Maintenance of signs	Sept-Dec	6.9	Landowner	200
	Monitor and audit weed, track management and other human influences on the reserve. Retake photographs and vegetation condition assessment	Nov-Jan	6.8	Ecologist	1,600
Year 3 Cost estimate					\$3,050

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Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#
4 (2021)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	750
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Maintenance of signs	Sept-Dec	6.9	Landowner	200
	Monitor and audit weed, track management and other human influences on the reserve	Nov-Jan	6.8	Ecologist	1,600
					Year 4 Cost estimate
5 (2022)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	750
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Maintenance of signs	Sept-Dec	6.9	Land owner	200
	Conduct reserve wide survey of new botanical inventory and reserve vegetation condition	Sept to Oct	6.8	Ecologist	2,250
	Prepare final report to Council. Include vegetation condition assessment and recommendations for future management of the reserve	January/February	6.7	Ecologist	Included in above
					Year 5 Cost estimate
					\$3,450

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Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#

#note costs are only estimates and real cost may vary.

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10 Weed Species Description, Control and Timing

The below table show weed species known within the offset area or are in the surrounding landscape with potential to be spread into the reserve. Ensure all management of each weed species is consistent with DPIWE Control Guides. All herbicides, wetting agents and adjuvants must be registered for their purpose or appear on an off-label permit. Additional species from surrounding area provided for potential new incursions.

Common Name	Species Name	Weed Status*	Life Form	How Spread	Control Methods	Control Timing
banana passionfruit vine	<i>Passiflora tarminiana</i>	Environmental	creeper	Seed by birds / animals	hand pull, cut and swab	all year
blackberry	<i>Rubus fruticosus</i>	WONS, Declared	shrub	seed, stem rooting, suckering	spray, cut & swab, stem scrape	spring/ summer/ autumn
blue butterflybush	<i>Psoralea pinnata</i>	Environmental	Shrub	Seed, ants, water and garden waste	Hand pull seedlings, cut and swab	all year
bluebell creeper	<i>Billardiera heterophylla</i>	Environmental	creeper	stem rooting, seed	cut & swab, stem scrape	spring/ summer/ autumn
boneseed	<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	WONS, Declared	woody weed	bird sown seed	spray, cut & swab, hand pull	Spring - early summer
cabbage tree	<i>Cordyline australis</i>	Environmental	small tree	seed	cut & swab	all year
canary / mitchell brom	<i>Genista monspessulana</i>	Declared	shrub	seed	cut & swab, hand pull slash & mulch larger infestations	all year
cape wattle	<i>Parasetanthus lophantha</i>	Environmental	tall shrub	long lived seed, often garden waste	cut and swab, hand pull (shallow roots)	all year
catoneaster	<i>Catoneaster</i> sp	Environmental	shrub	seed	Hand pull seedlings, cut and swab larger shrubs.	all year

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Common Name	Species Name	Weed Status*	Life Form	How Spread	Control Methods	Control Timing
english broom	Cytisus scoparius	Declared	shrub	seed	cut & swab, hand pull Slash & mulch larger infestations	all year
gorse	Ulex europaeus	WONS, Declared	shrub	seed	spray, cut & swab Slash & mulch larger infestations	all year
karamu	Coprosma robusta	Declared	small tree	seed	cut & swab	all year
New Zealand flax	Phormium tenax	Environmental	shrub	seed	Mechanical, cut and spray base	all year
radiata pine	Pinus radiata	Environmental	tree	seed	cut down Slash & mulch larger infestations	all year
Spanish heath	Erica lusitanica	Declared	shrub	seed	spray, cut & swab, hand pull	all year
pittosporum	Pittosporum undulatum	Environmental	tree	seed	cut & swab, drill & fill	all year
tree lucerne	Chamaecytisus palmensis	Environmental	large shrub	seed, also seed via animals	hand pull seedlings, cut and swab larger shrubs	all year
wattles	Acacia species	Environmental	shrub	seed	cut & swab, hand pull Slash & mulch larger infestations	all year
wiridra	Acacia uncifolia	Environmental	shrub	seed	cut & swab, hand pull Slash & mulch larger infestations	all year

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11 Low Impact Weed Control Techniques

The following weed control methods are adapted from Robertson (2005) and are intended to give a general description of some of the more commonly used methods available. They are not intended to be a definitive all encompassing coverage of the methods available for weed control. For further information on weed control methods, the sources in the following list should be consulted. The best way to learn weed control methods though is always by learning from an experienced weed controller, such as a weed control contractor, bushcare volunteer or land manager.

Recommended references on weeds and weed control methods:

- Bush Invaders of South-east Australia - a guide to the identification and control of environmental weeds in south-east Australia, (2001) Adam Muyt
- Bush Regenerator's Handbook - Third edition (2010). The National Trust of Australia (NSW)
- Bushland Weeds - a practical guide to their management (2003). Kate Brown and Kris Brooks.
- DPIWE Weed info: <http://www.dpiw.tas.gov.au/inter.nsf/ThemeNodes/SSKA-52J2K4?open>
- Statutory Weed Management Plans, various species (DPIWE website). <http://www.dpiw.tas.gov.au/inter.nsf/WebPages/SSKA-73U3QA?open>
- Stop Bushland Weeds. (2005) Meg Robertson
- Weeds of National Significance Management Guides, various species (WONS website). <http://www.weeds.org.au/WONS/>
- Weeds of Southern Tasmania Booklet (2010). NRM South and Southern Tasmanian Councils Authority. <http://stca.tas.gov.au/weeds/wp-content/uploads/2010/01/Weeds-of-S-Tas-booklet-smaller.pdf>

Some of the recommended methods for controlling environmental weeds within bushland include the following:

Hand Pulling

- Hand pulling of smaller plants is easiest in the wetter months of the year when the soil is soft and the seedlings are much easier to pull out.
- Seedlings: take hold of the plant at ground level and pull. If you pull at any point higher on the stem it may break and the plant will then require swabbing with herbicide.
- Small woody plants: Take hold of the stem at ground level and gently rock the plant back and forth until it comes away cleanly.
- If possible place both feet or fingers on either side of the plant when pulling out. This helps to keep the soil in place and avoids unnecessary disturbance of the soil.

Cutting and Swabbing

- The most effective time of the year to cut and swab plants is when they are actively growing, which varies between species.
- Get professional advice on which herbicide mix to use and follow herbicide instructions carefully.
- Cut off all stems as low as possible using a chainsaw or pruning saw, secateurs or long handled loppers. The cut must be horizontal so that the herbicide rests on the cut area while being absorbed, rather than running down the side of the stem.
- Remove all stems from the stump, so that no active (or green) branches/shoots remain no matter how small they are.
- Make extra cuts into the stump surface to expose the sapwood and provide

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more surface area for the herbicide to penetrate. For trees with a lignotuber such as olives, it helps to cut the stump deeply with an axe or machete.

- Liberally swab all cut surfaces immediately with the herbicide mixture. This must be done preferably within half a minute, or immediately if possible. The cut surface can not be allowed to dry out; otherwise the herbicide will be much less effective. Use a paintbrush or squeeze bottle to apply the herbicide mixture. Add a dye to the herbicide mixture that will help indicate where swabbing has already been done.
- The fissures that take up and move the poison are immediately under the bark layer, so concentrate on applying the poison around the outer rim of the stump.
- Follow up your work. If the stumps re-sprout which can be common with some species, then cut and swab or spray the new regrowth with the herbicide.
- Keep doing this until the plant dies. Large trees can take several poisonings before they are killed.

Spraying

- The most effective time of the year to spray is when the plant is actively growing.
- Look for native plants and cover with plastic bags or sheeting while spraying. If there are too many native plants amongst the weeds then this method should not be used.
- Get professional advice on which herbicide mix to use and follow herbicide instructions carefully.
- Always read the label on the herbicide container, follow the instructions and wear protective clothing. Dilute the mixture as recommended. Add a dye to the herbicide mixture that will help to indicate where spraying has already been done.
- If spraying regrowth near creeks or other water bodies, do not spray herbicide in or near the water, because it can have a negative effect on aquatic fauna such as frogs. In such cases using Roundup Biactive is more desirable because it has less of an impact on the aquatic fauna. It is preferable to use other more accurate methods such as cutting and swabbing along creeklines.
- Surfactants can also be used when spraying plants such as blue periwinkle or ivy which have a waxy leaf surface. A surfactant (e.g. Pulse) can be added to the herbicide mix which will increase the uptake of the poison through the waxy leaf surface. Surfactants should not be used on or near plants growing in water as they are suspected of harming frogs and other aquatic life.
- Treat bulb plants when the old bulb is exhausted and before new bulbs have formed, generally just before or during flowering. Poisoning at this stage will minimise the chance that the plant will resprout in the next growing season.
- Where weeds have narrow vertical leaves, spraying might result in herbicide running off or drifting onto non-target plants. In this situation, wipe on the herbicide mixture with a weed wand, sponge or wick applicator.

Grubbing

- Grubbing is easiest in the wetter months of the year, between April and October, as the soil is soft and the seedlings are much easier to grub out.
- The damage to the soil and adjacent native plants must be weighed up when assessing whether or not to use this method.
- Using a grubber or a mattock, use a levering action to lift the base of the plant, including the tubers, or growing points, depending on the species.
- Remove the plant, making sure that all of the tubers or growing points are completely removed. If part of this is left in the ground it may resprout.

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- If the base of the plant cannot be dug out, it can be poisoned using the cut and swab method.
- Follow up regularly. Any regrowth from underground roots can be sprayed with herbicide or removed manually. Spot spray the plant when it is actively growing.

Hand Digging (dig out)

- Push a knife into the soil next to the plant, aiming towards the plant with the intention of levering out the bulb or severing the root system, depending on the species.
- Repeat at right angles, then carefully remove the plant, and then repair any disturbance to the soil or mulch by pressing down the bare soil.

Hand Paint/ Wipe

- This method is useful for species such as Watsonia, especially in areas where spraying will cause off-target damage.
- Get professional advice on which herbicide mix to use and follow herbicide instructions carefully.
- Hold the leaf of the plant with one hand and with the other point the herbicide onto the leaf using a paintbrush, sponge bottle or other applicator.

Slashing (where applicable)

- Aims to encourage the growth and seeding of native grasses, over the introduced grasses which through slashing are unable to produce seed. Gradually if the introduced grasses are stopped from seeding each year, the seed bank will be reduced and fewer will germinate. In conjunction with this the native grasses are allowed to seed, and with less competition from the introduced grasses, they will begin to increase in numbers and dominate.
- Slashing should be done after the annual grasses have flowered and before their seeds have matured. Most of the native perennial grasses flower later hence their seed set is almost certain to still occur. As a general rule slashing of annual grasses should occur between September and November, but will vary depending on the season, and location. Slasher operators will need to interpret the readiness of annual grasses for slashing through field inspections to ensure that it occurs at the correct time.
- Slasher operators need to have good plant identification skills to ensure that native plants are not accidentally slashed. Slasher operators should attempt to avoid native grasses in the process, although if some are accidentally cut, they should reshoot. Other native plants should be avoided as they may not regenerate so well if slashed.
- As many annual grasses will reshoot, slashing may need to occur more than once.
- Slashing of perennial grasses to reduce biomass and seed set should be followed up by spraying of the regrowth.

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**12 Extracts from Tasmanian Washdown Guidelines
(DPIPWE 2004)**

General washdown procedure

Note: Do NOT apply water to harvesters or other equipment that may be damaged by water.

1. Locate washdown site and prepare the surface or construct bunding as required.
2. Safely park the vehicle free of any hazards (eg electrical); ensure the engine is off and the vehicle is immobilised.
3. Look over the vehicle, inside and out, for where dirt, plant material including seeds are lodged. Pay attention to the underside, radiators, spare tyres, foot wells and bumper bars.
4. Remove any guards, covers or plates if required being careful of any parts that may cause injury.
5. Knock off large clods of mud, use a crow bar if required and sweep out the cabin.
6. Use a vacuum or compressed air where available for removing dried plant material like weed seeds and chaff in radiators and other small spaces where this material lodges. Brush off dry material if no other facilities are available.
7. Clean down with a high pressure hose and stiff brush/crowbar. Use only freshwater if washing down in the field.
8. Start with the underside of the vehicle, wheel arches, wheels (including spare). Next do the sides, radiator, tray, bumper bars etc and finally upper body. Some vehicles may need to be moved during washdown eg tracked machinery.
9. Clean any associated implements, eg buckets.
10. Check there is no loose soil or plant material that could be readily dislodged or removed.
11. In wash bays, steam treat or rinse off vehicle with clean water.
12. Wash effluent away from vehicle, do not drive through wash effluent.

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Machinery checklists

Trucks and vehicles

For small vehicles in the field where washdown facilities can not be provided the minimum requirement is:

all loose and large clods of dirt should be physically knocked off the vehicle at the desired washdown point before driving back to a suitable wash facility.

Systematically inspect and clean including:

Cabin	floor, mats and under seats
Engine	radiators
	engine bay and grill
Body	hollow channels
	inside bumper bars
	crevices and ledges
	underside
Wheels	inside and outside
	between dual wheels if fitted
	spare wheel
Tray	hollow channels
	chassis

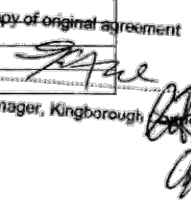
Wheeled machinery (skidders, tractors, loaders etc)

Systematically inspect and clean including:

Cabin	floor and under seats
Engine	Grill, radiator, oil cooler etc
	around sound deadening panels
	engine compartment grill
Body	chassis
	axle housing, hollow sections
	guards
	cab steps
	around fuel tank
	hollow sections in drawbars and retractable/extendable type three point linkages
	general holes, ledges, gaps and crevices in body including damaged boots, cover plates where trash may lodge
Wheels	inside and outside wheels and rims
	spaces between dual wheels
	chains if fitted
Attached equipment	buckets/ blades including teeth and adaptor plates
Hydraulic arms	crevices where trash can lodge

Bulldozers

Systematically inspect and clean including:

Cabin	floor and under seats	Certified copy of original agreement  General Manager, Kingborough Council
	below transmission coverplates	
Engine	radiator, oil cooler etc	
	airfilters (for seeds)	
	around engine bay	

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Tracks	lift inspection/coverplates to gain inside access
	idler wheels
	track frame
Body Plates	knock lose material out from belly plates and rear plates as far as is feasible without dismantling
Body	fuel cells
	battery box
Blade	check all hollow sections
	pivot points and adaptors at rear of blade where soil can compact
Tines	crevices where trash can lodge
Ripper	ripper frame support which is usually hollow
	compacted soil underneath ripper points

Excavators

Systematically inspect and clean including:

Cabin	floor and under seats
Engine	grill, radiator, oil cooler etc
	around engine bay
Tracks	idler wheels
	track frame
	tracks
	removable track adjuster guards and lubrication points
Body Plates	glacier plate near radiator
Body	ledges and channels
Blade	check all hollow sections
	between teeth of adaptors
	wear plates
Booms	crevices
Turret pivot	under and around mechanism

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Document Set ID: 4504166
Version: 1, Version Date: 26/08/2024


Date:	
Project:	
Location:	
Name:	

Weather:	Clear, Sunny	Light Cloud	Heavy Cloud	Showers	Rain
Wind:	Nil	Light	Moderate	Strong	Gale
	Direction:		Variability:		
Temp (°C):	Estimate:		Other:		

[illegible]

Notes:

Herbicide Name:	1.	2.	3.
Active constituents and strength:			
Mix/rate:			
Application method:			
Amount applied:			
Area covered:		Time taken:	
Signed (operator):			Certified copy of original 


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[Handwritten signature]

HYGIENE PROTOCOLS FOR VEHICLES AND HEAVY MACHINERY

The following protocols have been adopted from the *Torremont Woodlot Guidelines for Wood and Disease Control Machinery, Vehicles and Equipment* (SPINWE, Edition 1, 2004) and from *The Forest Nests No. 2: Management of Phytophthora oomycetes in production forests* (PFA 2006). For more information refer to the full guidelines at:

- DPMWE website - www.dpmwela.gov.za
(then follow links to Weeds, Pests and Diseases, Plant Diseases, Phytophthora, Phytoplasma Publications, Watchdown Procedures).
- Forest Practices Authority website - www.fpa.gov.za (then search for Flora Technical Notes).

BACKGROUND

Passenger vehicles and heavy machinery (including trucks, tractors, mowers, skidders, trishaws, bushhogs, graders, dozers, excavators, bulldozers and loaders) are major vectors for the spread of soil borne fungal diseases such as *Phytophthora blight* (page 23) and *Sorbus* (page 26).

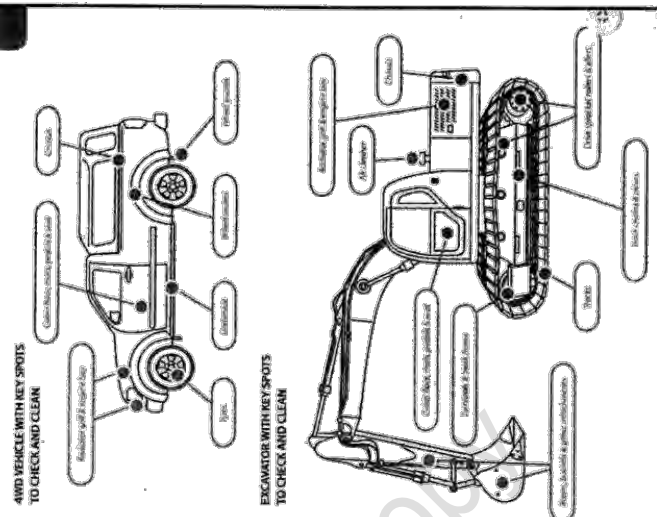
As a minimum, apply the Standard Check-Clean Dry protocol (page 14) to all your clothing, footwear, equipment, vehicles and military machinery before coming into the field.

Vehicles and heavy machinery that stay on formed and sealed roads have a low risk of spreading disease and weeds and on-site cleaning is not essential. However on-site vehicle washdown is particularly important when using vehicles and machinery off sealed roads.

Apply rigorous planning and hygiene protocols that exclude disinfectants when working in Physiotherapy Management Areas (refer to Appendix B), work with endemic or threatened bug species (refer to Appendix C) or remote areas and where it is not possible to thoroughly dry vehicles, heavy machinery and equipment between sites. Ensure you Check Clean and Disinfect before you arrive and between sites.

GET MORE GOING INTO THE FIELD

- Consult with the relevant land manager to identify any specific hygiene protocols that apply to vehicles and machinery.
- Impact vehicles and heavy machinery for mud, soil, plant material and debris and ensure they are clean and dry. Pay particular attention to the undercarriage, tracks, rollers, tyres, wheel arches, guards, blades, bucket, cable attachments, spare tyres, chains, engine bay, fuel tank and grill. (Hay, calves, wool produce, meat and meat).



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15 Weed photos



Plate 6 - cape wattle

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Plate 7 - floral detail of Spanish heath

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Plate 8 - wattles such as Acacia retinodes frequents the track margins

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Plate 9 - NZ cabbage tree

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Grace
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[Handwritten signatures]

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Plate 10 - Billardiera heterophylla

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Plate 11 - blue butterfly bush

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Plate 12 - tutsan (an uncommon environmental weed)

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[Signature]

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Plate 13 - blackberry thicket within the offset area (DAS)

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Plate 14 - banana passionfruit vine

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Plate 15 - karamu

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TASMANIAN LAND TITLES OFFICE

Notification of Agreement
under the

E167944

Land Use Planning and Approvals Act 1993
(Section 71)

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
171933	501		

REGISTERED PROPRIETOR:
Kamtone Pty Ltd

PLANNING AUTHORITY:
Kingborough Council

Dated this 24th day of May 2019

I Mr G Arnold, General Manager

of Kingborough Council

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed 
(on behalf of the Planning Authority)

Land Titles Office Use Only

LUA Version 1

REGISTERED
5 JUN 2019
DEPUTY
RECORDER OF TITLES

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

This Deed is made the _____ day of _____, 2019

Parties

1. **Kingborough Council** a body corporate pursuant to the provisions of the Local Government Act 1993 of Civic Centre, 15 Channel Highway, Kingston TAS 7050 (**Council**)
2. **Kamtone Pty Ltd** ACN 009 549 713 of registered office C/- Dawson Leinert Chartered Accountants, Level 1, 174 Collins Street, Hobart TAS 7000 (**Owner**)

Recitals

- A. The Council is incorporated under the provisions of the Local Government Act 1993 and a planning authority within the meaning of the Land Use Planning & Approvals Act 1993 (**Act**).
- B. The Owner is the owner of the Land.
- C. The Land is within the Council's municipal planning scheme.
- D. The Owner applied to the Council for a permit under section 57 of the Act to subdivide the Land.
- E. The Council granted the Permit to the Owner.
- F. The Council and the Owner have agreed to implement Condition 15 by entering into a Part 5 agreement under the Act containing the agreements and covenants as set out below.
- G. The Council and the Owner now enter into this Deed on the terms and conditions which follow.

Operative Part

1. Definitions and interpretation

1.1 Definitions

In this Deed, unless the context requires otherwise:

- a. **Balance Land** means the balance of the Land after the completion of Stage 4A.
- b. **Business Day** means a day which is not a Saturday, Sunday or public holiday in Hobart, Tasmania.
- c. **Condition** means a condition of the Permit.
- d. **Deed** means this Part 5 agreement.
- e. **Development** means the subdivision which is the subject of the Permit.
- f. **Drainage Easement** means that area shown in Annexure B.

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T-T1096148-1

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- g. **Land** means the land described in folio of the Register Volume 171933 Folio 501.
- h. **Permit** means the Council's planning permit in respect of development application number DAS-2014-48, as amended, a copy of which is annexed to this Deed.
- i. **Stage** means a stage of the Development as contemplated by the Permit.
- j. **Public stormwater system** has the same meaning as the *Urban Drainage Act 2013*.
- k. **Temporary Stormwater Infrastructure** means the temporary stormwater bio-detention pond at the location of the existing dam on the Land and the associated temporary stormwater drains required by Condition 15.

1.2 Interpretation

In this Deed, except where the context requires otherwise or the contrary intention appears:

- a. headings are for convenience only and do not affect interpretation;
- b. a reference to a party includes that person's personal representatives and permitted assigns, or being a corporation its successors and permitted assigns and any other person deriving title under that person or corporation;
- c. a reference to the singular includes the plural and vice versa;
- d. a reference to a gender includes all gender;
- e. a reference to an individual or person includes a corporation, partnership, joint venture, association, authority, trust, state or government and vice versa;
- f. a reference to a thing (including a right) includes a part of that thing;
- g. where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning;
- h. mentioning any thing after the words include, includes or including does not limit the meaning of any thing mentioned before those words;
- i. no rule of construction applies to the disadvantage of a party merely because that party was responsible for the preparation of this Deed or any part of it;
- j. a reference to any legislation or legislative provision includes subordinate legislation, regulation or statutory instrument, made under it and any amendment to or replacement for any of them;
- k. a reference to a recital, clause, schedule or annexure is to a recital, clause, schedule or annexure of or to this Deed; and
- l. a reference to "dollars" or "\$" is to Australian lawful currency.

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Dobson Mitchell Allport

Part 5 Agreement T-T1096148-1



2. Part 5 agreement**2.1 Objective and function of this Deed**

- a. Without limiting any operation or effect which this Deed otherwise has, the Council and the Owner acknowledge and agree that this Deed is made under Part 5 of the Act (and in particular section 71) with the intent that the burden of the Owner's covenants run with the land as provided for by section 79 of the Act.
- b. The parties enter this Deed to provide for one or more of the matters set out in section 72(2) of the Act.

2.2 Agreement

- a. The Owner and the Council have agreed to enter into this Deed in place of the obligation to provide and show drainage easements for the Temporary Stormwater Infrastructure required by Condition 15.
- b. The Owner and the Council covenant and agree that the Balance Land will be subject to:
 - i. except as provided in clause 2.2c and 2.2d, an obligation to give effect to Condition 15 bullet paragraphs 5 and 6; and
 - ii. the rights for:
 - A. Council to use the Temporary Stormwater Infrastructure; and
 - B. Council to access and maintain the Temporary Stormwater Infrastructure,
 - C. Council to use, access, maintain and upgrade the Drainage Easement shown in Annexure B as part of the public stormwater system and in a manner consistent with the Part 5 Agreement between Kamtone Pty Ltd and Kingborough Council, dated 12 April 2018 and attached as Annexure C.
- c. Notwithstanding Condition 15, the Owner is under no obligation to provide or show drainage easements for the Temporary Stormwater Infrastructure.
- d. Notwithstanding Clause 2.2 (b) (ii) (C);
 - i. access to the Drainage Easement must be via existing tracks; and
 - ii. drainage works must be undertaken in accordance with the advice of a Cert IV arborist and be designed and implemented to avoid impacts on and the removal of native trees and native vegetation adjacent to the Drainage Easement.
- e. Condition 15 bullet paragraphs 5 and 6 refer to the following from the Permit:
 - *The temporary stormwater bio-detention pond must remain in place until such time as a further stage of the subdivision within the current catchment is developed or the Council reticulated system is in place. At this time Stage 4A must be connected to the system and the temporary pond removed at the developer's cost;*
 - *Drainage easements must be provided and shown on the Final Plan of Survey for sealing for reticulated stormwater passing through lots including the balance and*

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 General Manager, Kingborough Council


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shall include bio retention areas and associated maintenance accesses. An additional 3m wide drainage easement must be provided at the southern end of the Balance lot to provide for future Council stormwater extension from the existing Redwood Village area drainage outfall. Hydraulic catchment design calculations must be provided with the engineering drawings to confirm the required bio retention ponds performance criteria and reticulated stormwater system pipe sizing;

2.3 Term

- a. This Deed comes into operation on the date it is signed by all the parties.
- b. This Deed ends when:
 - i. a Stage after Stage 4A is developed within the existing stormwater catchment area; or
 - ii. Council's stormwater reticulation system is in place for Stage 4A, and:
 - iii. Stage 4A is connected to Council's stormwater reticulation system; and
 - iv. the temporary stormwater bio-detention pond forming part of the Temporary Stormwater Infrastructure is removed at the Owner's cost.
- c. Once this Deed ends, the Owner and Council acknowledge and agree that they must sign and register the necessary documents to remove this Deed from the title to the Land.

2.4 Registration and Costs

The Owner agrees:

- a. that they must do all things necessary to enable the Council in its discretion to register this Deed with the Recorder of Titles in accordance with section 78 of the Act;
- b. that each party must bear their own costs (including legal costs) of and incidental to the negotiation and preparation of this Deed; and
- c. to pay the Land Titles Office registration fee in relation to registering and ending this Deed.

2.5 Exercise of Powers

The Council and the Owner acknowledge and agree that any obligation imposed upon the Council under this Deed does not affect any future exercise of any statutory discretion by the Council whether in relation to the Permit or the Land or otherwise and the provisions of this Deed must be read accordingly.

2.6 Further Documents

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[Signature]
DOCS 114436227 DocuSign Envelope ID: 424A5A5D-9400-4400-8400-1A0071A0071A
 General Manager, Warrumbidgee Council

Dobson Mitchell Allport

[Signature]
 General Manager, Warrumbidgee Council

The Council and the Owner will do all things and prepare and sign all further documents necessary or desirable to give effect to this Deed and to ensure that this Deed and the matters contemplated by it are fully carried out.

3. Notices

3.1 Method of Giving Notices

A notice required or permitted to be given by one party to the other under this Deed must be in writing, signed by the party giving it or their duly appointed solicitor (or, in either case, sent by email from that party's email address), and is deemed as being duly given if:

- a. personally delivered to that party;
- b. sent by pre paid post, addressed to the other party;
- c. transmitted by facsimile, to the other party's facsimile number; or
- d. transmitted by email, to the other party's email address.

3.2 Address of Participants

A notice given to a party in accordance with clause 3.1 is deemed to have been duly given and received if delivered, sent or transmitted to:

- a. the address, facsimile number or email address of the party set out in this Agreement for service; or if none:
 - i. the address set out in the party's description in this Deed; or
 - ii. the address (which is not a post office box), facsimile number, or email address appearing on the party's letterhead or website; or
- b. if the party expressly gives notice of a substituted address (provided it is within Australia), facsimile number or email address for service of the notice or notices generally, that substitute.

3.3 Time of Service

A notice given to a party in accordance with clause 3.1 and 3.2 is deemed to have been duly given and received (with the paragraph in this clause 3.3 corresponding with the same paragraph in clause 3.1):



- a. on the day of delivery;
- b. if sent by Australia Post between addresses within Australia, after the day on which it is posted:
 - i. by "Priority" post - four Business Days;
 - ii. by "Express Post" - two Business Days;

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General Manager, Kingborough Council

Dobson Mitchell Allport

Part 5 Agreement T-T1096146-1

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- iii. by "Regular" post, the greatest number of Business Days which Australia Post's website estimates is applicable to mail sent on the day it is posted and between those locations; and
- c. on the day of transmission, where the person giving the notice has received no indication in any form that the facsimile has not been received, however if such delivery is later than 4.00pm or not on a Business Day, at 9.00am on the next Business Day;
- d. on the day of transmission where the person giving the notice has received no indication in any form within one hour of attempted transmission that the email has not been received, or, where transmission is later than 4.00pm on a Business Day, on the next Business Day, where the person giving the notice has received no indication in any form by 9.00am on the next Business Day that the email has not been received.

4. Miscellaneous

4.1 Governing Law

This Deed is governed by the laws of Tasmania, and the parties submit to the non-exclusive jurisdiction of the courts of Tasmania.

4.2 Variation

This Deed may not be varied or amended except in writing signed by the parties.

4.3 Liability

An obligation or liability on the part of two or more persons binds them jointly and each of them severally.

4.4 Assignment

A party may not, without the prior written consent of the other party (which may be given or withheld in its absolute discretion), assign this Deed or any of its rights under this Deed.

4.5 Severance

If any term of this Deed is or becomes legally ineffective, under common law or legislation, the ineffective provision may be severed from this Deed which otherwise continues to be valid and operational. The parties will agree on an arrangement having a legal and economic effect which will be as similar as possible to the ineffective provision.

4.6 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of any power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

4.7 Entire Deed


General Manager, Kingborough Council

Dobson Mitchell Allport

Part 5 Agreement T-1096148-1

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This agreement constitutes the sole and entire Deed between the Parties on the subject matter.

4.8 Counterparts

This Deed may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

4.9 Further Agreements

Each party must sign, execute and deliver all agreements, documents and instruments and do all acts reasonably required of it by notice from another party to effectively carry out and give full effect to this Deed and the rights and obligations of the parties under it.

4.10 Merger or Non-Merger

Any provision of this Deed which is not fully completed, observed or performed immediately before completion of this Deed or is capable of taking effect after completion does not merge on the completion but continues in full force and effect after completion.

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Dobson Mitchell Allport

Part 5 Agreement T-T1096148-1



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Executed by the parties as a deed

The Common Seal of Kingborough Council
was affixed in the presence of:



Signature

[Handwritten signature]

Full name and position (print)

CR. DEAN WINTER, Mayor

Signature

[Handwritten signature]

Full name and position (print)

GARY ARMOUR GENERAL MANAGER

Executed by Kamtone Pty Ltd in accordance
with section 127(1) of the Corporations Act
2001

[Handwritten signature]
Sole Director and Sole Secretary

Gregory Alexander James
Name of Sole Director and Sole Secretary (print)

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[Handwritten signature]

General Manager, Kingborough Council

[Handwritten signature]

Dobson Mitchell Allport

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[Handwritten signature]

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Annexure "A"
Permit

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Dobson Mitchell Allport

Part 5 Agreement T-71096148-1





AMENDED DEVELOPMENT / USE PERMIT
KINGBOROUGH PLANNING SCHEME 2000

Application No. DAS-2014-48 dated 19 December 2014 submitted by Johnstone Mcgee & Gandy Pty Ltd.

This permit is granted, subject to the conditions set out below, for the development and/or use of - **subdivision of 17 lots and balance** at the land situated and described as - **41 Alfreds Garden, Kingston**.

AMENDED CONDITIONS

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2014-48 and Council Plan Reference No's. P1 submitted on 19 December 2014 and P3 submitted on 4 September 2017. 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.
Amended pursuant to Section 56 of the Land Use Planning and Approvals Act 1993
2. Any proposal to stage the subdivision is subject to further approval of Council.
3. Approval is given for the removal of 1.14ha of native vegetation, including:
 - (a) 0.61ha of *Eucalyptus ovata* forest and woodland, 0.03ha of which has been previously removed;
 - (b) 0.23ha of *Eucalyptus amygdalina* forest and woodland, all of which has been previously removed;
 - (c) 0.3ha of *Eucalyptus obliqua* dry forest, 0.15ha of which has been previously removed; and
 - (d) Twenty-three (23) black gum (*Eucalyptus ovata*) trees as specified in Table 7 of the Flora and Fauna Assessment (North Barker Ecosystem Services, November 2014) and revised on page 3 of the Comment on Bushfire Management Area (North Barker Ecosystem Services, submitted to Council on 3 February 2015), and Attachment D: Additional Black Gum Requiring Offset (North Barker, 14/08/2017).

No further felling, lopping, ringbarking or otherwise injuring or ~~destroying~~ of native vegetation or individual trees is to take place without the prior written permission

kingborough.tas.gov.au

City Centre, 15 Clifford Hwy, Kingston, Tasmania 7050 (Locked Bag 1, Kingston Tasmania 7050)
 Tel: (08) 6211 3211 Fax: (08) 6211 3211 Email: info@kingborough.tas.gov.au

Development/Use Permit Conditions - DAS-2014-48, 41 Alfreds Garden, Kingston

of Council.

Amended pursuant to Section 56 of the Land Use Planning and Approvals Act 1993

4. All vegetation outside the footprint of the approved subdivision must be appropriately protected during construction to ensure that no damage is inflicted that may impact upon the vegetation. This includes establishing and maintaining barrier fencing between the proposed lots and the bushfire hazard management area to exclude:
 - (a) Storing of building materials;
 - (b) Vehicular traffic;
 - (c) Placement of fill; and
 - (d) Excavation works.
5. To meet the requirements of Clause 10.2.1.1(b) of the Kingborough Planning Scheme 2000 for the loss of approximately 0.84ha of Schedule 10 vegetation, including 0.61ha of *Eucalyptus ovata* forest and woodland, 0.23ha of *Eucalyptus amygdalina* forest and woodland on sandstone, potential swift parrot habitat and potential chaostola skipper habitat, the following offset package must be secured and implemented prior to the Start of Works:
 - (a) onsite retention and long-term protection of a minimum of 2.52ha of Schedule 10 vegetation as identified in the Revised Offset Plan in accordance with Council Plan Reference P3 submitted on 4 September 2017 (North Barker, 14/08/2017) and incorporate any additional clearing required for the installation of services at a replacement ratio of 3:1; and
 - (b) onsite retention and protection of potential chaostola skipper habitat within the proposed offset areas; and
 - (c) development of Conservation Management Plan(s) for the offset areas which:
 - (i) verifies the extent of the offset areas in accordance with (a) above;
 - (ii) provides for the maintenance and protection for all native vegetation and habitat values within the offset areas in perpetuity; and
 - (iii) details management prescriptions for a period of no less than 5 years including but not limited to weed management and recreational use, to ensure that environmental values are managed for their long term survival. These management prescriptions must be drafted by a suitably qualified environmental consultant and include timeframes, details and costings for each action; and
 - (d) a financial contribution of \$15,400 for the loss of one (1) individual *Eucalyptus ovata* tree with a diameter of >70cm, eight (8) individual *Eucalyptus ovata* trees with a diameter of 40-70cm and fourteen (14) individual *Eucalyptus ovata* trees with a diameter of 25-40cm to offset impacts on the endangered swift parrot.

Amended pursuant to Section 56 of the Land Use Planning and Approvals Act 1993

6. All primary actions in the Conservation Management Plan(s) must be implemented to the satisfaction of Council's Manager Development Services prior to Start of Works. A conservation management bond equivalent to the costs of implementing, monitoring and reporting on outstanding actions in the

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Development/Use Permit Conditions - DAS-2014-48, 41 Alfreds Garden, Kingston

Conservation Management Plan(s) must be bonded to Council prior to the sealing of the Final Plan of Survey.

Reporting on the progress with respect to the Conservation Management Plan(s) outcomes for the site must be submitted to Council no less than twice a year for a minimum of 5 years.

This Bond will be refunded upon completion of implementation of the plan to the satisfaction of Council's Manager Development Services.

7. DELETED

8. DELETED

9. DELETED

10. DELETED

11. Due to the presence of environmental weeds listed under Schedule 9 of the Kingborough Planning Scheme 2000 and declared weeds under the *Weed Management Act 1999* on the residential lots, prior to "Start of Works", a Weed Management Plan developed by a suitably qualified consultant and to the satisfaction Council's Manager Development Services must be submitted to Council. This Plan needs to include:

- (a) timeframes and methods of primary and follow up treatment for all declared and environmental weeds within the residential lots; and,
- (b) weed hygiene measures required to ensure the risk of the spread of weeds or pathogens from the site during works is minimised.

Primary treatment of all weeds is required in accordance with this Plan and to the satisfaction of the Manager Development Services prior to the sealing of the Final Plan of Survey.

Transporting of weed material or any soil from the site required as part of these or any subsequent development activities must be in accordance with the *Weed Management Act 1999* and may require an exemption under the Act from an authorised Weed Officer.

During construction, all machinery should undertake appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

In addition, any imported fill materials should be from sources able to provide documentation of the weeds present on the source site, to minimise the introduction of weeds and pathogens to the site.

12. A "start works" notice must be lodged with Council fourteen (14) days prior to the commencement of any on-site works and works must not commence until this notice has been approved by Council.

13. Any vegetation that is cleared as part of this development must not be burned on the site.

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Development/Use Permit Conditions - DAS-2014-48, 41 Alfreds Garden, Kingston

14. A Council engineering plan and inspection fee of 2% of the estimated value of the construction works (including GST, provisional items and contingencies) for the subdivision infrastructure works or a minimum of \$679 must be paid at the time of submission of the engineering design plans for approval.
15. The engineering design and construction works must be carried out generally in accordance with the submitted subdivision application proposal plans "P1" (excluding the Future Subdivision Stormwater Concept Plan) and "P2" to the satisfaction and approval of the Executive Manager - Engineering Services.

The engineering design plans for the Stage 4A construction must include, but not be limited to the following:

- Construction of standard urban sealed road extension of Eleni Avenue including concrete footpaths, lot accesses, kerb and gutters, vehicular parking bays, pedestrian ramps, nature strip tree planting and temporary fire trail link (Modified 4C Access Road with lockable end of constructed road barriers) from the extended Eleni Avenue to Alfreds Garden;
- Construction of a reticulated stormwater system including 150 mm dia piped house connections to all lots;
- Underground power/street lighting and telecommunication services must be provided to all lots to the requirements of TasNetworks and the telecommunications services providers at the developer's cost. TasNetworks plans must be lodged with the submitted engineering plans;
- Construction of a temporary stormwater bio-detention pond at the existing dam location proposed for Stage 4A. The pond must be designed to cater for the overall catchment overland, piped and concentrated storm flow detention for a 1 in 20 year ARI return storm event (year 2099 parameters) and must be provided with a low flow discharge pipe to ensure that the point discharge/dissipation will be no greater than pre development flows to Coffee Creek via 203 Channel Highway. In addition to the low flow pipe, the pond must be equipped with a high flow (suitably armoured) discharge weir designed to cater for the 20 year ARI critical storm event. Both the low and high flow discharge locations must be directed to a flow spreading device to de-concentrate stormwater. The existing piped stormwater point discharge outfall provided at the end of the constructed road opposite 39 Alfreds Garden must be directed to the temporary detention pond by suitably vegetated swale drains. The temporary bio-detention pond and associated vegetated swales must be cleared of low vegetation and weeds. A 4m wide gravel access with turning provisions must be provided for the pond;
- The temporary stormwater bio-detention pond must remain in place until such time as a further stage of the subdivision within the current catchment is developed or the Council reticulated system is in place. At this time Stage 4A must be connected to the system and the temporary pond removed at the developer's cost;
- Drainage easements must be provided and shown on the Final Plan of Survey for sealing for reticulated stormwater passing through lots including the balance and shall include bio retention areas and associated maintenance accesses. An additional 3m wide drainage easement must be provided at the southern end of the Balance lot to provide for future Council stormwater extension from the existing Redwood Village area

General Manager, Kingborough Council

Development/Use Permit Conditions - DAS-2014-48, 41 Alfreds Garden, Kingston

drainage outfall. Hydraulic catchment design calculations must be provided with the engineering drawings to confirm the required bio retention ponds performance criteria and reticulated stormwater system pipe sizing;

- The proposed stormwater drainage system (see Advice below) must be sized to accommodate the estimated 1 in 100 AEP (Annual Exceedance Probability) flow based on a possible future fully-developed catchment. The stormwater pipework must be sized to accommodate at least the estimated 1 in 20 AEP flow based on a possible future fully-developed catchment;
- The cost of the construction of the stormwater drainage system, sized to accommodate the 1 in 100 AEP flow based on flows from the current catchment conditions and the proposed subdivision, must be met by the developer. Where a bigger drainage system and/or a larger pipe is required to accommodate the future fully-developed catchment and redirected stormwater main, the additional costs will be met by the Council. The actual apportionment of these costs is to be agreed upon by both the Council and the Developer prior to the commencement of construction works for the stormwater drainage system; and
- A soil and water management plan drafted in accordance with the NRM South – Soil and Water Management for Construction Sites Guidelines must be lodged with the engineering plans.

The engineering plan approval will be valid for a maximum period of two years from the date of Council endorsement, and if practical completion has not been achieved within the time limit, the engineering plans will be subject to re-assessment.

The engineering plans and specifications must be prepared and certified by a qualified professional engineer as approved by the Executive Manager - Engineering Services.

The subdivision construction must be supervised by the engineer above.

ADVICE

The engineering design and construction works should comply with:

- Council's IPWEA-LGAT standard drawings and specifications
- Austroads Standards
- Australian Rainfall and Runoff Guidelines
- Department State Growth standards
- WSUD standards

16. At practical completion and the satisfactory completion of all mandatory audit inspections the supervising engineer must:

- Request a joint on site practical completion inspection with the Council's authorised representative;
- Provide written confirmation that the works have been substantially completed in accordance with the plans and specifications and that the appropriate levels of quality and workmanship have been achieved;
- Provide engineer's certification that site filling exceeding 300mm has been placed in accordance with AS 3798 (guidelines on earthworks for

General Manager, Kingborough Council

Development/Use Permit Conditions - DAS-2014-48, 41 Alfreds Garden, Kingston

commercial and residential developments) as amended from time to time;
and

- Provide as constructed drawings and associated Council as constructed drawing checklist signed by a registered surveyor.

Council will issue a 'Certificate of Practical Completion' including a minor defects list, upon the successful completion the above and the provision of a bond and bank guarantees where early issue of titles is requested.

17. A re-peg survey must be undertaken by a Registered Surveyor upon completion of the subdivision construction works. A copy of the re-peg survey notes must be lodged with Council, together with evidence that they have been registered at the Land Titles Office.
18. A road reservation must be provided and shown as "Road" on the Final Plan of Survey. The applicant must arrange at their expense for the necessary transfer of the road reservation to Council at the time of lodgement of the Final Plan of Survey for sealing.
19. Prior to the commencement of any civil works including accesses and drainage works being carried out within Council's roads or reserves the applicant must:
 - Apply for and receive a permit to conduct activities within Council road reservation and pay the associated fee;
 - Acknowledge receipt of the permit and advise of intention to commence works.
20. The satisfactory completion of all public infrastructure shall be considered achieved when:
 - A Certificate of Practical Completion has been issued;
 - Minor defects and any defective works have been satisfactorily rectified at the completion of the statutory 26 week maintenance period;
 - Council shall be entitled to call upon the bond and bank guarantee funds to complete or rectify any outstanding defective works after the expiry of the maintenance period;
 - At the end of the statutory 26 week maintenance period, the supervising Engineer must request a joint on site inspection with the Council's authorised representative to confirm that all outstanding practical completion minor defects and defective works have been satisfactorily rectified;
 - Upon satisfactory completion of all outstanding practical completion, minor defects and defective works, Council will issue a notice of satisfactory 'Final Inspection'; and
 - After takeover of the Council infrastructure works, it shall be the responsibility of the supervising engineer or applicant to request Council to release all Bond and Bank Guarantee securities.
21. Titles Office lodgement fees being paid to Council or, in the case of 'Early Issue' lodgement, direct to the Recorder of Titles.
22. Final Plan of Survey being provided together with Schedule of Easements, a copy of the survey notes, and a copy of the balance plan. Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements.

[Signature]
General Manager, Kingborough Council

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Development/Use Permit Conditions - DAS-2014-48, 41 Alfreds Garden, Kingston

23. Subject to compliance with the above conditions to the satisfaction of the Manager – Development Services, Council will sign and seal the Final Plan of Survey and Schedule of Easements.
24. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.
25. 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.

ADVICE

26. The Developer should not allocate any property address numbers for the proposed lots.

New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	8 Eleni Avenue, Kingston
2	10 Eleni Avenue, Kingston
3	12 Eleni Avenue, Kingston
4	14 Eleni Avenue, Kingston
5	16 Eleni Avenue, Kingston
6	18 Eleni Avenue, Kingston
7	20 Eleni Avenue, Kingston
8	22 Eleni Avenue, Kingston
9	24 Eleni Avenue, Kingston
10	23 Eleni Avenue, Kingston
11	21 Eleni Avenue, Kingston
12	19 Eleni Avenue, Kingston
13	17 Eleni Avenue, Kingston
14	15 Eleni Avenue, Kingston
15	13 Eleni Avenue, Kingston
16	11 Eleni Avenue, Kingston
17	9 Eleni Avenue, Kingston
Balance	41 Alfreds Garden, Kingston

Carried over to original proposal

Signature
General Manager, Napier Council
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Development/Use Permit Conditions - DAS-2014-48, 41 Alfreds Garden, Kingston

27. The proposal may trigger the *Environment Protection and Biodiversity Conservation Act 1999*. In view of this, Council recommends that the proposal be referred to the Commonwealth Government to determine whether the impacts require formal assessment and approval under the Act.
28. In relation to condition 15 above Council is aware of an existing DN600mm stormwater main running adjacent to the proposed development which is required to be redirected through the proposed development. The Developer's Engineer should contact the Council's Senior Engineer on 6211 8239 for assistance in relation to this issue.
29. Advice received from Aboriginal Heritage Tasmania is that due to the potential for Aboriginal heritage on the site, an Aboriginal heritage investigation is recommended to identify whether the proposed project or related infrastructure will impact on any Aboriginal heritage and to offer mitigation advice. Any investigation must be undertaken jointly by a Consulting Archaeologist and Aboriginal Heritage Officer.


TASHA TYLER-MOORE
MANAGER DEVELOPMENT SERVICES

Decision Date: 24 June 2015 and amended pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993* on 4 December 2017

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Annexure "B"

Easement Plan

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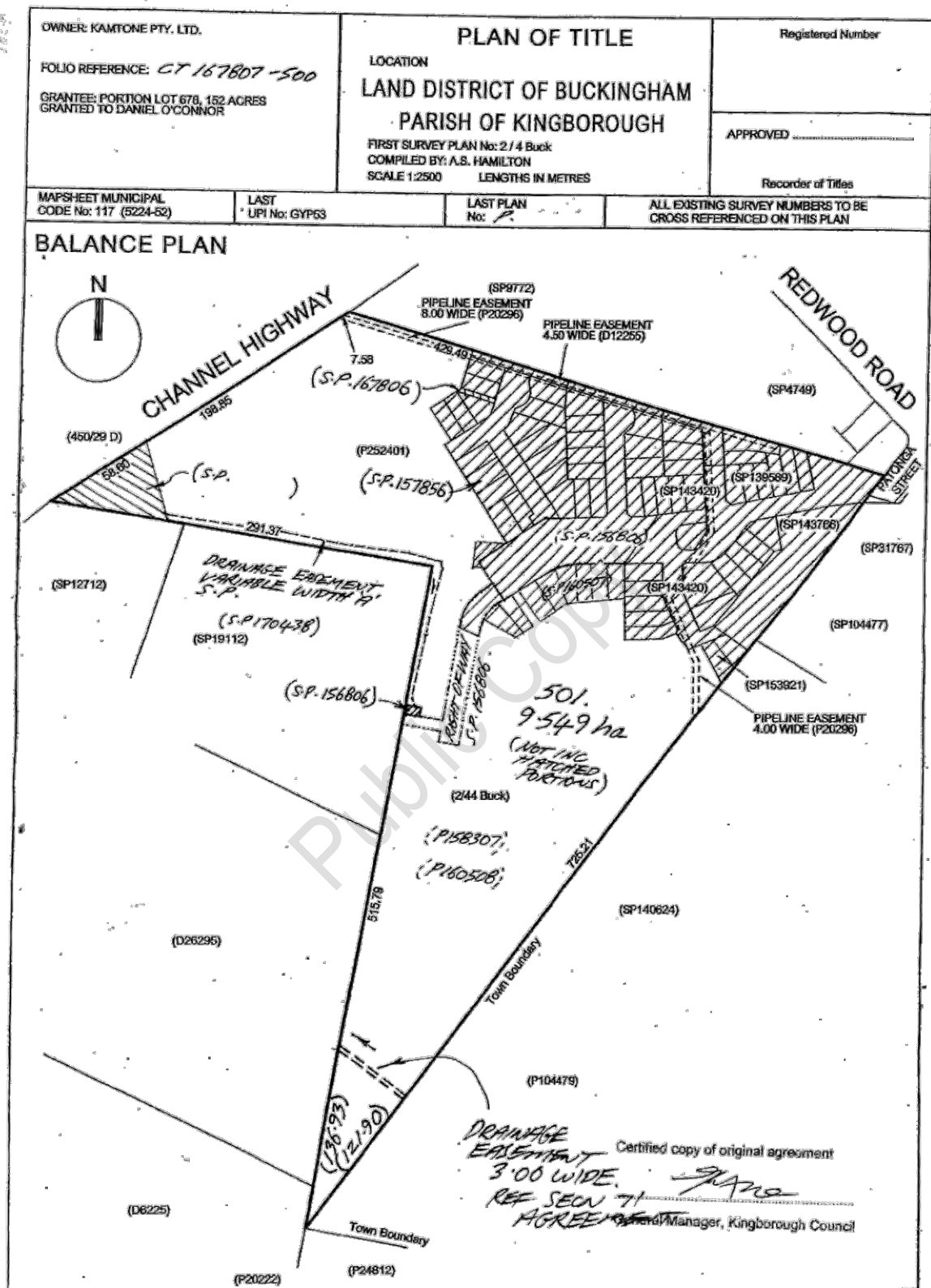
General Manager, Kingborough Council



Dobson Mitchell Allport

Part 5 Agreement T-T1096148-1

ANNEXURE B



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Annexure "C"

Existing Part 5 Agreement

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**AGREEMENT UNDER PART 5
LAND USE PLANNING AND APPROVALS ACT 1993**

This Agreement is made on the 12th day of April 2018 2

BETWEEN: Kamtone Pty Ltd
of 12 Osborne Esplanade, Kingston Beach 7050 (Postal address - PO Box 1000, Kingston
7051) in Tasmania ("the Owner")

-and-

KINGBOROUGH COUNCIL
of 15 Channel Highway Kingston in Tasmania ("the Council")

TERMS OF AGREEMENT

1. OBJECTIVES

- (a) This Agreement is entered into pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*.
- (b) The purpose of the Agreement is to protect in perpetuity the **Environmental Values** of the Land and, in particular, the **Conservation Zone**.
- (c) It is the intention of both parties to the Agreement that it will have the effect of binding all future owners as well as the current owner of the Land. The Owner's covenants shall run with the Land as if they were covenants to which section 102(2) of the *Land Titles Act 1980* applies.
- (d) This Agreement is to be registered pursuant to section 78 of the *Land Use Planning and Approvals Act 1993*.

2. LAND

This Agreement applies to the Land, being:

The whole of the land comprised in Folio of the Register Volume 171933 Folio 501 and known as 41 Alfreds Garden, Kingston in the Municipality of Kingborough in Tasmania comprising 9.549 hectares.

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General Manager, Kingborough Council

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3. DEFINITIONS AND INTERPRETATIONS

3.1 In this agreement unless the contrary intention appears:

- (a) **"Agreement"** means this instrument including any schedules, attachments and annexures;
- (b) **"Balance Land"** means that part of the **Land** (if any) that is not within the **"Conservation Zone"**;
- (c) **"Building Envelope"** means that part of the land (if any) marked "Building Envelope" on the plan attached hereto as Schedule A;
- (d) **"Clearance of Native Vegetation"** means the clearing, cutting, pushing over or otherwise removing of native vegetation or the destruction of native vegetation in any way;
- (e) **"Conservation Zone"** means that part of the **Land** marked "Conservation Zone" on the plan attached hereto as Schedule A;
- (f) **"Council"** means Kingborough Council;
- (g) **"Environmental Values"** means all of the natural features of the **Conservation Zone**, including but not limited to landscapes, soils, watercourses, species, habitats, ecological communities and the physical and hydrological processes that support those features; it may also include other values that have been specifically identified by Council (eg view-fields, cultural heritage values);
- (h) **"Exotic Species"** means any species not native to the **Land** or its immediate surrounds and includes any genetically modified organisms;
- (i) **"Foreign Material"** means any material that is derived from outside the boundaries of the **Land** and includes effluent, rubbish, soil, gravel, mulch and compost;
- (j) **"General Manager"** means the General Manager for the time being of Kingborough Council and his/her successors in office;
- (k) **"Interference with the Natural Flow of Water"** means any diversion or capture of natural water flows and any addition to natural water flows, including the construction of dams or drains and irrigation of any kind;
- (l) **"Land"** means the land described in clause 2 of this **Agreement**;
- (m) **"Local Provenance"** means plants and plant propagules (seeds and cuttings) which are local in origin, preferably collected from within the local catchment area;


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- (n) "Native Vegetation" means all plants, plant matter and fungi native to the **Land** or its immediate surrounds, including fallen dead wood and litter;
- (o) "Owner" means the person or persons named at the beginning of this **Agreement** as "the Owner" and includes any successors or assignees of that person;
- 3.2 Nothing contained herein should be taken to mean or imply that planning approval or any other approval has been or will be granted for activities which require such approval;
- 3.3 A reference to the harming or taking of any wildlife includes a reference to the killing, destroying, hunting, pursuing, catching, shooting, netting, snaring or injuring that wildlife.

4. GENERAL COVENANTS

In consideration of the Council as the relevant planning authority granting a planning permit for the development and/or use of the **Land** (Application number DAS-2014-48) the Owner hereby covenants with the Council as follows:


- (a) All of the native vegetation in the **Conservation Zone** (approximately 2.12 hectares) is to be protected and must be managed by the Owner in perpetuity in accordance with this **Agreement** so as to protect and maintain or improve the condition of environmental values contained therein, including native vegetation and habitat for threatened fauna species.

CONSERVATION ZONE

4.1 The Owner agrees in relation to the **Conservation Zone**:

- (a) to use best endeavours to ensure that **Exotic Species** that pose a threat to the **Environmental Values** of the **Conservation Zone** do not become established;
- (b) to use best endeavours to eliminate or control established **Exotic Species** that pose a threat to the **Environmental Values** of the **Conservation Zone**;
- (c) to implement the weed management prescriptions contained within the Conservation Management Plan attached hereto as Schedule B until such time as the target weed species are eradicated from the **Conservation Zone** or until an alternative weed management plan is otherwise agreed in writing with the **General Manager**;
- (d) to implement the Conservation Management Plan attached hereto as Schedule B for the ongoing protection of *Eucalyptus amygdalina* forest and woodland on sandstone, listed as a

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threatened native vegetation community & providing potential species habitat for the threatened *Chaostola* skipper.

- (e) to observe any fire management recommendations provided by Tasmania Fire Service or **Council** and to use best endeavours to protect the **Conservation Zone** from uncontrolled fire;
 - (f) to maintain fences where those fences are necessary to protect the **Environmental Values** of the **Conservation Zone**;
 - (g) to use best endeavours to ensure that the **Environmental Values** of the **Conservation Zone** are protected from any external impacts that are under the **Owner's** control;
 - (h) when clearing **Native Vegetation** for activities approved under this **Agreement**, to clear by cutting and slashing wherever possible so as to minimise any soil disturbance;
 - (i) in the event that any of the **Owner's** activities are found to pose a threat to the **Environmental Values** of the **Conservation Zone**, to use best endeavours to remove the threat and to undertake any rehabilitation that may be necessary; and
- 4.2 The **Owner** agrees in relation to the **Conservation Zone** not to undertake or allow any actions that will damage or degrade the **Environmental Values**, except where necessary for the conduct of specific activities approved by the **Council** under clause 4.4 or clause 4.5 of this **Agreement**.
- 4.3 The following actions may damage or degrade the **Environmental Values** and must not be undertaken within the **Conservation Zone**, except where necessary for the conduct of specific activities approved by the **Council** under clause 4.1 or 4.4 of this **Agreement**:
- (a) **Clearance of Native Vegetation**;
 - (b) introduction of **Exotic Species**;
 - (c) planting of any plants;
 - (d) use of chemicals (including fertilisers);
 - (e) introduction of **Foreign Material**;
 - (f) disturbance of the soil;
 - (g) removal of soil, gravel or other mineral resources;
 - (h) **Interference with the Natural Flow of Water**;

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- (i) subdivision or stratum title development;
- (j) building or placement of structures;
- (k) construction of roads or tracks;
- (l) removal of dead trees - standing or fallen;
- (m) off-road use of vehicles;
- (n) grazing of domestic animals; and
- (o) harming or taking of wildlife.

4.4 The **Council** agrees that the **Owner** may undertake the following activities in the **Conservation Zone**, provided that any associated **Clearance of Native Vegetation** is the minimum required for the conduct of the approved activity:

- (a) emergency fire-fighting operations, including fire breaks, control lines or "back-burns";
- (b) maintenance of the existing walking track, provided the track is a maximum of 1.5m wide and does not impact any threatened species or trees of high conservation value;
- (c) Implementation of the Conservation Management Plan, including a weed management plan, developed by North Barker, Environmental Consultants, in accordance with Kingborough Council;
- (d) off-road use of vehicles for emergency or essential management purposes;
- (e) use of registered herbicides or pesticides where necessary for the control of **Exotic Species** that threaten the **Environmental Values** of the **Land**;
- (f) revegetation using **Local Provenance** where necessary to stabilise exposed ground following soil disturbance or erosion;
- (g) introduction of biological control agents which are declared agent organisms under the *Biological Controls Act 1986* for the control of declared target organisms under the *Biological Controls Act 1986*;
- (h) harming or taking of wildlife where authorised by a permit under the *Nature Conservation Act 2002* or the *Wildlife Regulations 1999*;

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- (i) if and when required by Tasmania Fire Service or the Council, **Clearance of Native Vegetation** for fire hazard reduction; and,
- (j) use of controlled burns for ecological purposes (eg the maintenance of biodiversity).

BALANCE LAND

4.5 The Owner agrees in relation to the Balance Land to the following:

- (a) only conduct activities of a type or in a manner that do not pose a threat to the **Environmental Values** of the **Conservation Zone**;
- (b) when clearing **Native Vegetation** for activities approved under this **Agreement**, to clear by cutting and slashing wherever possible so as to minimise any soil disturbance; and
- (c) Landscape with **Local Provenance** plants where possible.

4.6 In the event that any of the Owner's activities on the **Balance Land** are found to pose a threat to the **Environmental Values** of the **Conservation Zone**, to use best endeavours to remove the threat and to undertake any rehabilitation that may be necessary.

5. WAIVER OF RIGHTS TO RECOVERY AND OTHER COMPENSATION

The Owner waives all rights to recover damages from the Council for any liability to the Owner for:

- (a) personal injury to, or death of, any person; or
- (b) for damage to any of the Owner's property or finances,

arising from the performance or purported performance of any obligations or activities required or approved under this **Agreement**. This waiver does not operate to release the Council from any liability attributable to a wrongful (including negligent) act or omission on the part of the Council

6. DISPUTE

- (a) If a dispute arises between the parties under this **Agreement**, then (except in the case of action required to be taken under statute) the parties agree that it must be resolved expeditiously in accordance with the provisions of this clause.
- (b) If a dispute arises requiring resolution, a party must serve a notice on the other specifying the nature and substance of the matter in dispute.

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- (c) If, within thirty (30) days of a notice under Clause 6(b) being served, the parties are unable to resolve the dispute, then the dispute must be submitted by the parties for resolution under the following sub-clauses.
- (d) The matter in dispute must be referred for resolution by a person of appropriate qualifications and experience, as agreed between the parties, who will act as mediator and conduct a mediation concerning the matter in dispute.
- (e) If the dispute is not settled under Clause 6(d) or the parties fail to appoint a mediator, the **General Manager** may establish, in an attempt to resolve the dispute, a review committee comprising an independent chairperson and a representative of the **Owner** and a representative of the **Council**. This committee will be required to review the dispute and then attempt to resolve the dispute by agreement.
- (f) The costs of all mediation under this clause are to be shared equally between the parties.
- (g) Each of the parties agrees to use their best endeavours to resolve the dispute through mediation.
- (h) If a dispute cannot be settled within thirty (30) days (or such other period as the parties agree) of one party serving a notice of that dispute in accordance with Clause 6(b), the dispute must be determined under the provisions of the *Commercial Arbitration Act 1986*.

7. SEVERANCE

If any provision of this **Agreement** or its application to any person or circumstance is or becomes invalid, illegal or unenforceable, then so far as possible, the provision will be read down to the extent necessary to ensure that it is not illegal, invalid or unenforceable. If any provision or part of it cannot be so read down, then the provision or part of it will be taken to be void and severable and the remaining provisions of this **Agreement** will not be affected or impaired in any way

8. NOTIFICATION OF CHANGE OF OWNERSHIP

- (a) The **Owner** must notify the **Council** in writing of any agreement entered into by the **Owner** to effect any change of ownership or control of the **Land** and that notice must detail the name and address of all parties to the agreement and the nature of the change of ownership or control.
- (b) The **Owner** must notify the **Council** in writing of any change of ownership or control of any portion of the **Land** and that notice must detail the name and address of the new owner, lessee or licensee.
- (c) The **Owner** must provide a copy of all directions and approvals given by the **Council** under the terms of this **Agreement** to all prospective purchasers, lessees or licensees of the **Land**.

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9. NOTIFICATION AND COMMUNICATION

- (a) The **Owner** and the **Council** must:
- i) advise each other of any proposed action which could adversely affect the **Land**; and,
 - ii) respond promptly to all communications from each other relating to this **Agreement**.
- (b) The **Owner** must notify the **Council**:
- i) of any event which has or could have a significant adverse impact on the **Environmental Values** of the **Land**;
 - ii) if the **Owner** intends to alter the use of any part of the **Land**; or,
- (c) The **Council** must notify the **Owner** of any information relating to the **Land** within its knowledge that could adversely affect the use and management of the **Land**.

10. ACCESS

- (a) The **Owner** must, having been given reasonable notice by the **General Manager** or servants of the **Council**, allow relevant and identified servants of the **Council** to enter the **Land** at a reasonable time in order to:
- i) inspect the condition of the **Land**;
 - ii) carry out research relevant to protection of the **Land**; or,
 - iii) determine whether the conditions of this **Agreement** have been complied with.
- (b) The **Owner** and the **Council** must agree on the means of notification for a visit and the length of notice required. The **Owner** may also specify an access route, and the servants of the **Council** must follow that route, except in cases of emergency.

11. NOTICES

- (a) A notice or other communication given or made under this **Agreement** must be in writing and addressed to the party to whom the notice is to be given at the address for service of notices as agreed by the parties from time to time.
- (b) A notice or other communication is taken to have been duly served if a certified copy of original agreement

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- i) in the case of hand delivery - when delivered;
 - ii) if sent by prepaid post - on the third business day after the date of posting;
 - iii) if sent by facsimile transmission (only if the sending facsimile machine produces a print out of the time, date and uninterrupted transmission record of the sending of the notice) - upon completion of sending if completion is within ordinary business hours in the place where the recipient's facsimile machine is located, but if not, then at 9.00 a.m. on the next business day in that place;
 - iv) if sent by email, when the recipient acknowledges receipt of the email.
- (c) A notice or other communication given or made under this Agreement is sufficient if:
- i) in the case of the **Council**, it is under the hand of the **General Manager** or a duly authorised officer of the **Council** or the **Council's** solicitors;
 - ii) in the case of the **Owner**, it is under the hand of the **Owner** or the **Owner's** solicitors.
- (d) A printed or copied signature is sufficient for the purposes of sending any demand, written consent or other communication by facsimile transmission or by email.

12. PERFORMANCE AND REVIEW

The **Owner** and the **Council** agree to review the operation of this **Agreement** every five (5) years, or at lesser intervals if circumstances necessitate, including but not limited to discussion of the operation of the **Agreement** and assessment of the level of compliance by both parties.

13. COSTS

The **Owner** must pay all costs associated with the preparation, execution and registration of this **Agreement**. Each party is to pay its own costs of the future operation of this **Agreement**.

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**SIGNED SEALED AND DELIVERED
BY THE OWNER in the presence of:**

Witness Signature: 
Witness Name: George Falconer
Address: 6/220 Melville St
Occupation: Chef




THE COMMON SEAL of the Kingborough Council
has been hereunto affixed pursuant to a resolution of
the said Council passed the 23rd day
of August 2024 in the presence of us:

Mayor/Councillor: 

Council Delegate: 



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General Manager, Kingborough Council

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SCHEDULE A – PLAN OF CONSERVATION ZONE

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[Signature]

General Manager, Kingborough Council

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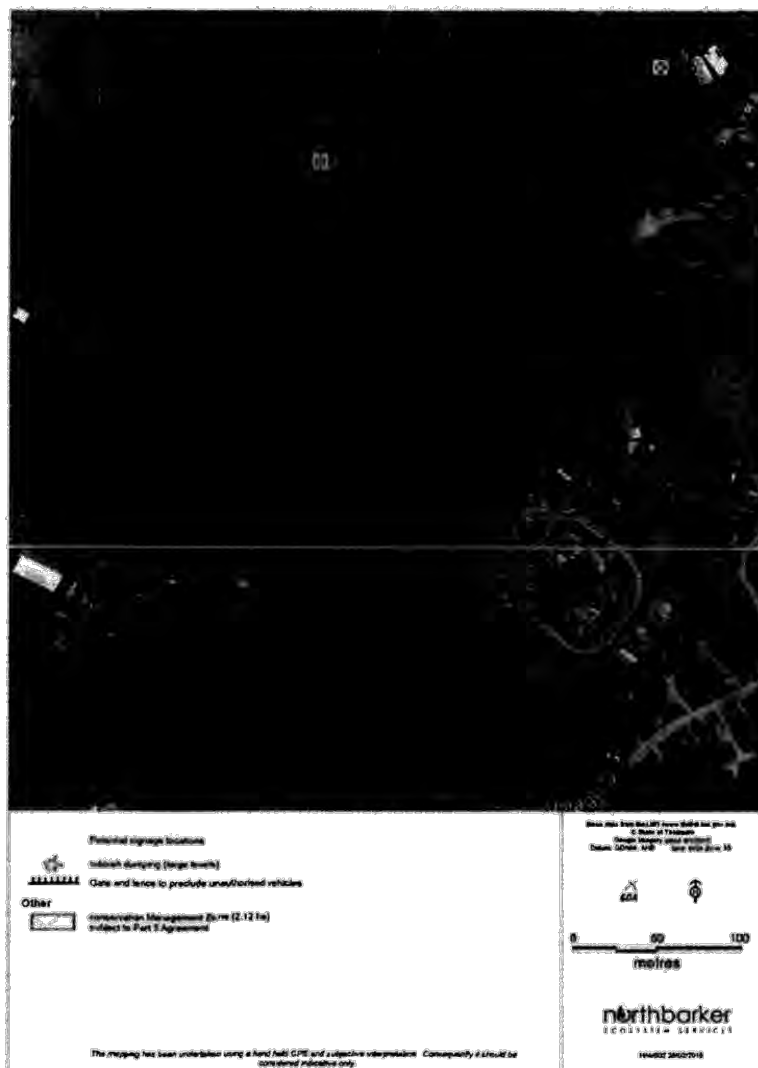
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SCHEDULE B - CONSERVATION MANAGEMENT PLAN



**KINGSTON GREEN
CONSERVATION MANAGEMENT PLAN
(PART 5 AGREEMENT)
2018 - 2023**

FEBRUARY 2018 (FINAL)

Prepared for Kingborough Council obo Kamtone Pty Ltd



Andrew H
163 Comp

er.com.au
ed copy of original agreement
6/23/18

[Signature]
General Manager, Kingborough Council

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1 Introduction

This Reserve Management Plan outlines management schedules for five years to be undertaken by and with the authority of Kamtone Pty Ltd. This agreement is via a Part 5 Agreement with Kingborough Council for the onsite retention and long-term protection of native vegetation to be retained on private land. It refers specifically to a part offset for the land to the south of the subdivision covered by black peppermint forest (DAS).

2 Background/Context

A 17 lot residential subdivision and balance of land at 41 Alfreds Garden, Kingston (DAS 2014-48) was approved by Kingborough Council in March 2015 and amended on the 4th December 2017. Condition 5 of the permit requires a Conservation Management Plan over 2.52 ha of land. The 2.52 ha offset is broken up into 2.12 ha offset secured under a Part 5 Agreement with Council under the *Land Use Planning and Approvals Act 1993* and a separate 0.40 ha offset going into Public Open Space. This Conservation Management Plan covers the 2.12 ha offset subject to Part 5 Agreement. This area will remain in private ownership.

5. To meet the requirements of Clause 10.2.1.1(b) of the Kingborough Planning Scheme 2000 for the loss of approximately 0.84ha of Schedule 10 vegetation, including 0.61ha of *Eucalyptus ovata* forest and woodland, 0.23ha of *Eucalyptus amygdalina* forest and woodland on sandstone, potential swift parrot habitat and potential chaetola skipper habitat, the following offset package must be secured and implemented prior to the Start of Works:

- (a) onsite retention and long-term protection of a minimum of 2.52ha of Schedule 10 vegetation as identified in the Revised Offset Plan in accordance with Council Plan Reference P3 submitted on 4 September 2017 (North Barker, 14/08/2017) and incorporate any additional clearing required for the installation of services at a replacement ratio of 3:1; and
- (b) onsite retention and protection of potential chaetola skipper habitat within the proposed offset areas; and
- (c) development of Conservation Management Plan(s) for the offset areas which:
 - (i) verifies the extent of the offset areas in accordance with (a) above;
 - (ii) provides for the maintenance and protection for all native vegetation and habitat values within the offset areas in perpetuity; and
 - (iii) details management prescriptions for a period of no less than 5 years including but not limited to weed management and recreational use, to ensure that environmental values are managed for their long term survival. These management prescriptions must be drafted by a suitably qualified environmental consultant and include timeframes, details and costings for each action; and

- (d) a financial contribution of \$15,400 for the loss of one (1) individual *Eucalyptus ovata* tree with a diameter of >70cm, eight (8) individual *Eucalyptus ovata* trees with a diameter of 40-70cm and fourteen (14) individual *Eucalyptus ovata* trees with a diameter of 25-40cm to offset impacts on the endangered swift parrot.

Amended pursuant to Section 56 of the *Land Use Planning and Approvals Act 1993*

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This Reserve Management Plan provides the necessary prescriptions and an implementation schedule in accordance with the above conditions for 2.12 ha of land. It is understood that the management of the reserve will be the responsibility of Kamtone Pty Ltd (the Landowner).

3 Management Objectives for Natural Values

3.1 General Objectives

The following general objectives apply to the management of the Land:

- Protection and conservation of the natural systems and features in the Land, including the diversity of species, habitats and communities.
- Protection of significant vegetation communities and populations of threatened and/or priority plant and animal species.
- Protection of the Land from damage by introduced plants and animals, disease and inappropriate management regimes.

3.2 Specific Management Objectives for Natural values

The management objectives are:

- To maintain the structure of vegetation communities and allow for regeneration of native species under the proposed management regime.
- To maintain the habitat of threatened and/or priority species.
- To eradicate or control weeds and prevent any further introduction(s) of exotic species.
- To control means of public access to limit the risk of inadvertent or deliberate damage to the natural values.
- To protect the reserve from incursions from adjacent residences.

In general, the measures of success of the management regimes are:

- the maintenance or improvement in native species diversity, richness and abundance;
- adequate and appropriate opportunities for recruitment or regeneration of native species;
- the maintenance or an improvement in the habitat for threatened species and their habitat known within the area; and
- a reduction in infestations of environmental weed species (where present).

The Reserve will be subject to bi-annual monitoring to confirm the implementation of the scheduled works and to assess their effectiveness in achieving the management objectives (and make improvement recommendations where appropriate).

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4 Reserve Location

The reserve, occupying 2.12 ha, is located approximately 1.5 km to the south-west of Kingston town centre. It is within the municipality of Kingborough in the South East.

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bioregion of Tasmania¹ (Figure 1). It is bounded by residences to the north, south and east, fragmented bushland and the Antarctic division and Bunnings to the west.

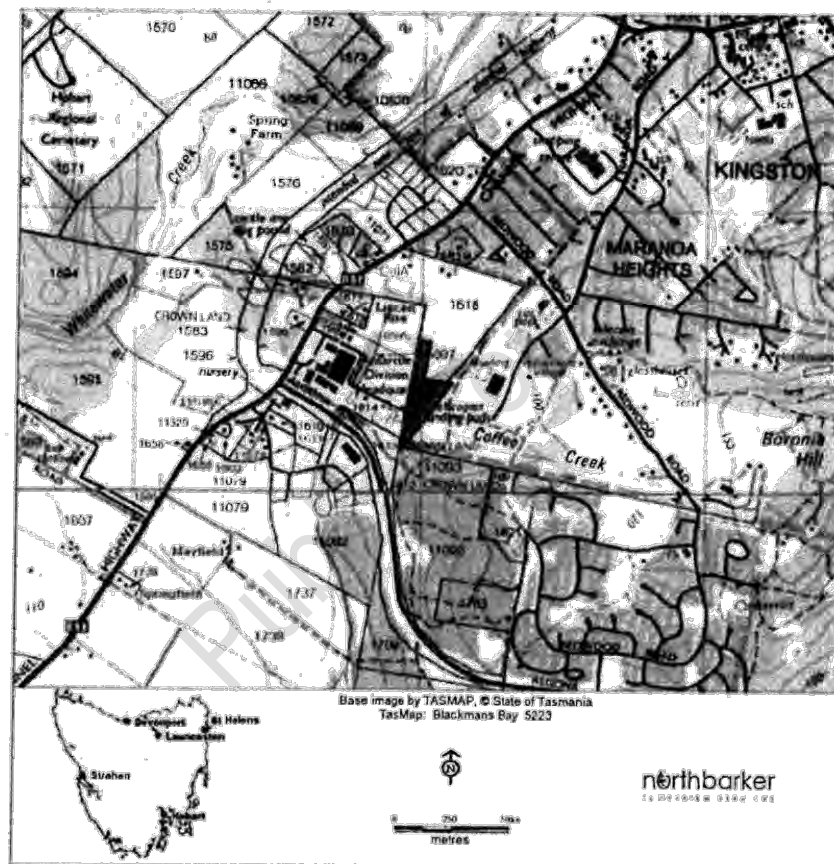


Figure 1: Location of 2.14 ha offset subject to Part 5 Agreement

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¹ IBRA5 - Peters & Thackway 1998

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6 Natural Values

6.1 Offset Site Description

The entire offset area is covered by native bushland, in varying condition with disturbances such as dumping of rubbish, walking tracks and weed infestations present, however the bulk of the offset is in good condition. The bushland is part of a larger forested area (divided by the new Algona Road subdivision to the south) that once extended from Peter Murrell Conservation Area through to Boronia Hill. The proposed reserve is now surrounded by suburbia on the eastern and southern side, with the Peter Murrell Conservation Area and Algona Rd Reserves further south.

The site gently slopes to the west falling from 110 to 80 metres above sea level. The underlying geology is Triassic sandstone, and the soil is very sandy. It is in the moist sub-humid cool zone and within the 600 to 800 mm annual rainfall zone. The site is crossed by tracks used by local residences and people using the area for recreation purposes.

6.2 Vegetation Communities

Eucalyptus amygdalina forest and woodland on sandstone (DAS)

This community occupies the whole of the conservation area. The community is characterised by a single-aged cohort of relatively young *E. amygdalina* over a less dense ground layer dominated by bracken (*Pteridium esculentum*). Other common species in this area include *Exocarpos cupressiformis*, *Leptospermum scoparium*, *Metaleuca squarrosa*, *Stylidium graminifolium*, *Amperea xiphioloba* and *Gahnia radula* is also present in this area. There are a small number of old growth trees, suggesting that the area has been burnt, thinned or cut over for firewood at some time, but regeneration of canopy trees has resulted in medium-height woodland to open forest over a dense heathy, sedgy and shrubby understorey.

Very few weeds occur within the bulk of the community, except for track margins and occasional radiata pines. Boneseed, English broom, canary broom, blackberry and other important weeds are common at the edges and tracks through the community. One infestation of a variety of declared and environmental weeds occurs to the south along a moist depression.

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Plate 1: Eucalyptus amygdalina on sandstone. This photo is looking south west taken from the north west corner of the offset area in DAS.



Plate 2: Another view of the Eucalyptus amygdalina forest looking north along the walking track along the western edge.

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Plate 3 - typical DAS understory

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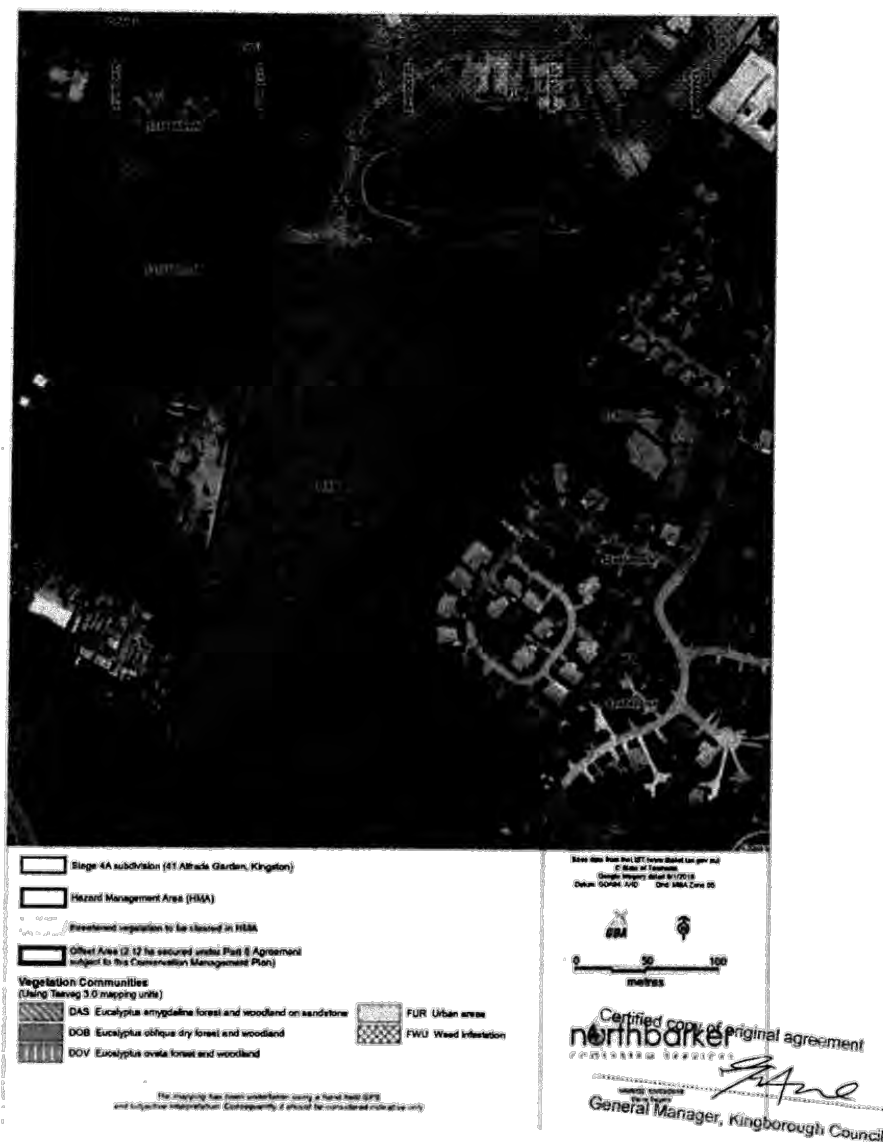


Figure 2: Vegetation communities, the subdivision and offset location protected under this CMP. The offset area will be under Part 5 Agreement to remain on private land.

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4.3 Threatened Flora & Fauna Species

Surveys to date have yielded no observations of threatened flora within the offset area or immediate surrounds.

Based on fauna habitat surveys, there is a moderate possibility that two threatened fauna occur within the area at certain times of the year. These are the swift parrot (*Lathamus discolor*) and the eastern barred bandicoot (*Perameles gunnii*). Habitat is also present for the Chaostola skipper (*Antipodia chaostola*).

Swift parrot (*Lathamus discolor*)

There are numerous records for swift parrot within 5 km. This small fast flying parrot occurs in eucalypt forests in south-eastern Australia and Tasmania. Swift parrots breed in Tasmania and migrate to mainland Australia in autumn where they are semi-nomadic foraging on flowering eucalypts in Victoria and New South Wales. In Tasmania the breeding range is largely restricted to the south-east coast within the range of Tasmanian blue gum (*Eucalyptus globulus*) and black gum (*E. ovata*) forest – its main nectar food sources. It has suffered a significant decline in abundance, as has the extent of its foraging habitat. Blue gum forests within the breeding range of the species have been fragmented and substantially reduced in area by land clearance for agricultural, urban, and coastal development, while black gum (*Eucalyptus ovata*) forest has been extensively cleared for agriculture throughout its range in Tasmania.

The offset area supports some individual blue gum and black gums with black gum forest in the surrounding landscape. Few obvious hollows suitable for nesting were observed within the trees on site, although smaller hollows may be present in some of the larger trees, and hollow development will increase with time.

Eastern barred bandicoot (*Perameles gunnii*)

There are numerous records for the eastern barred bandicoot within a 5 km radius. Eastern barred bandicoots inhabit grassland and grassy woodland and they have also adapted to pasture, semi-urban parks and gardens. They forage preferably in open grassy areas, but for shelter and nesting they require a dense ground cover of native tussock grasses, sedges and shrubs. They forage after dusk and sleep during the day in grass-lined nests where the cover is thick. The dense sedgy, heathy and shrubby understorey and thickets of weeds in the property would provide suitable shelter and nesting habitat whilst the open areas would provide opportunities for foraging for this species.

The eastern barred bandicoot is listed as 'vulnerable' nationally, under the EPBCA. However state legislation does not reflect that view and it is not listed under the TSPA.

Chaostola skipper (*Antipodia chaostola*)

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There are records for the chaostola skipper within a 5 km radius. Adults of this butterfly are very rarely seen. It occurs in dry sclerophyll forest at low altitudes in eastern Tasmania. The flight season is October and November. In 1992 the butterfly was recorded from only two sites in Tasmania (Hop Pole Bottom and near Conningham). In recent years the chaostola skipper has been found to be more widespread with observation from Knocklofty Reserve, Hobart, Peter Murrell Reserve and other bushland sites in Kingston.

Among other skipper species, larvae are known to live and feed in looped leaves of the sedge *Gahnia radula*. *G. radula* is common within the offset area. A targeted survey for *A. chaostola* failed to locate any larvae of the species or their characteristic shelters in a prior survey for the subdivision. No evidence could be found of insect herbivory with all leaf damage showing the coarser and more extensive browsing of vertebrates such as wallabies. However the offset area contains potential habitat for this species and may provide habitat for future colonisation from other vulnerable sites.

6.4 Weeds

Seven introduced plants listed as 'declared' weeds under the Weed Management Act 1999 were recorded within the offset areas. They are:

- blackberry (*Rubus fruticosus*);
- spanish heath (*Erica lusitanica*);
- gorse (*Ulex europaeus*);
- English broom (*Cytisus scoparius*);
- Canary broom (*Genista monspessulana*);
- Boneseed (*Chrysanthemoides monilifera* subsp. *monilifera*); and
- Karamu (*Coprosma robusta*).

A number of environmental weeds also occur. These are:

- radiata pine (*Pinus radiata*);
- bluebell creeper (*Billardiera heterophylla*);
- sweet Pittosporum (*Pittosporum undulatum*);
- mainland wattle species (*Acacia baileyana*, *Acacia longifolia* ssp. *Longifolia*, *Acacia retinodes* and *Acacia pravissima*);
- tutsan (*Hypericum androsaemum*);
- blue butterfly bush (*Psoralea pinnata*);
- banana passionfruit vine (*Passiflora tarminiana*);
- New Zealand flax (*Phormium tenax*);
- Cabbage tree (*Cordyline australis*);
- Cape Leeuwin wattle (*Paraserianthes lophantha* subsp. *lophantha*); and
- Cotoneaster (*Cotoneaster* species)

The northern offset area which contains the DOV community contains an extensive weed understorey. The balance of the offset area is largely free of weeds except from track margins and the southern area. Appendix 13 provides photos of the weeds above from the site.

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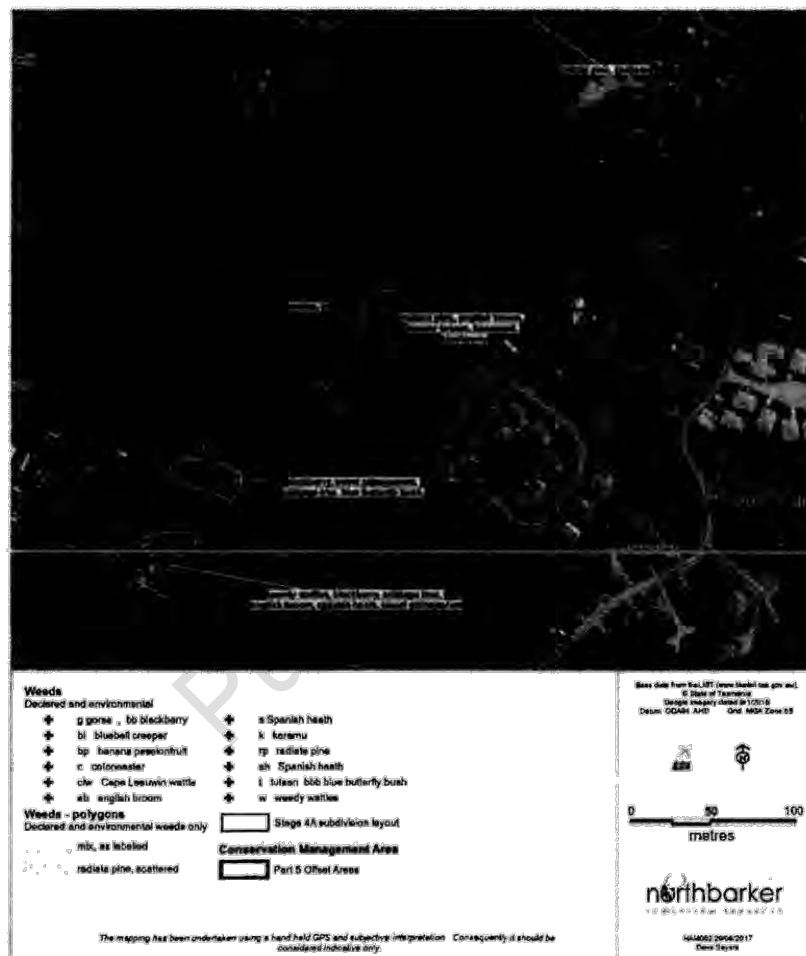


Figure 3: Weeds

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8 Management Prescriptions

The following management prescriptions have been subdivided into logical sub-sections which indirectly address all parts of Condition 5.

8.1 Bushfire Management

A hazard management area is designated within the subdivision footprint outside of the area subject to this Conservation Management Plan. Therefore no bushfire management is to occur within the conservation area.

Bushfire Management

- Figure 2 identifies the location of the hazard management area. No clearing to occur outside this area which will result in no impact to the offset conservation areas.

8.2 Weed Management

The conservation area contains numerous weeds as shown in Figure 3. The following prescriptions are recommended.

Weed Management

- Undertake weed removal and treatment in accordance with the Implementation Schedule (section 7).
- Where identified, all exotic trees and shrubs above 2m are to be felled and left in situ. This is to reduce the environmental harm of using machinery to extract the timber.
- The Contractor may utilise physical methods of clearing larger weed infestations with machinery including but not limited to slashing and/or mulching. The use of any machinery other than 4WD vehicle will require consent from Council and must be subject to washdown procedures prior to entry and departure.
- Secondary control (follow up) of any regrowth of weeds or new weed seedlings is to occur on an annual basis. Given the number of weeds at particular infestations, secondary and tertiary treatment are extremely important to ensure the initial treatment does not result in making infestations worse.
- Any declared or environmental weeds not previously recorded but observed during the five years of this plan must undergo primary control, with secondary control to follow up until the end of this plan.
- No material is to be left to smother native species.
- Vehicular access is restricted to the tracks where damage to vegetation can be avoided.
- The Weed Control Contractor will use methods appropriate to the situation ensuring spray drift and off-target damage is avoided. In sensitive areas, bushcare methods such as cut and paste, drill and fill or hand weeding should be used. This will be left up to the discretion of the Weed Control Contractor. Refer to Section 8 for weed control timing and appropriate methods.
- Only herbicides that are registered in Tasmania for the control of the target species are to be applied (see product label &/or contact DPIWE for advice).
- Weed management is to be carried out by suitably qualified Weed Control Contractors (that must be in possession of valid Chemcert qualification) who are experienced in a wide range of bushcare and environmentally sensitive weed control techniques.
- All contractors must be approved by Council.

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- Appropriate hygiene measures must be implemented to all vehicles and machinery prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment. Refer to Section 10 for specific hygiene management techniques. Washdown location is to be determined following consultation with Council.

Weed Monitoring

- a weed survey of the reserve will occur on an annual basis.
- The Ecologist will report to the owner and Council on an annual basis and prescribe any specific works necessary in treatment. Survey to occur in conjunction with annual audit.
- The Weed Control Contractor will ensure that the programme schedule is followed and any additional works suggested by the Ecologist or Council that is agreed by the owner is implemented. The Weed Control Contractor may provide recommendations to alter the future treatment schedule.

8.3 Track Management

The reserve is crossed by a number of tracks that range from small almost indistinct foot pads to well-worn tracks capable of accommodating small vehicles.

Vehicular access may be required for the long term management of the Reserve. Preventing vehicular access is not deemed necessary for this site given narrow access and requirement to access the Taswater pump station. (Figure 4)

It is envisaged that walking tracks will be retained for public walkers.

No Track closures within this reserve are deemed necessary.

The condition of all tracks will be monitored for ongoing maintenance requirements, such as erosion control.

Track Management:

- No track closure is considered necessary.
- Annual audits will monitor track conditions however given they are small tracks for walkers, little wear is expected based on observations.

8.4 Fencing

The boundary of the offset areas are already fenced around the boundary perimeter. No fencing is recommended through the bushland to prevent additional disturbance. This may change in the future depending on future subdivision within the bush outside of the offset areas. In order to prevent unauthorised vehicles entering the area, some minor fencing is recommended to be installed (refer to Figure 4). This fencing will aid in preventing 6.5 and 6.6 – rubbish dumping and wood hooking). Numerous break throughs of the boundary fence was observed. It is recommended these are patched up and monitored over time.

There is no road frontage to this reserve requiring fencing. Future audits will make a recommendation on fencing based on progress with weed control (Figure 4). Pedestrian access will continue to be available along the walking tracks.

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Plate 4 - example of fence damage

Fencing

- Monitor boundary fences and patch up damage by locals cutting through.
- Future audit post weed work to monitor fencing requirements and make adjustments where required

The developer will install signage to explain to the public that this area has been protected for conservation values.

8.5 Rubbish Dumping

Rubbish dumping is a particular issue in the reserve and is a generally degrading influence and aesthetic issue. A small number of spots within the proposed reserve have household rubbish dumped. The largest collection is shown on Figure 4. Rubbish will need to be collected from the whole site. Based on the level of rubbish observed, the issue is not deemed large.

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Plate 5: examples of rubbish dumping.

Rubbish

- Collect and remove all rubbish off site within 3 months of the commencement of the plan.
- Monitor and remove rubbish during the civil works period on a monthly basis.
- Monitor for rubbish throughout the reserve annually.
- Document any incidences of ongoing rubbish dumping.
- Inform Council and Ecologist of any actions taken.

Monitoring of this issue will need to occur. If rubbish dumping is still occurring, additional management options such as fence construction or fence strengthening may need to be considered.

The landowner will consider installing signage near the subdivision (entrance to walking tracks) to discourage rubbish dumping if fencing measures are not successful (Figure 4).

8.6 Wood Hooking

Wood hooking (cutting and removing trees for firewood) has occurred on a minor scale historically. This obviously affects biodiversity values of the reserve by removing habitat trees and potentially hollow bearing trees. Subdivision over the past ten years may have alleviated this issue to some degree given removal of firewood is more publicly visible. Monitoring of this issue will still need to occur. If wood hooking is still occurring, additional management options such as fence construction or fence strengthening may need to be considered as well as limiting vehicle access. Signage should be installed to highlight the importance of the reserve and its focus on biodiversity conservation.

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Wood hooking

- Monitor this issue on an annual basis.
- Identify where wood hookers are accessing and discuss with Council options for control.
- Inform ecologist of any actions taken.

The landowner will install signage to discourage wood hooking where appropriate (Figure 4).

8.7 Biodiversity Management

The reserve supports a significant diversity of vegetation structure and floristic composition. The objective for management should be to ensure a diversity of biomass and adequate regeneration. Effective weed management will go a long way towards maintaining the integrity of the biodiversity on site, and ensure that species diversity is not lost via weed invasion, whilst also maintaining fauna habitat values. Human activities such as rubbish dumping and wood hooking will negatively affect biodiversity and needs to be monitored, with adjustments made to management where necessary. Given the majority of the reserve is in good condition, little human intervention is required. Letting nature take its course in the short term is the most appropriate response combined with weed control. An annual inspection of condition is considered most appropriate given the condition of the bushland present which should include survey for chaostola skipper.

Biodiversity Management

- Monitor *Gahnia radula* distribution each audit. This species is relatively abundant already thus it is recommended no human intervention is implemented. Consider recommendations if habitat levels drop negatively based on assessment.

8.8 Monitoring

Biological monitoring is important to ensure there is adequate review that the management regime in place is producing the desired outcomes. With novel management prescriptions it is essential to pick up and address any unanticipated adverse effects. Monitoring allows for an adaptive management response that may necessitate minor amendments to the prescriptions.

It is proposed that the management activities are audited annually and some of the key values are assessed at the same time.

A final report is to be prepared that includes recommendation for future management

Monitoring and reporting**1. Biodiversity Management**

- Undertake weed management works to control current weed infestations.
- Annual inspection to ensure condition remains good. A VCA is recommended each year within the DAS.
- A small targeted survey for chaostola skipper in Year 2 and 4 is recommended to monitor this species for its potential to occur.

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- At completion of 5 year plan conduct survey of the entire reserve and conduct a revised botanical inventory. Compare results from previous surveys.
- 2. **Weed Management**
 - Annual audit to review and document the effectiveness of the past 12 months of weed management or new incursions of the subdivision.
 - Documentation of all weed management including target species, timing, method, chemical and
 - Identify new infestations of weeds that require primary treatment in subsequent year.
 - Quantify the effectiveness of the previous years weed management (including kill estimate to nearest 10% of infestations).
 - Set up photo points to monitor change to key weed infestation covering major species. Images will be retaken at annually from the same location.
- 3. **Human Impacts**
 - Annual audit of human influences on the reserve including - track use, bike tracks, wood hooking, rubbish dumping, fence maintenance and illegal incursions into the reserve (outside of public recreational walking).
- 4. **Reporting**
 - Annual report to Kingborough Council describing the extent of works undertaken, the state of all attributes monitored and recommendations for any amendment to the plan.
 - Provision of final report to Council to make recommendations and to describe the values and how they have responded to the management.

8.9 Reserve signs

The landowner will be responsible to install signs that identify the reserve, explain public access and clearly discourage dumping of waste, wood hooking etc.

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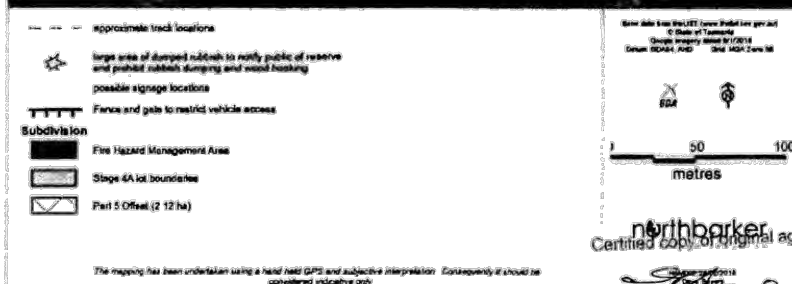


Figure 4: Reserve Management Plan

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9 Implementation Schedule

Note timing relating to 'Approval' is agreed approval of this plan.

Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#
1 (2018)	Set up photo points	Prior to commencing weed removal	6.8	Ecologist	250
	Begin primary weed control work	Prior to sealing of the final plan of survey	6.2	Landowner, Weed contractor	2,280
	Treat any new declared or environmental weeds observed (not listed in Sec 5.5)	Prior to final plan of survey	6.2	Weed Contractor	350
	Collect and remove all rubbish from site.	Prior to final plan of survey	6.5	C Landowner	500
	Monitor boundary fencing and make repairs	Prior to final plan of survey	6.4	Landowner	250
	Install reserve signs at public access point based on discussions with Kingborough Council	Prior to final plan of survey	6.9	Landowner	Discuss with Council 2,200
	Construct fencing & gate to restrict vehicular access to bushland	Prior to final plan of survey			
	Monitor and audit weed, track management and other human influences on the reserve. Relake photopoints.	Prior to final plan of survey	6.8	Ecologist	2,000
				Year 1 Cost estimate	\$7,830

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Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#
2 (2019)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	1,500
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Monitor and audit weed, track management and other human influences on the reserve. Retake photopoints.	Nov-Jan	6.8	Ecologist	1,600
					Year 2 Cost estimate \$3,350
3 (2020)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	1,000
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Maintenance of signs	Sept-Dec	6.9	Landowner	200
	Monitor and audit weed, track management and other human influences on the reserve. Retake photopoints and vegetation condition assessment	Nov-Jan	6.8	Ecologist	1,600
					Year 3 Cost estimate \$3,050

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Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#
4 (2021)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	750
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Maintenance of signs	Sept-Dec	6.9	Landowner	200
	Monitor and audit weed, track management and other human influences on the reserve	Nov-Jan	6.8	Ecologist	1,600
Year 4 Cost estimate					\$2,800
5 (2022)	Control all new weeds and weed regrowth (follow up)	Sept-Dec	6.2	Weed Contractor	750
	Collect and remove all rubbish from site, monitor boundary fencing	Sept-Dec	6.4, 6.5	Landowner	250
	Maintenance of signs	Sept-Dec	6.9	Land owner	200
	Conduct reserve wide survey of new botanical inventory and reserve vegetation condition	Sept to Oct	6.8	Ecologist	2,250
	Prepare final report to Council. Include vegetation condition assessment and recommendations for future management of the reserve	January/February	6.7	Ecologist	Included in above
Year 5 Cost estimate					\$3,450

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Year	Task	Timing	Management Prescription	Responsibility	Estimated Cost#

#note costs are only estimates and real cost may vary.

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10 Weed Species Description, Control and Timing

The below table show weed species known within the offset area or are in the surrounding landscape with potential to be spread into the reserve. Ensure all management of each weed species is consistent with DPIPWE Control Guides. All herbicides, wetting agents and adjuvants must be registered for their purpose or appear on an off-label permit. Additional species from surrounding area provided for potential new incursions.

Common Name	Species Name	Weed Status*	Life Form	How Spread	Control/Methods	Control Timing
banana passionfruit vine	<i>Passiflora tarminiana</i>	Environmental	creeper	Seed by birds / animals	hand pull, cut and swab	all year
blackberry	<i>Rubus fruticosus</i>	WONS, Declared	shrub	seed, stem rooting, suckering	spray, cut & swab, stem scrape	spring/summer/autumn
blue butterflybush	<i>Psoralea pinnata</i>	Environmental	Shrub	Seed, ants, water and garden waste	Hand pull seedlings, cut and swab	all year
bluebell creeper	<i>Billardiera heterophylla</i>	Environmental	creeper	stem rooting, seed	cut & swab, stem scrape	spring/summer/autumn
boneseed	<i>Chrysanthemoides monilifera</i> subsp. <i>monilifera</i>	WONS, Declared	woody weed	bird sown seed	spray, cut & swab, hand pull	Spring - early summer
Cabbage tree canary / montpellier broom	<i>Cordyline australis</i>	Environmental	small tree	seed	cut & swab	all year
cape wattle	<i>Genista monspessulana</i>	Declared	shrub	seed	cut & swab, hand pull slash & mulch larger infestations	all year
cotoneaster	<i>Paraserianthes lophantha</i>	Environmental	tall shrub	long lived seed, often garden waste	cut and swab, hand pull (shallow roots)	all year
	<i>Cotoneaster</i> sp	Environmental	shrub	seed	Hand pull seedlings, cut and swab larger shrubs.	all year

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Common Name	Species Name	Weed Status*	Life Form	How Spread	Control Methods	Control Timing
english broom	Cytisus scoparius	Declared	shrub	seed	cut & swab, hand pull Slash & mulch larger infestations	all year
gorse	Ulex europaeus	WONS, Declared	shrub	seed	spray, cut & swab Slash & mulch larger infestations	all year
karamu	Coprosma robusta	Declared	small tree	seed	cut & swab	all year
New Zealand flax	Phormium tenax	Environmental	shrub	seed	Mechanical, cut and spray base	all year
radiata pine	Pinus radiata	Environmental	tree	seed	cut down Slash & mulch larger infestations	all year
Spanish heath	Erica lusitanica	Declared	shrub	seed	spray, cut & swab, hand pull	all year
sweet pittosporum	Pittosporum undulatum	Environmental	tree	seed	cut & swab, drill & fill	all year
tree lucerne	Chamaecytisus palmensis	Environmental	large shrub	seed, also seed via animals	hand pull seedlings, cut and swab larger shrubs	all year
wattles	Acacia species	Environmental	shrub	seed	cut & swab, hand pull Slash & mulch larger infestations	all year
identified wattle	Acacia uncifolia	Environmental	shrub	seed	cut & swab, hand pull Slash & mulch larger infestations	all year

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11 Low Impact Weed Control Techniques

The following weed control methods are adapted from Robertson (2005) and are intended to give a general description of some of the more commonly used methods available. They are not intended to be a definitive all encompassing coverage of the methods available for weed control. For further information on weed control methods, the sources in the following list should be consulted. The best way to learn weed control methods though is always by learning from an experienced weed controller, such as a weed control contractor, bushcare volunteer or land manager.

Recommended references on weeds and weed control methods:

- Bush Invaders of South-east Australia - a guide to the identification and control of environmental weeds in south-east Australia. (2001) Adam Muyl
- Bush Regenerator's Handbook – Third edition (2010). The National Trust of Australia (NSW)
- Bushland Weeds – a practical guide to their management (2003). Kate Brown and Kris Brooks.
- DPIWE Weed info: <http://www.dpiw.tas.gov.au/inter.nsf/ThemeNodes/SSKA-52J2K4?open>
- Statutory Weed Management Plans, various species (DPIWE website). <http://www.dpiw.tas.gov.au/inter.nsf/WebPages/SSKA-73U3QA?open>
- Stop Bushland Weeds. (2005) Meg Robertson
- Weeds of National Significance Management Guides, various species (WONS website). <http://www.weeds.org.au/WONS/>
- Weeds of Southern Tasmania Booklet (2010). NRM South and Southern Tasmanian Councils Authority. <http://stca.tas.gov.au/weeds/wp-content/uploads/2010/01/Weeds-of-S-Tas-booklet-smaller.pdf>

Some of the recommended methods for controlling environmental weeds within bushland include the following:

Hand Pulling

- Hand pulling of smaller plants is easiest in the wetter months of the year when the soil is soft and the seedlings are much easier to pull out.
- Seedlings: take hold of the plant at ground level and pull. If you pull at any point higher on the stem it may break and the plant will then require swabbing with herbicide.
- Small woody plants: Take hold of the stem at ground level and gently rock the plant back and forth until it comes away cleanly.
- If possible place both feet or fingers on either side of the plant when pulling out. This helps to keep the soil in place and avoids unnecessary disturbance of the soil.

Cutting and Swabbing

- The most effective time of the year to cut and swab plants is when they are actively growing, which varies between species.
- Get professional advice on which herbicide mix to use and follow herbicide instructions carefully.
- Cut off all stems as low as possible using a chainsaw or pruning saw, secateurs or long handled loppers. The cut must be horizontal so that the herbicide rests on the cut area while being absorbed, rather than running down the side of the stem.
- Remove all stems from the stump, so that no active (or green) branches/shoots remain no matter how small they are.
- Make extra cuts into the stump surface to expose the sapwood and provide

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more surface area for the herbicide to penetrate. For trees with a lignotuber such as alives, it helps to cut the stump deeply with an axe or machete.

- Liberally swab all cut surfaces immediately with the herbicide mixture. This must be done preferably within half a minute, or immediately if possible. The cut surface can not be allowed to dry out; otherwise the herbicide will be much less effective. Use a paintbrush or squeeze bottle to apply the herbicide mixture. Add a dye to the herbicide mixture that will help indicate where swabbing has already been done.
- The tissues that take up and move the poison are immediately under the bark layer, so concentrate on applying the poison around the outer rim of the stump.
- Follow up your work. If the stumps re-sprout which can be common with some species, then cut and swab or spray the new regrowth with the herbicide.
- Keep doing this until the plant dies. Large trees can take several poisonings before they are killed.

Spraying

- The most effective time of the year to spray is when the plant is actively growing.
- Look for native plants and cover with plastic bags or sheeting while spraying. If there are too many native plants amongst the weeds then this method should not be used.
- Get professional advice on which herbicide mix to use and follow herbicide instructions carefully.
- Always read the label on the herbicide container, follow the instructions and wear protective clothing. Dilute the mixture as recommended. Add a dye to the herbicide mixture that will help to indicate where spraying has already been done.
- If spraying regrowth near creeks or other water bodies, do not spray herbicide in or near the water, because it can have a negative effect on aquatic fauna such as frogs. In such cases using Roundup Biactive is more desirable because it has less of an impact on the aquatic fauna. It is preferable to use other more accurate methods such as cutting and swabbing along creeklines.
- Surfactants can also be used when spraying plants such as blue periwinkle or ivy which have a waxy leaf surface. A surfactant (e.g. Pulse) can be added to the herbicide mix which will increase the uptake of the poison through the waxy leaf surface. Surfactants should not be used on or near plants growing in water as they are suspected of harming frogs and other aquatic life.
- Treat bulb plants when the old bulb is exhausted and before new bulbs have formed, generally just before or during flowering. Poisoning at this stage will minimise the chance that the plant will resprout in the next growing season.
- Where weeds have narrow vertical leaves, spraying might result in herbicide running off or drifting onto non-target plants. In this situation, wipe on the herbicide mixture with a weed wand, sponge or wick applicator.

Grubbing

- Grubbing is easiest in the wetter months of the year, between April and October, as the soil is soft and the seedlings are much easier to grub out.
- The damage to the soil and adjacent native plants must be weighed up when assessing whether or not to use this method.
- Using a grubber or a mattock, use a levering action to lift the base of the plant including the tubers, or growing points, depending on the species.
- Remove the plant, making sure that all of the tubers or growing points are completely removed. If part of this is left in the ground it may resprout.

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- If the base of the plant cannot be dug out, it can be poisoned using the cut and swab method.
- Follow up regularly. Any regrowth from underground roots can be sprayed with herbicide or removed manually. Spot spray the plant when it is actively growing.

Hand Digging (dig out)

- Push a knife into the soil next to the plant, aiming towards the plant with the intention of levering out the bulb or severing the root system, depending on the species.
- Repeat at right angles, then carefully remove the plant, and then repair any disturbance to the soil or mulch by pressing down the bare soil.

Hand Paint/ Wipe

- This method is useful for species such as *Watsonia*, especially in areas where spraying will cause off-target damage.
- Get professional advice on which herbicide mix to use and follow herbicide instructions carefully.
- Hold the leaf of the plant with one hand and with the other paint the herbicide onto the leaf using a paintbrush, sponge bottle or other applicator.

Slashing (where applicable)

- Aims to encourage the growth and seeding of native grasses, over the introduced grasses which through slashing are unable to produce seed. Gradually if the introduced grasses are stopped from seeding each year, the seed bank will be reduced and fewer will germinate. In conjunction with this the native grasses are allowed to seed, and with less competition from the introduced grasses, they will begin to increase in numbers and dominate.
- Slashing should be done after the annual grasses have flowered and before their seeds have matured. Most of the native perennial grasses flower later hence their seed set is almost certain to still occur. As a general rule slashing of annual grasses should occur between September and November, but will vary depending on the season, and location. Slasher operators will need to interpret the readiness of annual grasses for slashing through field inspections to ensure that it occurs at the correct time.
- Slasher operators need to have good plant identification skills to ensure that native plants are not accidentally slashed. Slasher operators should attempt to avoid native grasses in the process, although if some are accidentally cut, they should reshoot. Other native plants should be avoided as they may not regenerate so well if slashed.
- As many annual grasses will reshoot, slashing may need to occur more than once.
- Slashing of perennial grasses to reduce biomass and seed set should be followed up by spraying of the regrowth.

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**12 Extracts from Tasmanian Washdown Guidelines
(DPIPWE 2004)**

General washdown procedure

Note: Do NOT apply water to harvesters or other equipment that may be damaged by water.

1. Locate washdown site and prepare the surface or construct bunding as required.
2. Safely park the vehicle free of any hazards (eg electrical), ensure the engine is off and the vehicle is immobilised.
3. Look over the vehicle, inside and out, for where dirt, plant material including seeds are lodged. Pay attention to the underside, radiators, spare tyres, foot wells and bumper bars.
4. Remove any guards, covers or plates if required being careful of any parts that may cause injury.
5. Knock off large clods of mud, use a crow bar if required and sweep out the cabin.
6. Use a vacuum or compressed air where available for removing dried plant material like weed seeds and chaff in radiators and other small spaces where this material lodges. Brush off dry material if no other facilities are available.
7. Clean down with a high pressure hose and stiff brush/crowbar. Use only freshwater if washing down in the field.
8. Start with the underside of the vehicle, wheel arches, wheels (including spare). Next do the sides, radiator, tray, bumper bars etc and finally upper body. Some vehicles may need to be moved during washdown eg tracked machinery.
9. Clean any associated implements, eg buckets.
10. Check there is no loose soil or plant material that could be readily dislodged or removed.
11. In wash bays, steam treat or rinse off vehicle with clean water.
12. Wash effluent away from vehicle, do not drive through wash effluent.

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Machinery checklists

Trucks and vehicles

For small vehicles in the field where washdown facilities can not be provided the minimum requirement is:

all loose and large clods of dirt should be physically knocked off the vehicle at the desired washdown point before driving back to a suitable wash facility.

Systematically inspect and clean including:

Cabin	floor, mats and under seats
Engine	radiators
	engine bay and grill
Body	hollow channels
	inside bumper bars
	crevices and ledges
	underside
Wheels	inside and outside
	between dual wheels if fitted
	spare wheel
Tray	hollow channels
	chassis

Wheeled machinery (skidders, tractors, loaders etc)

Systematically inspect and clean including:

Cabin	floor and under seats
Engine	Grill, radiator, oil cooler etc
	around sound deadening panels
	engine compartment grill
Body	chassis
	axle housing, hollow sections
	guards
	cab steps
	around fuel tank
	hollow sections in drawbars and retractable/extendable type three point linkages
	general holes, ledges, gaps and crevices in body including damaged boots, cover plates where trash may lodge
Wheels	inside and outside wheels and rims
	spaces between dual wheels
	chains if fitted
Attached equipment	buckets/ blades including teeth and adaptor plates
Hydraulic arms	crevices where trash can lodge

Bulldozers

Systematically inspect and clean including:

Cabin	floor and under seats	Certified copy of original agreement
	below transmission coverplates	
Engine	radiator, oil cooler etc	General Manager, Kingborough Council
	airfilters (for seeds)	
	around engine bay	

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Tracks	lift inspection/coverplates to gain inside access
	idler wheels
	track frame
Body Plates	knock lose material out from belly plates and rear plates as far as is feasible without dismantling
Body	fuel cells
	battery box
Blade	check all hollow sections
	pivot points and adaptors at rear of blade where soil can compact
Tines	crevices where trash can lodge
Ripper	ripper frame support which is usually hollow
	compacted soil underneath ripper points

Excavators

Systematically inspect and clean including:

Cabin	floor and under seats
Engine	grill, radiator, oil cooler etc
	around engine bay
Tracks	idler wheels
	track frame
	tracks
	removable track adjustor guards and lubrication points
Body Plates	glacier plate near radiator
Body	ledges and channels
Blade	check all hollow sections
	between teeth of adaptors
	wear plates
Booms	crevices
Turret pivot	under and around mechanism

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13 Washdown Ledger

[illegible]

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Document Set ID: 4504166
Version: 1, Version Date: 26/08/2024

14 Weed Management Report Form
Weed Management Record

Date:	
Project:	
Location:	
Name:	

For herbicide spray:

Weather:	Clear, Sunny	Light Cloud	Heavy Cloud	Showers	Rain
Wind:	Nil	Light	Moderate	Strong	Gale
	Direction:		Variability:		
Temp (°C):	Estimate:		Other:		

Weed Species Targeted:	Growth Stage:	Control method	Numbers / Area / Density:

Notes:

Herbicide Name:	1.	2.	3.
Active constituents and strength:			
Mix/rate:			
Application method:			
Amount applied:			
Area covered:		Time taken:	
Signed (operator):			

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NorthBarker Ecosystem Services
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Plate 7 - floral detail of Spanish heath

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[Handwritten signatures]

HYGIENE PROTOCOLS FOR VEHICLES AND HEAVY MACHINERY

The following protocols have been adapted from the *International Workshop Guidelines for Wind and Climate Control Machinery, Vehicle and Equipment* (CEN-WE, Edition 1, 2004) and *Form Technical Note No. 4, Management of the Wind Tunnel* (published in *Wind & Management of the Wind Tunnel*, 2008). For more information refer to the full guidelines at:

- **ENTRE WEB SITE - www.entreweb.org.au**
(then follow links to Mental Health and Diseases,
Plant Diseases, Phytophthora, Phytophthora
Publications, Workshop Procedures).
- **ENTRE PRACTICE AUTHORITY WEBSITE -**
www.entrepractice.org.au (then search for Phloem
Technical Notes).

Abstract

Ploughs, vehicles and heavy machinery including tractors, trucks, mowers, ploughs, rollers, backhoes, graders, dozers, excavators, bulldozers and loaders are major sectors for the spread of soil borne fungal diseases such as *Aspergillus fumigatus* (page 92) and *Stenotrophomonas*.

As a minimum, apply the standard Check-Clean

the following is in this field:

vehicles and heavy machinery that stay on board.

and weeds and on-site clearing is not essential.

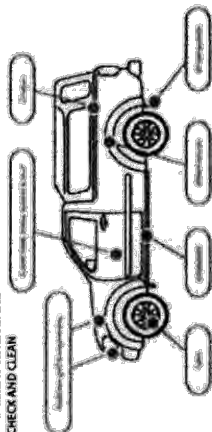
However, on-site vehicle washroom is particularly important when using vehicles and machinery off

Journal Name

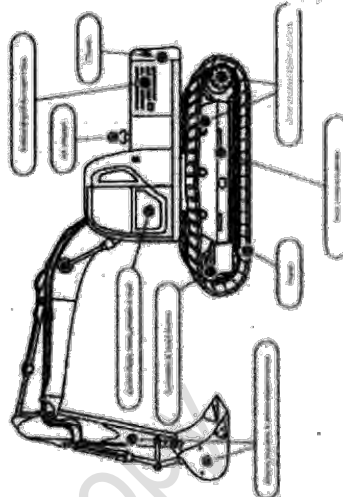
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10.1111/j.1365-3113.2011.04591.x

4WD VEHICLE WITH KEY SPOTS
TO CHECK AND CLEAN



**EXCAVATOR WITH KEY SPOTS
TO CHECK AND CLEAN**



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Document Set ID: 4504166
Version: 1, Version Date: 26/08/2024

15 Weed photos



Plate 6 - cape wattle

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[Signature]
General Manager, Kingborough Council
[Signature] *[Signature]* *[Signature]*

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Plate 8 - wattles such as Acacia retinodes frequents the track margins

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Plate 9 - NZ cabbage tree

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Plate 10 - Bulandiera heterophylla

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Plate II - blue butterfly bush

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Plate 12 - tussock (an w. common environmental weed)

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Plate 13 - blackberry thicket within the offset area (DAS)

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Plate 14 - banana passionfruit vine

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Plate 15 - karamu

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TASMANIAN LAND TITLES OFFICE

Notification of Agreement
under the

E167945

Land Use Planning and Approvals Act 1993
(Section 71)

DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
171933	501		

REGISTERED PROPRIETOR:
Kamtone Pty Ltd

PLANNING AUTHORITY:
Kingborough Council

Dated this 24th day of May 2019

I Mr G Arnold, General Manager

of Kingborough Council

the abovenamed Planning Authority, certify that the above particulars are correct and that attached is a certified executed copy of the agreement between the abovenamed parties, notice of which is to be registered against the abovementioned folio of the Register.

The abovenamed Planning Authority holds the original executed Agreement.

Signed 
(on behalf of the Planning Authority)

Land Titles Office Use Only

LUA Version 1

REGISTERED

5 JUN 2019

DEPUTY
RECORDER OF TITLES

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

This Deed is made the day of , 2019

Parties

1. **Kingborough Council** a body corporate pursuant to the provisions of the Local Government Act 1993 of Civic Centre, 15 Channel Highway, Kingston TAS 7050 (**Council**)
2. **Kamtone Pty Ltd** ACN 009 549 713 of registered office C/- Dawson Leinert Chartered Accountants, Level 1, 174 Collins Street, Hobart TAS 7000 (**Owner**)

Recitals

- A. The Council is incorporated under the provisions of the Local Government Act 1993 and a planning authority within the meaning of the Land Use Planning & Approvals Act 1993 (**Act**).
- B. The Owner is the owner of the Land.
- C. The Land is within the Council's municipal planning scheme.
- D. The Owner applied to the Council for a permit under section 57 of the Act to subdivide the Land.
- E. The Council granted the Permit to the Owner.
- F. The Council and the Owner have agreed restrict the use of Lot 409 while it remains subject to the Fire Trail.
- G. The Council and the Owner now enter into this Deed on the terms and conditions which follow.

Operative Part

1. Definitions and interpretation

1.1 Definitions

In this Deed, unless the context requires otherwise:

- a. **Balance Land** means the balance of the Land after the completion of Stage 4A.
- b. **Business Day** means a day which is not a Saturday, Sunday or public holiday in Hobart, Tasmania.
- c. **Deed** means this Part 5 agreement.
- d. **Development** means the subdivision which is the subject of the Permit Certified copy of original agreement
- e. **Fire Trail** means the temporary fire trail which exists or will exist on Lot 409 in the Council location shown on the Bushfire Hazard Management Plan contained in Annexure A. General Manager of Council
- f. **Land** means the land described in folio of the Register Volume 171933 Folio 501.

T-T1096283-1

- g. **Lot 409** means that part of the Balance Land hatched on the plan contained in Annexure B.
- h. **Permit** means the Council's planning permit in respect of development application number DAS-2014-48, as amended.
- i. **Stage** means a stage of the Development as contemplated by the Permit.

1.2 Interpretation

In this Deed, except where the context requires otherwise or the contrary intention appears:

- a. headings are for convenience only and do not affect interpretation;
- b. a reference to a party includes that person's personal representatives and permitted assigns, or being a corporation its successors and permitted assigns and any other person deriving title under that person or corporation;
- c. a reference to the singular includes the plural and vice versa;
- d. a reference to a gender includes all gender;
- e. a reference to an individual or person includes a corporation, partnership, joint venture, association, authority, trust, state or government and vice versa;
- f. a reference to a thing (including a right) includes a part of that thing;
- g. where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning;
- h. mentioning any thing after the words include, includes or including does not limit the meaning of any thing mentioned before those words;
- i. no rule of construction applies to the disadvantage of a party merely because that party was responsible for the preparation of this Deed or any part of it;
- j. a reference to any legislation or legislative provision includes subordinate legislation, regulation or statutory instrument, made under it and any amendment to or replacement for any of them;
- k. a reference to a recital, clause, schedule or annexure is to a recital, clause, schedule or annexure of or to this Deed; and
- l. a reference to "dollars" or "\$" is to Australian lawful currency.

2. Part 5 agreement

2.1 Objective and function of this Deed

- a. Without limiting any operation or effect which this Deed otherwise has, the Council and the Owner acknowledge and agree that this Deed is made under Part 5 of the Act (and

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General Manager, Kingborough Council

Dobson Mitchell Allport

Part 5 Agreement T-T1098283-1



in particular section 71) with the intent that the burden of the Owner's covenants run with the land as provided for by section 79 of the Act.

- b. The parties enter this Deed to provide for one or more of the matters set out in section 72(2) of the Act.

2.2 Agreement

The Owner and the Council covenant and agree that the Owner shall not carry out any development or use on Lot 409, except for the purposes of construction and use of the Fire Trail, during the term of this Deed.

2.3 Term

- a. This Deed comes into operation on the date it is signed by all the parties.
- b. This Deed ends when the Fire Trail is relocated from Lot 409 to a new temporary or permanent location in accordance with a certified Bushfire Hazard Management Plan endorsed by Council.
- c. Once this Deed ends, the Owner and Council acknowledge and agree that they must sign and register the necessary documents to remove this Deed from the title to the Land.

2.4 Registration and Costs

The Owner agrees:


- a. that they must do all things necessary to enable the Council in its discretion to register this Deed with the Recorder of Titles in accordance with section 78 of the Act;
- b. that each party must bear their own costs (including legal costs) of and incidental to the negotiation and preparation of this Deed; and
- c. to pay the Land Titles Office registration fee in relation to registering and ending of this Deed.

2.5 Exercise of Powers

The Council and the Owner acknowledge and agree that any obligation imposed upon the Council under this Deed does not affect any future exercise of any statutory discretion by the Council whether in relation to the Permit or the Land or otherwise and the provisions of this Deed must be read accordingly.

2.6 Further Documents

The Council and the Owner will do all things and prepare and sign all further documents necessary or desirable to give effect to this Deed and to ensure that this Deed and the matters contemplated by it are fully carried out.

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Part 5 Agreement T-T1096283-1



3. Notices**3.1 Method of Giving Notices**

A notice required or permitted to be given by one party to the other under this Deed must be in writing, signed by the party giving it or their duly appointed solicitor (or, in either case, sent by email from that party's email address), and is deemed as being duly given if:

- a. personally delivered to that party;
- b. sent by pre paid post, addressed to the other party;
- c. transmitted by facsimile, to the other party's facsimile number; or
- d. transmitted by email, to the other party's email address.

3.2 Address of Participants

A notice given to a party in accordance with clause 3.1 is deemed to have been duly given and received if delivered, sent or transmitted to:

- a. the address, facsimile number or email address of the party set out in this Agreement for service; or if none:
 - i. the address set out in the party's description in this Deed; or
 - ii. the address (which is not a post office box), facsimile number, or email address appearing on the party's letterhead or website; or
- b. if the party expressly gives notice of a substituted address (provided it is within Australia), facsimile number or email address for service of the notice or notices generally, that substitute.

3.3 Time of Service

A notice given to a party in accordance with clause 3.1 and 3.2 is deemed to have been duly given and received (with the paragraph in this clause 3.3 corresponding with the same paragraph in clause 3.1):

- a. on the day of delivery;
- b. if sent by Australia Post between addresses within Australia, after the day on which it is posted:
 - i. by "Priority" post - four Business Days;
 - ii. by "Express Post" - two Business Days;
 - iii. by "Regular" post, the greatest number of Business Days which Australia Post's website estimates is applicable to mail sent on the day it is posted and between those locations; and

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[Signature]
General Manager, Kingborough Council

Dobson Mitchell Allport

Part 5 Agreement T-11099283-1

[Signature]

- c. on the day of transmission, where the person giving the notice has received no indication in any form that the facsimile has not been received, however if such delivery is later than 4.00pm or not on a Business Day, at 9.00am on the next Business Day;
- d. on the day of transmission where the person giving the notice has received no indication in any form within one hour of attempted transmission that the email has not been received, or, where transmission is later than 4.00pm on a Business Day, on the next Business Day, where the person giving the notice has received no indication in any form by 9.00am on the next Business Day that the email has not been received.

4. Miscellaneous

4.1 Governing Law

This Deed is governed by the laws of Tasmania, and the parties submit to the non-exclusive jurisdiction of the courts of Tasmania.

4.2 Variation

This Deed may not be varied or amended except in writing signed by the parties.

4.3 Liability

An obligation or liability on the part of two or more persons binds them jointly and each of them severally.

4.4 Assignment

A party may not, without the prior written consent of the other party (which may be given or withheld in its absolute discretion), assign this Deed or any of its rights under this Deed.

4.5 Severance

If any term of this Deed is or becomes legally ineffective, under common law or legislation, the ineffective provision may be severed from this Deed which otherwise continues to be valid and operational. The parties will agree on an arrangement having a legal and economic effect which will be as similar as possible to the ineffective provision.

4.6 Waiver

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of any power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

4.7 Entire Deed

This agreement constitutes the sole and entire Deed between the Parties on the subject matter.

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General Manager, Kingborough Council

4.8 Counterparts

Dobson Mitchell Allport

Part 5 Agreement T-11096203-1

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This Deed may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

4.9 Further Agreements

Each party must sign, execute and deliver all agreements, documents and instruments and do all acts reasonably required of it by notice from another party to effectively carry out and give full effect to this Deed and the rights and obligations of the parties under it.

4.10 Merger or Non-Merger

Any provision of this Deed which is not fully completed, observed or performed immediately before completion of this Deed or is capable of taking effect after completion does not merge on the completion but continues in full force and effect after completion.

Public Copy

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General Manager, Kingborough Council

Dobson Mitchell Allport

Part 5 Agreement T-71095283-1



7

Executed by the parties as a deed

The Common Seal of Kingborough Council
was affixed in the presence of:



Signature

[Signature]

Full name and position (print)

CR DEAN WINTER, MAYOR

Signature

[Signature]

Full name and position (print)

GARY ARNOLD GENERAL MANAGER

Executed by **Kamtone Pty Ltd** in accordance
with section 127(1) of the Corporations Act
2001

[Signature]
Sole Director and Sole Secretary

Gregory Alexander James
Name of Sole Director and Sole Secretary (print)

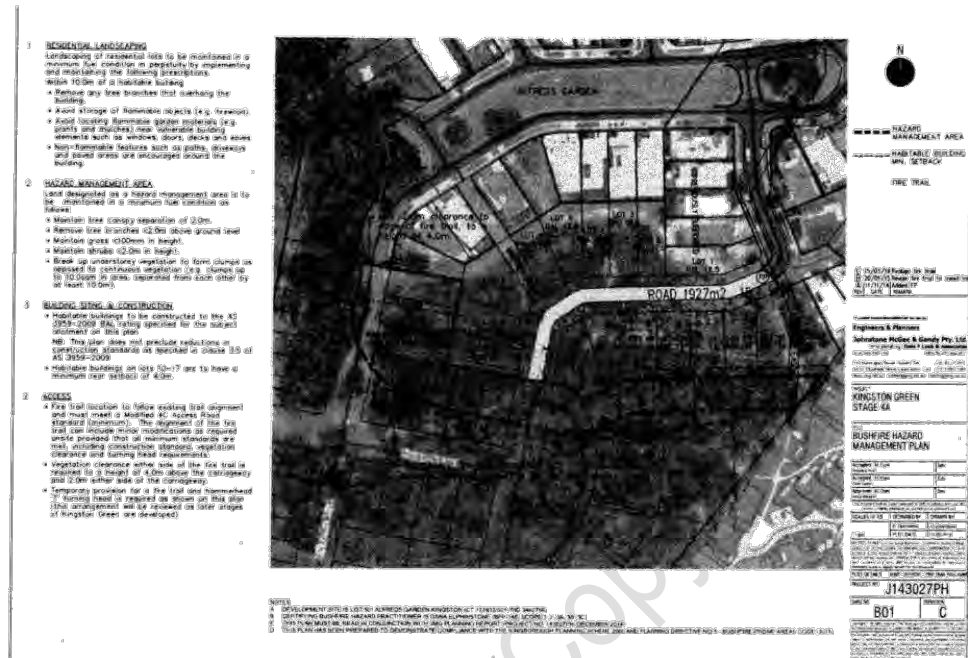
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[Signature]
General Manager, Kingborough Council

Dobson Mitchell Allport

Part 5 Agreement T-T1097381-1

Annexure "A"



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General Manager, Kingborough Council

Dobson Mitchell Allport

Part 5 Agreement T-11098283-1

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 27779	FOLIO 10
EDITION 1	DATE OF ISSUE 06-Apr-1993

SEARCH DATE : 27-Sep-2024

SEARCH TIME : 03.18 PM

DESCRIPTION OF LAND

Town of KINGSTON

Lot 10 on Sealed Plan 27779

Derivation : Part of Lot 1 (Sec. A.) Gtd. to W.C. Hodgman

Part of Lot 3 (Sec. A.) Gtd. to D.I. Moore

Prior CT 4241/67

SCHEDULE 1

B13913 ARGYLE DEVELOPMENTS PTY. LTD.

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

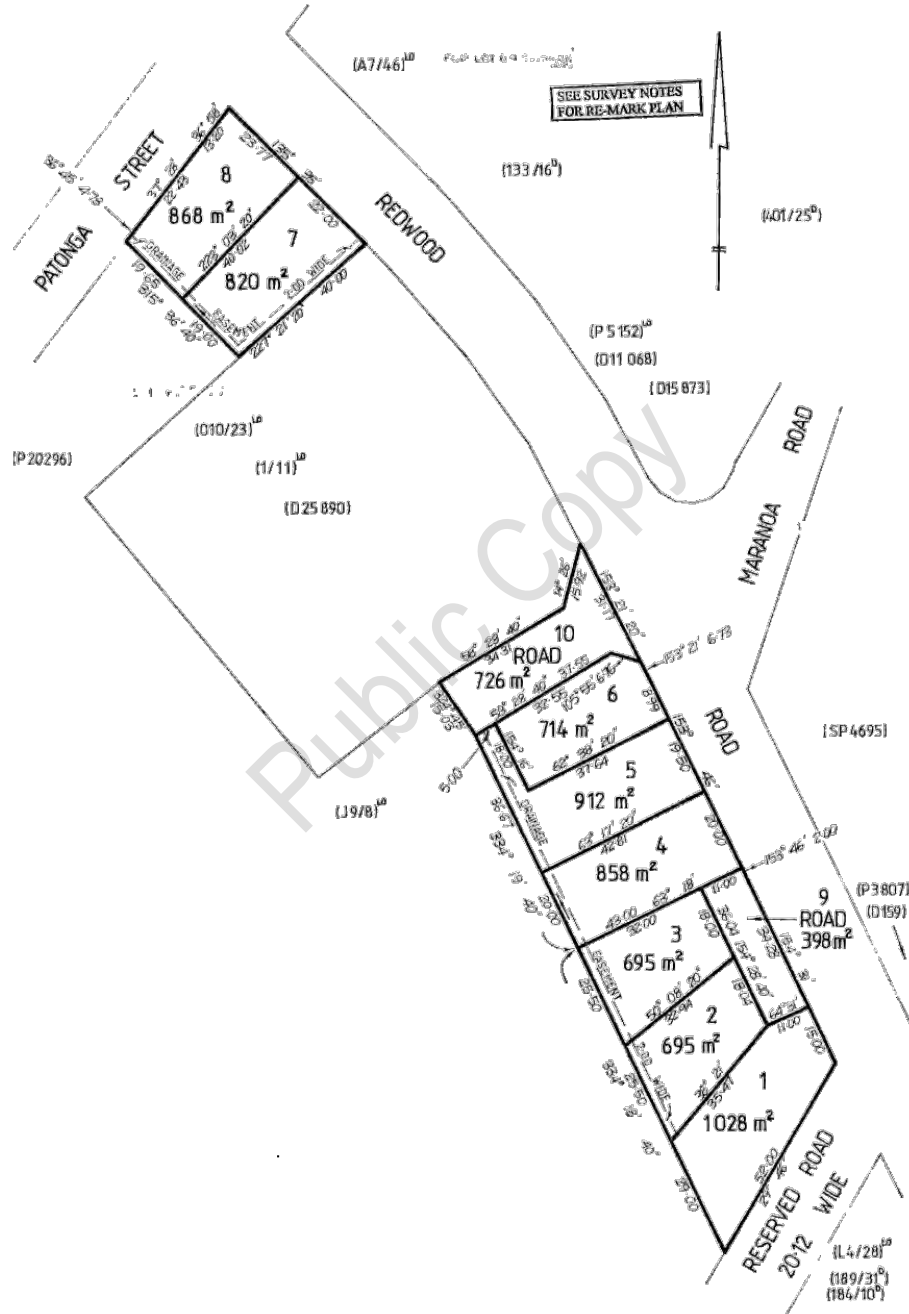
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



94-100

Owner: The WARDEN, CLERKS AND ELECTORS OF THE MUNICIPALITY OF KINGBOROUGH	PLAN OF SURVEY by Surveyor: A. C. PRADDER of land situated in the	Registered Number: S.P.27779
Title Reference: CT 3 797-71	TOWN OF KINGSTON	Approved: Effective from: 30-09-2024
Granted: PART OF LOT 187 665, 845m ² GND TO THE WARDEN, CLERKS AND ELECTORS OF THE MUNICIPALITY OF KINGBOROUGH PART OF LOT 1, SEC A, 14-0-28, GND TO WILLIAM CLARK HODGKIN, PART OF LOT 3, SEC A, 4-3-3140 GND TO DOROTHY ISABEL MOORE PART OF 18-3-20, SEC A, GND TO EDWARD JAMES & GEORGE JAMES	SCALE 1: 750 MEASUREMENTS IN METRES	Filed by: Recorder of Titles



Search Date: 27 Sep 2024

Search Time: 03:18 PM

Volume Number: 27779

Revision Number: 01

Page 1 of 1

Department of Natural Resources and Environment Tasmania
Version: 1, Version Date: 30/09/2024

www.thelist.tas.gov.au



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PLAN NO.

S.P27779

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

THIS COPY SCHEDULE CONSISTS OF 1 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

Each lot on the plan is subject to:—



- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows. Lots 7 and 8 are each subject to a right of drainage for the Warden Councillors and Electors of the Municipality of Kingborough over such portion of the drainage easement 2.00 wide on the plan passing through such lot

except Lots 9 and 10

FENCING PROVISION: In respect of each Lot shown on the Plan/the Vendor (Argyle Developments Pty. Ltd.) shall not be required to fence.

THE COMMON SEAL of ARGYLE)
DEVELOPMENTS PTY. LTD. as)
the registered proprietor)
of the land comprised in)
Certificate of Title Volume)
3797 Folio 71 was hereunto)
affixed in the presence of:)


DIRECTOR

SECRETARY



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



64413

Public Copy

This is the schedule of easements attached to the plan of (Insert Subdivider's Full Name)

ADGYLE DEVELOPMENTS PTY LTD affecting land in

C.T. 3797-71
(Insert Title Reference)

Scaled by **Municipality of Kingborough** on **18th Nov 1985**

Solicitor's Reference **10**
Council Clerk/Town Clerk

Search Date: 27 Sep 2024

Search Time: 03:18 PM

Volume Number: 27779

Revision Number: 01

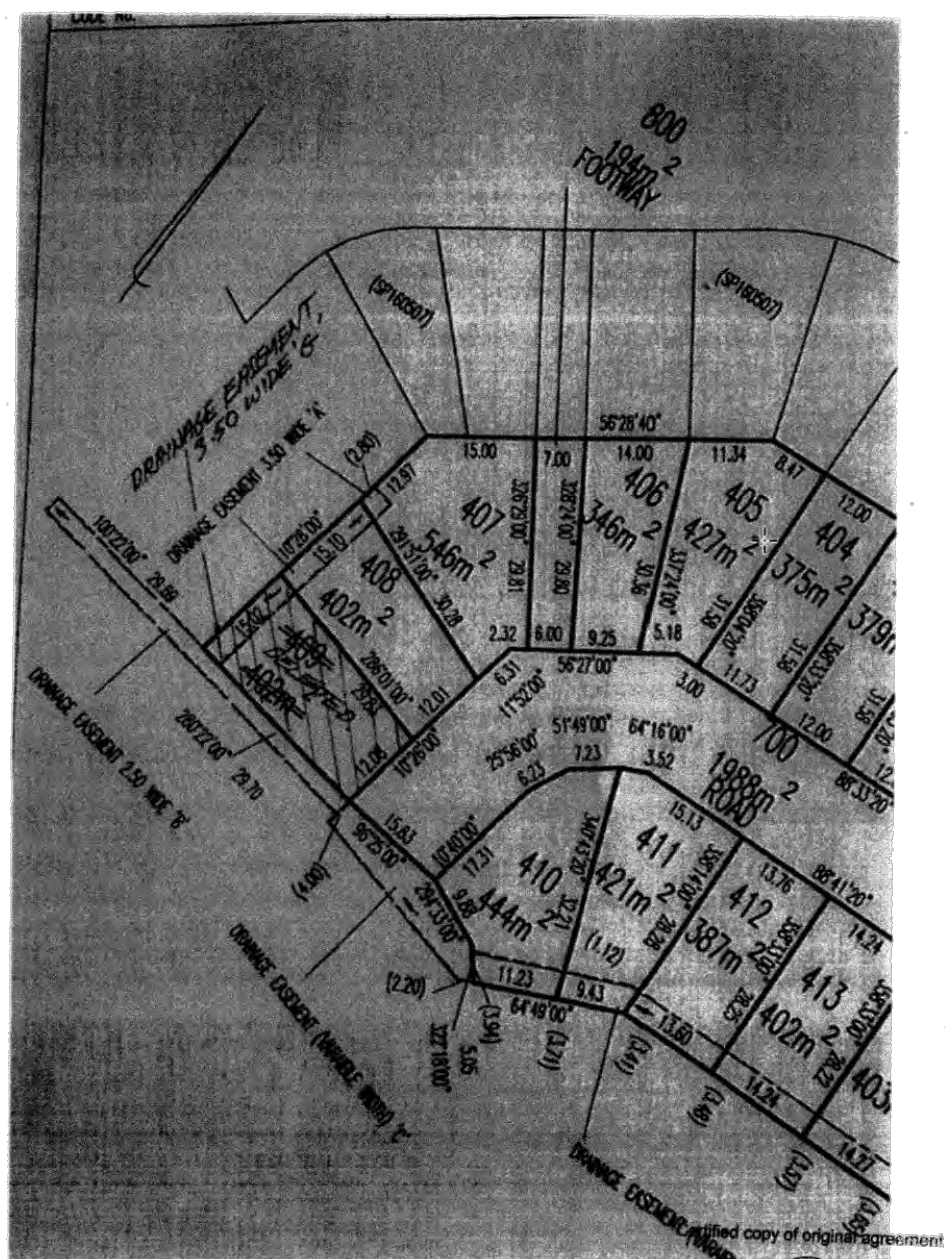
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Version: 1, Version Date: 30/09/2024

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Annexure "B"

Plan



Dobson Mitchell Allport

General Manager, Kingborough Council

Part 5 Agreement T-T1098283-1

Document Set ID: 4504166
Version: 1, Version Date: 26/08/2024

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 28981	FOLIO 9
EDITION 1	DATE OF ISSUE 02-May-1994

SEARCH DATE : 27-Sep-2024

SEARCH TIME : 03.18 PM

DESCRIPTION OF LAND

Town of KINGSTON

Lot 9 on Sealed Plan 28981

Derivation : Part of Lot 1 (Section A) Gtd. to K.C. Hodgman &
Part of Lot 3 (Section A) Gtd. to D.I. Moore.

Prior CT 4274/32

SCHEDULE 1

REDWOOD VILLAGE PTY. LTD.

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 28981 EASEMENTS in Schedule of Easements

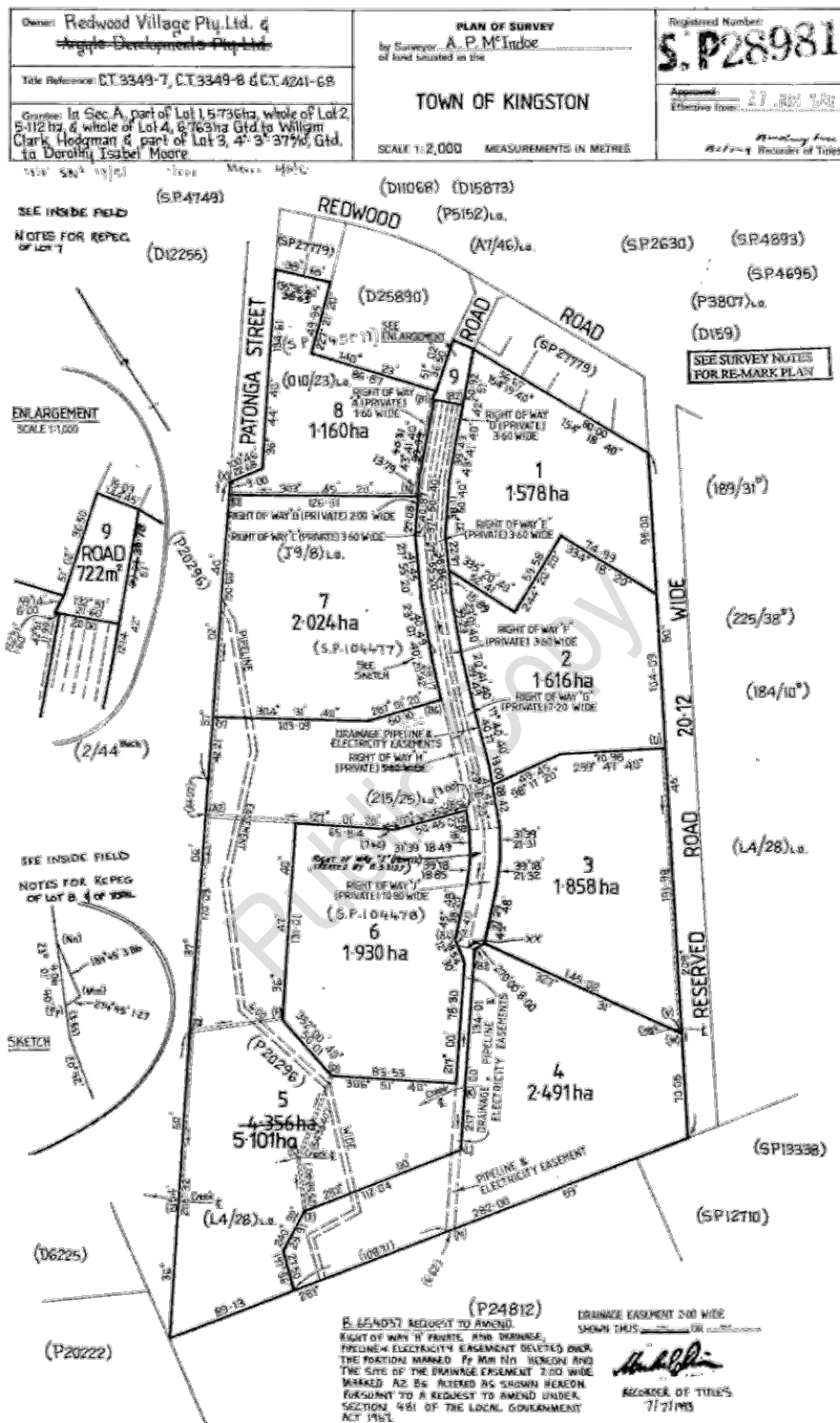
B43307 MORTGAGE to Australia and New Zealand Banking Group
Limited Registered 28-Apr-1986 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PLAN NO.

S.P28981

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS THIS COPY SCHEDULE CONSISTS OF 13 PAGE/S

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn 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 à prendre described hereunder.

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

LOT 1 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. ^{By Mm Nn} on the Plan

LOT 1 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K. on the Plan

LOT 1 is together with a right of drainage over the Drainage Easement marked N.O.Y.A2.Q.Z. on the Plan

LOT 1 is together with a right of drainage over the Drainage Easement marked B.5.A.2. on the Plan

LOT 1 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. ^{By Mm Nn} on the Plan

LOT 1 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 1 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked M.L. on the Plan

LOT 1 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. ^{By Mm Nn} on the Plan

LOT 1 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

THE COMMON SEAL of REDWOOD VILLAGE PTY. LIMITED being the registered Proprietor of the land comprised in Certificate of Title Volume 3349 Folio 7 ^{3349/1} was hereunto affixed in the presence of:

[Handwritten signatures and stamps]
REDWOOD VILLAGE PTY. LIMITED COMMON SEAL



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



LOT 1 is, together with an electricity easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 2 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6A on the Plan

LOT 2 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K. on the Plan

LOT 2 is together with a right of drainage over the Drainage Easement 2.00 wide marked B5.A2.Q.Z. on the Plan

LOT 2 is together with a right of drainage over the Drainage Easement 2.00 wide marked U.V. on the Plan

LOT 2 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6A on the Plan

LOT 2 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 2 is together with a pipeline easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 2 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6A on the Plan

LOT 2 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 2 is together with an electricity easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 2 is together with a right of carriageway over the Right of Way D (Private) 3.60 wide on the Plan

LOT 3 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6A on the Plan

LOT 3 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K. on the Plan

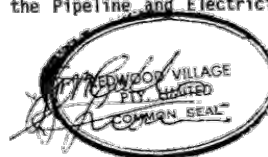
LOT 3 is together with a right of drainage over the Drainage Easement 2.00 wide marked B5.A2.Q.Z. on the Plan

LOT 3 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6A on the Plan

LOT 3 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 3 is together with a pipeline easement over the Pipeline and Electricity Easement marked M.L. on the Plan

THE COMMON SEAL of REDWOOD VILLAGE PTY. LIMITED being the registered Proprietor of the land comprised in Certificate of Title Volume 3349 Folio 7 was hereunto affixed in the presence of:





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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ment.

ANNEXURE REFERRED TO (Page 1)

S. P28981

Annexure to Memorandum of dated

from to

LOT 3 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. ^{Sp Mm Nn} on the Plan

LOT 3 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 3 is together with an electricity easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 3 is together with a right of carriageway over the Right of Way E (Private) 3.60 wide on the Plan

LOT 3 is together with a right of carriageway over the Right of Way G (Private) 7.20 wide on the Plan

LOT 3 is subject to a right of drainage (appurtenant to Lot 2 on the Plan) over the Drainage Easement 2.00 wide marked U.V. on the plan

LOT 3 is subject to a right of drainage (appurtenant to Lot 4 on the Plan) over the Drainage Easement 2.00 wide marked W.V. on the plan

LOT 4 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. ^{Sp Mm Nn} on the Plan

LOT 4 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 4 is together with a right of drainage over the Drainage Easement 2.00 wide marked S.T. on the Plan

LOT 4 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked K.L. on the Plan

LOT 4 is together with a right of drainage over the Drainage Easement 2.00 wide marked W.V. on the Plan

THE COMMON SEAL of REDWOOD VILLAGE
PTY. LIMITED being the Registered
Proprietor of the land comprised in
Certificate of Title Volume 3349
Folio 7 / F 3349/8 & C71/424/268
was hereunto affixed in
the presence of:

(Witness)

Directors

REDWOOD VILLAGE
PTY. LIMITED
COMMON SEAL

NOTE: — Every annexed sheet shall 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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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054/04

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S. P28981

Annexure to Memorandum of dated

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LOT 4 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked K.L. on the Plan

LOT 4 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. ^{pp Mn Mh} on the Plan

LOT 4 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 4 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. ^{pp Mn Mh} on the Plan

LOT 4 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked K.L. on the Plan

LOT 4 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 4 is together with a right of carriageway over the Right of Way F (Private) 3.60 wide on the Plan

LOT 4 is together with a right of carriageway over the Right of Way J (Private) 10.80 wide on the Plan

LOT 4 is subject to a pipeline easement over the Pipeline and Electricity Easement marked M.L. (appurtenant to Lots 1, 2, 3, 5, 6, 7 and 8) on the Plan

LOT 4 is subject to an electricity easement over the Pipeline and Electricity Easement marked M.L. (appurtenant to Lots 1, 2, 3, 5, 6, 7 and 8) on the Plan

LOT 5 is together with a pipeline easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 5 is together with an electricity easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 5 is together with a right of drainage over the Drainage Easement 2.00 wide marked N.O.Y. on the Plan

NOTE: — Every annexed sheet shall 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.

THE COMMON SEAL of REDWOOD VILLAGE PTY. LIMITED being the Registered Proprietor of the land comprised in Certificate of Title Volume 3349 Folio 7 was hereunto affixed in the presence of:



SCHEDULE OF EASEMENTS

RECORDED OF TITLES

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ment.

05-564 ANNEXURE REFERRED TO (Page 1)

S. P28981

Annexure to Memorandum of dated[illegible]

LOT 5 is subject to a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 5 is subject to a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6^{B M N} (appurtenant to Lots 1, 2, 3, 5, 6, 7, 8 and 9) on the Plan

LOT 5 is subject to a right of drainage over the Drainage Pipeline and Electricity Easement marked K.L. (appurtenant to Lot 4) on the Plan

LOT 5 is subject to a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K. (appurtenant to Lots 1, 2, 3, 4, 6, 7, 8 and 9) on the Plan

LOT 5 is subject to a pipeline easement over the Pipeline Easement marked X.X.K.L. (appurtenant to Lots 1, 2, 3, 4, 6, 7 and 8) on the Plan

LOT 5 is subject to a pipeline easement over the Pipeline Easement marked
B1. B2. B3. B4. B5. B6. ^{Ap Mm Nn} (appurtenant to Lots 1, 2, 3, 4, 6, 7 and 8) on the
Plan

LOT 5 is subject to an electricity easement over the Electricity Easement marked X.X.K.L. (appurtenant to Lots 1, 2, 3, 4, 6, 7 and 8) on the Plan

LOT 5 is subject to an electricity easement over the Electricity Easement marked B1. B2. B3. B4. B5. B6.^{Pp Mm Nn}A (appurtenant to Lots 1, 2, 3, 4, 6, 7 and 8) on the Plan

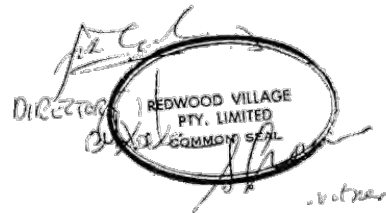
LOT 5 is subject to a right of carriageway over the Right of Way B (Private)
on the Plan 2.00 wide (appurtenant to Lot 7)

LOT 5 is subject to a right of carriageway over the Right of Way C (Private)
on the Plan 3.60 wide (appurtenant to Lot 6)

LOT 5 is subject to a right of carriageway over the Right of Way D (Private)
on the Plan 3.60 wide (appurtenant to Lot 2)

NOTE:— Every annexed sheet shall 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.

THE COMMON SEAL OF REDWOOD VILLAGE PTY. LIMITED being the Registered Proprietor of the land comprised in Certificate of Title Volume 3349 Folio 7/1 was hereunto affixed in the presence of:





SCHEDULE OF EASEMENTS

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055584

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S. P28981

Annexure to Memorandum of dated

from to

LOT 5 is subject to a right of carriageway over the Right of Way E (Private)
on the Plan 3.60 wide (appurtenant to Lot 3)

LOT 5 is subject to a right of carriageway over the Right of Way F (Private)
on the Plan 3.60 wide (appurtenant to Lot 4)

LOT 5 is subject to a right of carriageway over the Right of Way G (Private)
on the Plan 7.20 wide (appurtenant to Lot 3)

LOT 5 is subject to a right of carriageway over the Right of Way H (Private)
on the Plan ~~5.60 wide~~ (appurtenant to Lot 6)

LOT 5 is subject to a right of carriageway over the Right of Way J (Private)
on the Plan 10.80 wide (appurtenant to Lot 4)

LOT 5 is subject to a right of drainage over the Drainage Easement 2.00 wide
marked Y.A2 (appurtenant to Lots 1, 7, 8 and 9) on the Plan and The Warden
Councillors and Electors of the Municipality of Kingborough

LOT 5 is subject to a right of drainage over the Drainage Easement 2.00 wide
marked B5.A2 (appurtenant to Lots 1, 2, 3, 6, 7, 8 and 9) on the Plan

LOT 5 is subject to a right of drainage over the Drainage Easement 2.00 wide
marked P.Q. (appurtenant to Lot 6)

LOT 5 is subject to a right of drainage over the Drainage Easement 2.00 wide
marked R.S. (appurtenant to Lot 6)

LOT 5 is subject to a right of drainage over the Drainage Easement 2.00 wide
marked S.T. (appurtenant to Lot 4)

LOT 5 is subject to a right of drainage over the Drainage Easement 2.00 wide
marked A2,Q.Z. (appurtenant to Lots 1, 2, 3, 6, 7, 8, 9 and The Warden
Councillors and Electors of the Municipality of Kingborough)

LOT 6 is together with a right of drainage over the Drainage Pipeline and
Electricity Easement marked B1. B2. B3. B4. B5. B6, ~~on~~ ^{to Mm Nn} the Plan

LOT 6 is together with a right of drainage over the Drainage Pipeline and
Electricity Easement marked X.X.K. on the Plan

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ing, 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.

THE COMMON SEAL of REDWOOD VILLAGE
PTY. LIMITED being the Registered
Proprietor of the land comprised in
Certificate of Title Volume 3349
Folio 7 was hereunto affixed in
the presence of:

REDWOOD VILLAGE
PTY. LIMITED
COMMON SEAL
Director
Witness

Search Date: 27 Sep 2024

Search Time: 03:18 PM

Volume Number: 28981

Revision Number: 06

Page 6 of 15

Department of Natural Resources and Environment Tasmania
Version: 1, Version Date: 30/09/2024

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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Annexure to Memorandum of **S. P28981** dated

from to

LOT 6 is together with a right of drainage over the Drainage Easement 2.00 wide marked B5.A2 Q.Z. on the Plan

LOT 6 is together with a right of drainage over the Drainage Easement 2.00 wide marked P.Q. on the Plan

LOT 6 is together with a right of drainage over the Drainage Easement 2.00 wide marked R.S. on the Plan

LOT 6 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

LOT 6 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 6 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

LOT 6 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 6 is together with a right of carriageway over the Right of Way C (Private) 3.60 wide on the Plan

LOT 6 is together with a right of carriageway over the Right of Way H (Private) 5.60 wide on the Plan

LOT 6 is together with a pipeline easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 6 is together with an electricity easement over the Pipeline and Electricity Easement marked M.L. on the Plan

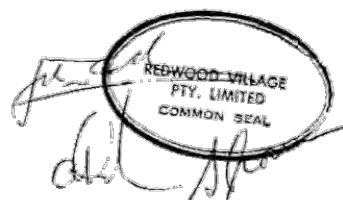
LOT 7 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan ✓

LOT 7 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K. on the Plan ✓

LOT 7 is together with a right of drainage over the Drainage Easement 2.00 wide marked B5.A2 on the Plan ✓

NOTE: — Every annexed sheet shall 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.

THE COMMON SEAL of REDWOOD VILLAGE)
PTY. LIMITED being the Registered)
Proprietor of the land comprised in)
Certificate of Title Volume 3349)
Folio 7 was hereunto affixed in)
the presence of:



Search Date: 27 Sep 2024

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Page 7 of 15

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Annexure to Memorandum of

date **S. P28981**

from

to

LOT 7 is together with a right of drainage over the Drainage Easement 2.00 wide marked Y.A2.Q.Z. on the Plan

LOT 7 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

LOT 7 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 7 is together with a pipeline easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 7 is together with an electricity easement over the Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

LOT 7 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 7 is together with an electricity easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 7 is together with a right of carriageway over the Right of Way B (Private) 2.00 wide on the Plan

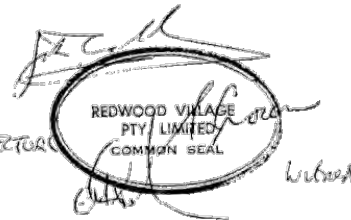
LOT 7 is together with a right of carriageway over the Right of Way A (Private) 1.60 wide on the Plan

LOT 7 is subject to a right of drainage over the Drainage Easement 2.00 wide marked O.Y. (appurtenant to Lots 1, 5, 8 and 9 and the Warden Councillors and Electors of the Municipality of Kingborough)

LOT 8 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

LOT 8 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K. on the Plan

THE COMMON SEAL of REDWOOD VILLAGE
PTY. LIMITED being the Registered
Proprietor of the land comprised in
Certificate of Title Volume 3349
Folio 7 was hereunto affixed in
the presence of:



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date

from

to

LOT 8 is together with a right of drainage over the Drainage Easement 2.00 wide marked B5.A2 on the Plan

LOT 8 is together with a right of drainage over the Drainage Easement 2.00 wide marked O.Y.A2.Q.Z. on the Plan

LOT 9 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

LOT 8 is together with a pipeline easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

LOT 8 is together with a pipeline easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 8 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

LOT 8 is together with an electricity easement over the Drainage Pipeline and Electricity Easement marked X.X.K.L. on the Plan

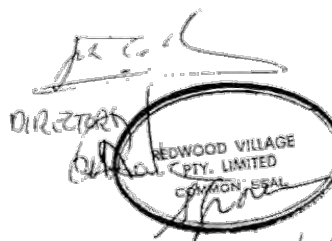
LOT 8 is together with an electricity easement over the Pipeline and Electricity Easement marked M.L. on the Plan

LOT 8 is subject to a right of drainage over the Drainage Easement 2.00 wide marked N.O. (appurtenant to Lots 1, 5 and 9) on the Plan

LOT 8 is subject to a right of drainage over the Drainage Easement 2.00 wide marked X.O. for the Warden Councillors and Electors of the Municipality of Kingborough

LOT 8 is subject to a right of carriageway (appurtenant to Lot 7 on the Plan) over the Right of Way A (Private) 1.60 wide on the Plan

THE COMMON SEAL of REDWOOD VILLAGE }
PTY. LIMITED being the Registered }
Proprietor of the land comprised in }
Certificate of Title Volume 3349 }
Folio 7/1 was hereunto affixed in }
the presence of:



NOTE: — Every annexed sheet shall 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.



SCHEDULE OF EASEMENTS

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LOT 9 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked B1. B2. B3. B4. B5. B6. on the Plan

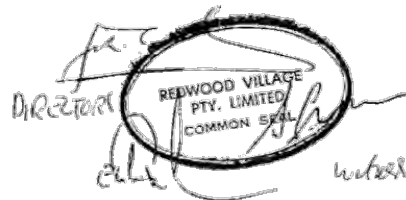
LOT 9 is together with a right of drainage over the Drainage Pipeline and Electricity Easement marked X.X.K. on the Plan

LOT 9 is together with a right of drainage over the Drainage Easement 2.00 wide marked N.O.Y.A2.Q.Z. on the Plan

LOT 9 is together with a right of drainage over the Drainage Easement 2.00 wide marked B5,A2. on the Plan

LOTS 4, 5 and 7 on the Plan are each subject to a right for The Warden Councillors and Electors of the Municipality of Kingborough (hereinafter called "the Grantee") and its successors and assigns and its servants and all other persons authorised in that behalf by the Grantee to lay and forever maintain water mains of such size and number as the Grantee may from time to time require through the Pipeline Easement 4.00 wide on the Plan and to use such water mains for the purpose of carrying and supplying water to such parts of the Municipality of Kingborough as the same from time to time may be required to serve. Together with the right for the Grantee from time to time and at all times with surveyors workmen and others to enter into and upon the said Pipeline Easement 4.00 wide to inspect the condition of the said water mains and to repair alter amend and cleanse the same and from time to time for the purposes aforesaid or any of them to bring and place upon the said Pipeline Easement 4.00 wide or any parts thereof such materials machinery and other things as it shall think proper and to dig up the surface of the same and the Vendor will not do or knowingly suffer

THE COMMON SEAL of REDWOOD VILLAGE)
PTY. LIMITED being the Registered)
Proprietor of the land comprised in)
Certificate of Title Volume 3349)
Folio 7 was hereunto affixed in)
the presence of:



NOTE:— Every annexed sheet shall 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.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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Annexure to Memorandum of dated

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anything which may in any way injure or damage the said water mains when so laid as aforesaid or interfere with the free flow and passage of water through the same and the Grantee for itself its successors and assigns hereby covenants with the Vendor that it will excavate make and lay the water mains below the surface of the said Pipeline Easement in a proper worklike manner and with good and substantial materials in all respects and will exercise due and reasonable care and skill in the exercise of the rights and liberties hereby granted and will remove and carry away all sand clay gravel stones and earth which will be excavated or taken out in laying the same water mains and in maintaining and repairing the same and will at all times repair and maintain the said water mains in such manner that the same shall not be or become a nuisance or inconvenience to the land of the Vendor or tenants or occupiers of such land or any part thereof and will in laying the said water mains and all works belonging thereto and in maintaining and repairing the same do as little damage or injury as possible to the surface of the said Pipeline Easement 4.00 wide and the crops for the time being thereon and that the Vendor may at all times use the surface of the said Pipeline Easement for all purposes except for building thereon.

DEFINITIONS

"Pipeline Easement" means a right to lay pipes including the right of construction of pipes for every person who is at any time entitled to an

THE COMMON SEAL of REDWOOD VILLAGE)

PTY. LIMITED being the Registered)

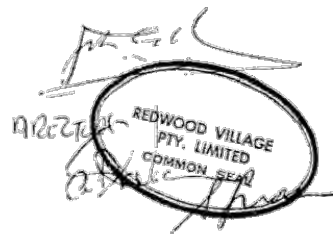
Proprietor of the land comprised in)

Certificate of Title Volume 3349)

Folio 7 C/T 3349/8 & C/T 4241/68)

was hereunto affixed in)

the presence of:)



NOTE:— Every annexed sheet shall 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.



SCHEDULE OF EASEMENTS

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Annexure to Memorandum of

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COVENANTS

The owners of each lot on the Plan except Lots 5, 8 and 9 covenants FIRSTLY with REDWOOD VILLAGE PTY. LIMITED (hereinafter called "the Vendor") that the Vendor shall not be required to fence.

SECONDLY with the Vendor and the owners for the time being of every other lot shown on the Plan except Lots 5, 8 and 9 to the intent that the burden of this covenant may run with and bind the covenantor's Lot and every part thereof shall be annexed to and devolve with each and every part of every other Lot shown on the Plan except Lots 5, 8 and 9 to observe the following stipulations:-

(a) Not to use such Lot or any part thereof other than for the purpose of the erection of residential home units;

~~(b) Not to permit or allow any such home unit to be occupied on a permanent basis by any person or persons other than those who are aged 50 years or over PROVIDED ALWAYS THAT where there are two occupants of a residential home unit who are cohabiting in a matrimonial relationship and one of the two occupants is under the age of Fifty (50) years this covenant shall be deemed not to have been breached;~~

(c) Not to permit or allow any such unit on such Lot or any part thereof to be used other than for a residence;

(d) Not to erect any boundary or internal fence on the said Lot save for any such fence which is approved of in writing by the Vendor;

(e) The Vendor reserves the right in respect to such Lot or any part thereof to waive or alter any of the aforesaid covenants or conditions.

~~Provided Further Always that where an occupier of a Residential Home Unit is under the age of 50 years, is a registered proprietor and who holds his registered proprietorship either by transmission or by survivorship and a deceased registered proprietor who was not under the age of 50 years this covenant shall be deemed not to have been breached.~~

THE COMMON SEAL of REDWOOD VILLAGE PTY. LIMITED being the Registered Proprietor of the land comprised in Certificate of Title Volume 3349 Folio 7/1 was hereunto affixed in the presence of:

REDWOOD VILLAGE PTY. LIMITED
COMMON SEAL
Director
Note

NOTE: — Every annexed sheet shall 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.

"Covenant (b) above deleted by me and covenant (b) overleaf inserted by me pursuant to a request to Amend No. 3110153 made under Section 481 of the Local Government Act 1992.

24/7/1987 Acting Recorder of Titles.



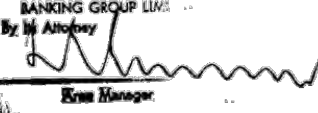
SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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As mortgagee under mortgage No. B42307
**AUSTRALIA AND NEW ZEALAND
 BANKING GROUP LIMITED** By
 Its Attorney
DAVID KEITH DIMSEY
 (who hereby certifies that
 he has received no notice
 of revocation of POWER
 OF ATTORNEY NO. 54/8529
 under which this Instrument
 is signed in the presence of
 Best Evidence Officers)

**AUSTRALIA AND NEW ZEALAND
 BANKING GROUP LIMITED**
 By Its Attorney

 Area Manager

2. (b) Not to permit or allow any such home unit to be occupied on a permanent basis by any person or persons other than those who are aged Fifty (50) years or over PROVIDED ALWAYS THAT where there are two occupants of a residential home unit who are cohabiting in a de jure or de facto matrimonial relationship and one of the two occupants is under the age of Fifty (50) years this covenant shall be deemed not to have been breached and upon the death of one of them the same shall not be deemed to have been breached if the residential home unit is occupied by the survivor of them.

Public Copy



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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Annexure to Memorandum of _____ dated _____

from _____ to _____

estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment for the purpose of carrying away or conducting water sewerage stormwater surplus water or any other liquid from the dominant tenement or any such part thereof over or under the land marked Drainage Pipeline and Electricity Easement and Pipeline and Electricity Easement (herein called "the said strip of land") and through all pipes which may hereafter be made or passing under through and along the said strip of land and the right for every such person and his surveyors and workmen from time to time and at all times hereafter if he or they should think fit to enter into and upon the said strip of land and to inspect repair cleanse and amend any such pipe without doing unnecessary damage to the said strip of land.

"Electricity Easement" means a right to lay wires lines or other electrical material or materials necessary for the conduct of electricity (including the right of construction of all wires and lines) for every person who is at any time entitled to an estate or interest in possession in the land herein indicated as the dominant tenement or any part thereof with which the right shall be capable of enjoyment for the purpose of carrying electricity from the dominant tenement or any such part thereof over or under the land marked Drainage Pipeline and Electricity Easement and Pipeline and Electricity Easement on the Plan (herein called "the said strip of land") and through all wires which may hereafter be made or passing under through and along the said strip of land and the rights of every such person and his surveyors and workmen from time to time and at all times hereafter if he or they should think fit to enter into and upon the said strip of land and to inspect repair cleanse and amend any such wires or wiring or lines without doing unnecessary damage to the said strip of land.

NOTE: — Every annexed sheet shall 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.

THE COMMON SEAL of REDWOOD VILLAGE
PTY. LIMITED being the Registered
Proprietor of the land comprised in
Certificate of Title Volume 3349
Folio 7/1A was hereunto affixed in
the presence of:

Director
Chair
intex



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Letters Pp.Mm.Nn. added and Wording "5.60 wide" deleted by me
pursuant to Request to Amend Sealed Plan No.28981 No.B654037
this 7th day July 1993

RECORDER OF TITLES

This is the schedule of easements attached to the plan of **Redwood Village Pty. Ltd.**
(Insert Subdivider's Full Name)

affecting land in

C/T 3349/7, C/T 3349/8 & C/T 4241/68
(Insert Title Reference)

Sealed by **MUNICIPALITY OF LINCOLN** on **5th May 1986**

Solicitor's Reference **100/100/100** Council Clerk/Town Clerk



Submission to Planning Authority Notice

Application details

Council Planning Permit No.	DA-2024-286
Council notice date	30/08/2024
TasWater Reference No.	TWDA 2024/01051-KIN
Date of response	20/02/2025
TasWater Contact	Al Cole
Phone No.	0439 605 108
Trade Waste Contac	Scott James
Phone No.	0417 240 264

Response issued to

Council name	KINGBOROUGH COUNCIL
Contact details	kc@kingborough.tas.gov.au

Development details

Address	67 VILLAGE DR, KINGSTON
Property ID (PID)	9548905
Description of development	Residential aged care facility, cafe and associated works

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Gandy And Roberts	Overall Site Plan 01 – C010 & C011	F	30/01/2025
Gandy And Roberts	Sewer Plan – C500	F	30/01/2025
Gandy And Roberts	Water Plan – Village Drive Services Plan –C600	F	30/01/2025
AllUrbanPlanning	Planning Report	-	23/08/2024
Gandy And Roberts	Concept Services Report	-	14/08/2024

Conditions

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

Tasmanian Water & Sewerage Corporation Pty Ltd
GPO Box 1393 Hobart, TAS 7001
development@taswater.com.au
ABN: 47 162 220 653

**CONNECTIONS, METERING & BACKFLOW**

1. A suitably sized water supply with metered connection(s) and sewerage system and connection to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.

NOTE: TasWater will not accept direct fire boosting from the network. To this end break tanks will be required with the rate of flow into the break tank controlled so that peak flows to fill the tank do not also cause negative effect on the network.

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/use of the development, any water connection utilised for construction must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.

TRADE WASTE

4. Prior use of the development the developer/property owner must obtain Consent to discharge Trade Waste from TasWater.
5. The developer must install appropriately sized and suitable pre-treatment devices prior to gaining Consent to discharge.
6. The Developer/property owner must comply with all TasWater conditions prescribed in the Trade Waste Consent

ASSET CREATION & INFRASTRUCTURE WORKS

7. Prior to applying for Certificate(s) for Certifiable Work (Building and/or Plumbing) / Engineering Design Approval, the developer must physically locate all existing infrastructure to provide sufficient information for accurate design and physical works to be undertaken.
8. Prior to applying for Engineering Design Approval/a Certificate(s) for Certifiable Work (Building and/or Plumbing) the applicant must provide to TasWater their defined water demands for review, accompanied by a recent hydrant test that can be used to calibrate any modelling used for the design.
Reason for condition: to ensure that all parties understand the water servicing requirements for this project. Modelling was undertaken and identified there are capacity constraints in the existing network at 67 Village Drive, Kingston (pipe A423819) that will impact supply this proposed development.
9. Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) / Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
10. Prior to applying for a Permit to Construct/the issue 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.
11. 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.



12. Prior to undertaking any works related to water and sewerage, physical markers must be in place that clearly identify where water and/or sewer connections are to be made in accordance with any approved plan to TasWater's satisfaction.
13. 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.
14. Prior to the issue of 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.
15. After testing/disinfection, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
16. At practical completion of the water and sewerage works and prior to 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.

17. 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.
18. 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.
19. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
20. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new



TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

21. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement requirements.
22. Prior to the issue of a Certificate of Practical Completion from TasWater, the applicant must submit a copy of the completed Transfer for the provision of a Pipeline and Services Easement(s) to cover existing/proposed TasWater infrastructure as required by condition 20. All costs and expenses related to the transfer of easement(s)/lots to TasWater are to be paid by the developer.

The developer must locate the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

56W CONSENT

23. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the Water and Sewerage Industry Act 2008 for its consent in respect of that part of the development which is built within two metres of TasWater infrastructure.

DEVELOPER CHARGES

24. Prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing), the applicant or landowner as the case may be, must pay a developer charge totalling \$143,926.41 to TasWater for water infrastructure for 81.916 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.
25. Prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing), the applicant or landowner as the case may be, must pay a developer charge totalling \$214,173.03 to TasWater for sewerage infrastructure for 121.897 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.

DEVELOPMENT ASSESSMENT FEES

26. The applicant or landowner as the case may be, must pay a development assessment fee of \$1,307.93, to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

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

Advice

General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/building-and-development/technical-standards>



For application forms please visit

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

Developer Charges

For information on Developer Charges please visit the following webpage –

<https://www.taswater.com.au/building-and-development/developer-charges>

Water Submetering

As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website (www.taswater.com.au) within our Sub-Metering Policy and Water Metering Guidelines.

Water Servicing

Total boundary heads (HGL), and pressures, at the proposed connection point(s) with the reservoir set to 1/3rd full are:

Location	Street	H.G.L. Peak hour	Pressure kPa Peak Hour	H.G.L Peak day + 35 l/s fire flow	Pressure Peak day +35 l/s Fire
A423819	Redwood Road	135	255	134	245
Scenario undertaken with a new DN150 Pipe	Village Dr	135	392	129	333

From the DN250 pipe (A423819), we have allocated a DN150 connection. Modelling shows that this site is unable to achieve the required 500kPa pressure during fire flow, and it is not reaching that level on peak demand days. To meet the desired 500kPa pressure, the developer will need to install on-site fire tanks and pumps.

The reservoir is at an elevation of 137 meters, while the site is at 95 meters, resulting in a difference of 42 meters. Achieving 500kPa pressure is not feasible, even during peak hours.

Note: The site is supplied by two reservoirs: Baynton St and Boronia. Baynton St is already fully committed, even without this development, but Boronia has available capacity.

These are heads within the Taswater network, so they do not account for losses in customer piping and fittings. This result is based on a sound but imperfect knowledge of conditions on the field and those who use this

Trade Waste



Prior to any Building and/or Plumbing work being undertaken, the applicant will require a Certificate for Certifiable Work (Building and/or Plumbing). The Certificate for Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council. Documentation must include a floor and site plan with:

Location of all pre-treatment devices (i.e Grease Arrestor/Dry Basket Arrestors)

Schematic drawings and specification (including the size and type) of any proposed pre-treatment device and drainage design.

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.
- (a) how the pipe location and depth were ascertained.
- (b) The location of the property service connection and sewer inspection opening (IO).

56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (c) Existing pipe depth and proposed finished surface levels over the pipe;
- (d) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (e) A note on the plan indicating how the pipe location and depth were ascertained.
- (f) The location of the property service connection and sewer inspection opening (IO).

Declaration

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

OPEN SESSION RESUMES

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

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

16 OFFICERS REPORTS TO COUNCIL

16.1 COUNCILLOR GIFTS AND BENEFITS POLICY

File Number: 12.214

Author: Dr Katrena Stephenson, Acting Director Governance, Recreation & Property Services

Authoriser: Dave Stewart, Chief Executive Officer

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 To review and update the Councillors' Gifts and Benefits Policy (the Policy).

2. BACKGROUND

2.1 The current policy was approved by Council in February 2021.

2.2 The policy provides guidance to Councillors regarding the issue of being offered or receiving gifts and benefits.

3. STATUTORY REQUIREMENTS

3.1 The *Local Government Act 1993* and the *Local Government (General) Regulations 2015* contain a number of prescriptions related to gifts and benefits. These are outlined in the policy.

4. DISCUSSION

4.1 Primarily changes have been made to the Policy to ensure alignment with current legislation and Council's *Code of Conduct*.

4.2 It is noted that the current Office of Local Government Discussion Paper on Local Government elections includes the proposition that:

4.2.1 Requirements around the reporting of gifts and benefits be extended to all candidates, not just incumbent councillors; and

4.2.2 That all candidates, including incumbent councillors, be required to lodge a donation return with the TEC related to the election period.

4.3 As this consultation is at an early stage, with no draft bill yet available, it is recommended that the policy be updated against current legislation and reviewed again should there be legislative change.

5. FINANCE

5.1 N/A

6. ENVIRONMENT

6.1 N/A

7. COMMUNICATION AND CONSULTATION

7.1 The updated Policy will be uploaded to the Council Website.

7.2 The *Councillor Gifts and Donations Register* is updated every quarter on the website.

8. RISK

8.1 No risk is identified in updating the Policy.

9. CONCLUSION

9.1 An administrative review of the Councillors' Gifts and Benefits Policy has occurred and is recommended for approval.

10. RECOMMENDATION

That the amended Councillors' Gifts and Benefits Policy 1.16 as attached to this report be approved.

ATTACHMENTS

- 1. Existing Policy with Track Changes**
- 2. Updated Policy for Approval**

EXISTING POLICY WITH TRACK CHANGES



Councillors' Gifts & Benefits Policy

NOTE: The proposed electoral changes include the following in relation to Gifts and Benefits

1. Extension of requirements currently with councillors to all candidates
2. Requirements to lodge a donation return with the TEC after elections which will apply to incumbent councillor candidates

As this only applies to elections and is not yet in a draft bill format, suggest any further update be done next year if required.

Policy No:	1.16
Approved by Council:	February 2021 <u>April 2025</u>
New Review Date:	February 2025 <u>April 2029</u>
Minute No:	C76/3-2021 <u>TBA</u>
ECM File No:	12.214
Version:	4.05 <u>0</u>
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.



Councillors Gifts & Benefits Policy 1.16

1. POLICY STATEMENTS

- 1.1 The Gifts and Benefits Policy is to provide guidance to Councillors regarding the issue of being offered or receiving gifts or benefits to support compliance with the requirements of both the Local Government (General) Regulations 2015 and and compliments the requirements for gifts and benefits in the relevant provisions in Council's Model Code of Conduct.
- 1.2 The Policy also ensures that in dealing with any gifts, benefits or the offer of gifts or benefits that Councillors are not influenced in the performance of their duties and that there is no perception of undue influence due to these offers.

2. DEFINITIONS

- 2.1 **"Councillors"** means a person elected to Council and includes the Mayor and Deputy Mayor
- 2.2 **"Gift"** ~~means a tangible item provided at no charge. Gifts may include, but are not limited to items such as cash, property (real or otherwise), goods and services made available at heavily discounted prices, alcohol, clothes, products, invitations to social functions and tickets to sporting, theatrical or music events, a loan of property.~~ as defined in the regulations is "an item, service, loan of money, loan of property or any other benefit with a monetary value".
- 2.3 **"Cumulative Aggregated gift or benefit"**, ~~in alignment with the regulations, means an item, service or other benefit that is part of a series of gifts or donations received by a councillor from the same donor, means a series of gifts of nominal value from the same person or organisation over a specified period which may have an aggregate value that is significant.~~
- 2.4 **"Gift of influence"** means a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future
- 2.5 **"Gift of gratitude"** means a gift offered to an individual or department in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions may be considered an example of gifts of gratitude.
- 2.6 **"Benefit"** means a non-tangible item which is believed to be of value to the receiver (i.e. preferential treatment such as queue jumping, access to confidential information and hospitality)
- 2.7 **"Hospitality"** means the provision of accommodation, meals, refreshments or other forms of entertainment.
- 2.8 **"Bribe"** means a gift or benefit given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.
- 2.9 **"Cash"** means money or vouchers which are readily convertible
- 2.10 **"Nominal value"** means the monetary limit of the value of gifts or benefits that may be accepted (i.e. total value of gift or benefit received). A gift or benefit is of nominal value when it has no significant or lasting value in excess of \$50.00.
- 2.11 **"Significant value"** means a gift or benefit that has a value above the nominal value limit.
- 2.12 **"Token"** means a value under the nominal value limit.
- 2.13 **"Non-token"** means items that are of a more individual nature, with a value above the nominal value limit. Items may include; free or discounted travel; use of holiday homes; corporate hospitality at major sporting events; free training excursions; tickets to major events, and access to confidential information.



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- 2.14 **"Conflict of interest"** means any situation in which an individual or corporation (either private or government) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.
- 2.15 **"Public perception"** means the perception of a fair-minded person in possession of the facts.
- 2.16 **"Gifts and Benefits Declaration Form"** means a form to be completed (example template at attachment [1A](#)), when an individual receives a gift or benefit of a non-token nature above the nominal limit or receives a series of token gifts or benefits in a specified time that may have significant aggregate value (~~Cumulative~~[Aggregated Gift or Benefit](#)).

3. OBJECTIVE

- 3.1 The Policy provides a clear understanding of Councillors' responsibilities in relation to receiving or being offered gifts or benefits to ensure that the integrity of individual Councillors and Council as a corporation is protected as well as compliance with Council's Code of Conduct [and the Local Government \(General\) Regulations 2015](#).

4. SCOPE

- 4.1 The policy applies to all gifts and benefits offered to or received by Councillors in their role as officers of the Council.

5. PROCEDURE (POLICY DETAIL)

5.1 General

- 5.1.1 Councillors at all times and in all circumstances must be seen to be fair, impartial and unbiased.
- 5.1.2 Council's Code of Conduct "Gifts and Benefits" outlines the provisions in relation to Councillors being offered a gift or benefit.
- ~~5.1.3~~ 5.1.3 The Code of Conduct states: ["A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits and carries out their duties without being influenced by personal gifts or benefits"](#).
- ~~5.1.3~~ 5.1.4 A breach of the clauses within the Code of Conduct will be treated as a breach of the Code of Conduct.
- ~~5.1.4~~ 5.1.5 Councillors should actively discourage offers of gifts and benefits and must not solicit gifts or benefits.
- ~~5.1.5~~ 5.1.6 Councillors must not take advantage of their official position to secure an unreasonable personal profit or advantage.
- ~~5.1.6~~ 5.1.7 People doing business with the Council should be encouraged to understand that they do not need to give gifts or benefits to Councillors to get high quality service.
- ~~5.1.7~~ 5.1.8 From time-to-time Councillors may be offered gifts or benefits. In some limited circumstances gifts and benefits may be accepted. Token gifts of nominal value may generally be received. Non- token gifts of significant value should not generally be accepted.
- ~~5.1.8~~ 5.1.9 Councillors should at all times be aware of the wider situation in which an offer of a gift or benefit is being made. For example, Councillors should consider whether the donor is in or may be seeking to enter into a business relationship with Council or may be applying to Council in relation to the exercise of Council's functions.



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~~5.1.95.1.10~~ Councillors must avoid situations that suggest that a person or body, through the provision of gifts or benefits, is attempting to secure favourable treatment from Council.

~~5.1.105.1.11~~ When deciding whether to accept or decline a gift or benefit, consideration should be given to both the value of the gift or benefit and also the intent of the gift or benefit being offered.

5.2 Acceptable gifts and benefits

5.2.1 Token gifts may be accepted by Councillors without disclosing details to the ~~General Manager~~ Chief Executive Officer or Mayor and without recording the details of the gift or benefit on the *Gifts and Benefits Declaration Form* or *Gifts Register* (attachments ~~A1~~ and ~~2B~~).

5.2.2 That said, Councillors who receive more than the specified number of token gifts of a nominal value from the same person or organisation, in a specified period must disclose that fact in the gifts and benefits register. ~~The period is specified in 5.11.~~

5.2.3 If a Councillor has any doubt if a gift or benefit is token or of nominal value they should discuss it with the ~~General Manager~~ Chief Executive Officer or Mayor.

5.3 ~~Non-acceptable gifts and benefits~~ Gifts and Benefits which are not acceptable

5.3.1 Accepting gifts of cash, cash-like gifts (such as gift cards and vouchers) or credit is prohibited.

5.3.2 Councillors should generally not accept gifts or benefits that appear to be non-token in nature or more than of a nominal value.

5.3.3 If a gift or benefit of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action may cause embarrassment), the offer and receipt of the gift or benefit must be declared via completion of ~~a~~ *Gifts and Benefits Declaration Form* (at attachment ~~1A~~) and the details must be recorded on the *Council Gift Register* (at attachment ~~B2~~).

5.3.4 If a Councillor refuses a gift or benefit because they believe that the gift was a deliberate attempt to receive "special treatment", then such instances are to be reported to the ~~General Manager~~ Chief Executive Officer or Mayor.

5.4 ~~Non-token gifts and benefits~~ between authorities

5.4.1 At times a gift of a non-token nature may be given from one authority to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift is considered to be for the authority, not a particular individual.

5.5 Actual or perceived effect of the gift or benefit

5.5.1 Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or benefit is prohibited, (gift of influence).

5.5.2 Where it is suspected that a gift or benefit has been offered for the purpose of influencing the behaviour of someone acting in their official capacity, the gift or benefit must be ~~declined~~ declined, and the matter should be reported immediately to the ~~General Manager~~ Chief Executive Officer or Mayor.

5.6 Bribes

5.6.1 Councillors must not offer or seek a bribe. A person offered a bribe should refuse it and report the incident as soon as possible to the ~~General Manager~~ Chief Executive Officer or the Mayor. Council will take steps to report the matter to Police immediately.



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5.6.2 Receiving a bribe is an offence under both the common law and Tasmanian Legislation.

5.7 Family members

5.7.1 Councillors must take all reasonable steps to ensure that immediate family members do not receive gifts or benefits of a non-token nature or gifts or benefits above the nominal value. Immediate family members include parents, spouses, children and siblings.

5.8 Records – Gifts and Benefits Registers

5.8.1 Councillors, who receive more than the specified number of token gifts or benefits from the same person or organisation, (~~Cumulative Aggregated Gift or Benefit~~), must disclose that fact on the *Gifts and Benefits Declaration Form* and the *Gifts and Benefits Register*. The specified number is included in ~~4.11~~5.11.

~~5.8.1~~5.8.2 Councillors who receive more than the prescribed value through aggregated gifts and benefits over a financial year, must disclose that fact on the *Gifts and Benefits Declaration Form* and the *Gifts and Benefits Register*. The specified value is included in 5.11.

~~5.8.2~~5.8.3 If a Councillor receives a non-token gift or benefit in circumstances where it cannot reasonably be refused or returned, the receipt of the gift or benefit should be disclosed and the details recorded on a *Gifts and Benefits Declaration Form* and in the *Gifts and Benefits Register*.

5.9 Disposal of gifts

5.9.1 The ~~General Manager~~Chief Executive Officer or Mayor will determine whether a gift or benefit of a non-token nature should be disposed.

5.9.2 There are options for the disposal of gifts that have been accepted because they could not reasonably be ~~refused, but~~refused but should not be retained by an individual. Examples of such circumstances where gifts or benefits may be received include:

- Gifts accepted for protocol or other reasons, where returning it would be inappropriate.
- Anonymous gifts (received through the ~~mail or~~mail or left without a return address).
- A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment.
- A gift or benefit of significant value provided to a Council official through a Will, where the relationship between the giver and recipient was essentially a council related business relationship.

5.9.3 Options for disposal include:

- Surrendering the gift to Council for retention.
- Distributing the gift or benefit amongst a selection of Council's officials - where a reasonable person would agree that the allocation was appropriate, (public perception).
- Donating the gift to an appropriate charity.

5.10 Breaches of Model Code of Conduct

5.10.1 All Councillors are obliged to comply with the Code of Conduct and sanctions may be applied if the policy is breached.

5.10.2 Any person may lodge a complaint in accordance with the Code of Conduct for an alleged breach of the Code of Conduct to the ~~General Manager~~Chief Executive Officer.

5.11 Detail of amounts and frequencies specified in the policy



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5.11.1 For the purpose of this policy the ~~current nominal~~ value limit, for single and aggregate gifts and benefits, is as prescribed in the *Local Government (General) Regulations 2015*. ~~At the time of endorsing this policy this is \$50.00, is \$50.00~~

5.11.2 The aggregate gift and benefit value limit for a financial year is as prescribed in the *Local Government (General) Regulations 2015*. ~~At the time of endorsing this policy this is \$50.00.~~

~~5.11.25.11.3~~ Councillors who receive more than (three) nominal gifts of a token nature from the same person or organisation, in a six-month period must disclose that fact in the gifts and benefits register.

5.12 Gifts and Benefits Register

5.12.1 The ~~General Manager~~Chief Executive Officer will establish a *Councillors' Gifts and Benefits Register*. All offers of ~~g~~Gifts and ~~b~~Benefits that are reported or declared are to be recorded in the ~~Gifts and Benefits Register~~.

5.12.2 The ~~Councillors' Gifts and Benefits Register~~Register must include:

- The date ~~of the offer~~on which the gift on donation was received (or offered).
- The name of the intended recipient.
- The name of the person/organisation who offered the gift ~~(the donor)~~.
- ~~The councillor's relationship to the donor.~~
- ~~The suburb or locality where the donor resides (if known).~~
- The nature of the gift.
- The estimated monetary value of the gift.
- Other relevant details (including details of refusal or return of gift or benefit).

5.12.3 The ~~General Manager~~Chief Executive Officer will review the *Gifts and Benefits Register* every three months to ensure compliance with this Policy and will liaise with the Mayor on the issue.

5.12.4 In auditing the register, the ~~General Manager~~Chief Executive Officer will review the submissions of the previous six months and record on the register that they have done so. This will be dated and signed. Any comments or observations made by the ~~General Manager~~Chief Executive Officer should also be recorded on the register in the space available.

5.12.5 The Register will be updated at least monthly and made available for public inspection at the Council Offices at 15 Channel Highway, Kingston and on Council's website.

6. GUIDELINES

6.1 Nil.

7. COMMUNICATION

7.1 Kingborough Councillors are informed of this Policy.

7.2 A copy of this Policy is available from the Civic Centre or can be accessed on Council's website.

~~7.3~~



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8. LEGISLATION

8.1 Local Government Act 1993 (the Act)

8.1.1 Section 56A of the Act requires councillors who receive gifts or donations as prescribed in regulations to notify the Chief Executive Officer in writing, with prescribed details, within a prescribed period.

8.1.2 Section 339A of the Local Government Act 1993 specifies penalties in relation to misuse of office by Councillors and employees.

8.1.3

8.2 Local Government (General Regulations) 2015 (the Regulations)

8.1.8.2.1 Section 29A of the Local Government (General Regulations) 2015 prescribes the following classes of gift or donation.

29A. Gifts or donations

~~For the purposes of section 56A(1)(b) of the Act, the following classes of gift or donation are prescribed:~~

(a) an item, service, loan of money, loan of property or any other benefit with a monetary value of \$50 or more;

(b) an item, service or other benefit that is part of a series of gifts or donations received by a councillor from the same donor, where the aggregate monetary value of the series of gifts or donations in a financial year is \$50 or more.

8.2.2 ~~29B. Details~~Section 29B of the Regulations outlines what must be contained in a notice to the Chief Executive Officer. That being: ~~to be contained in notice~~

~~For the purposes of section 56A(2)(b) of the Act, the following details are prescribed:~~

(a) the name of the councillor who received the gift or donation;

(b) a description of the gift or donation;

(c) the name of the donor, if known;

(d) the councillor's relationship to the donor, if known;

(e) the suburb or locality where the donor resides, if known;

(f) the date on which the gift or donation was received;

(g) the estimated monetary value of the gift or donation.

8.2.3 ~~29C. Timeframe for provision of notice~~Section 29C of the Regulations prescribes the timeframe for reporting gifts and donations. These are within 14 days of receiving a gift or donation; or if the gift or donation is received outside of Australia, within 14 days for returning to Australia.

~~For the purposes of section 56A(2)(c) of the Act, the prescribed period is—~~

~~(a) within 14 days of receiving a gift or donation; or~~



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~~(b) in the case of a gift or donation that was received by a councillor outside of Australia, within 14 days of the councillor returning to Australia.~~

~~8.2.4 29D. Information to be included in register~~Information to be included in the Councillor Gifts and Benefits Register is prescribed in section 29D of the Regulations:

~~For the purposes of section 56B(2)(c) of the Act, the register is to contain the following information:~~

- (a) the name of the donor of the gift or donation, if known;
- (b) the councillor's relationship to the donor, if known;
- (c) the suburb or locality where the donor resides, if known;
- (d) the date on which the gift or donation was received;
- (e) the estimated monetary value of the gift or donation.

~~8.2 Local Government Act 1993~~

~~8.2.1 Section 28ZL of the Local Government Act 1993 states that the Code of Conduct Panel may impose one or more of the following sanctions on the councillor against whom a complaint is made:~~

- ~~i. a caution~~
- ~~ii. a reprimand~~
- ~~iii. a requirement to attend counselling or a training course~~
- ~~iv. a suspension from performing and exercising the functions and powers of his or her office as a councillor for a period not exceeding 3 months.~~

~~8.2.2 A third suspension may result in the councillor being disqualified as a councillor by the Minister.~~

~~8.2.3 Section 339A of the Local Government Act 1993 specifies penalties in relation to misuse of office by Councillors and employees.~~

~~339A Misuse of office~~

~~(1) A Councillor, an employee or a member must not procure the doing or not doing of anything by the council to gain, directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for—~~

- ~~(a) the councillor, employee or member; or~~
- ~~(b) a close associate of the councillor, employee or member; or~~
- ~~(c) a member of the councillor's, employee's or member's family.~~

~~Penalty: Fine not exceeding 50 penalty units.~~

~~(2) In addition to any penalty imposed under this section, a court may make an order—~~

- ~~(a) barring the councillor from nominating as a candidate at any election for a period not exceeding 7 years; or~~
- ~~(b) dismissing the councillor or member from office~~

8.3 Criminal Code Act 1924



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- 8.3.1 Section 83 of the *Criminal Code Act 1924* provides for ~~c~~Criminal action ~~on behalf of public officers, to be taken against public officers who corruptly solicit, receive, obtain (or agree to) any property or benefit of any kind for themselves or other people on account of anything done or omitted in the discharge of their duties.~~

83 Corruption of Public Officers

Any person who—

- (1) ~~being a public officer, corruptly solicits, receives, or obtains, or agrees to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything done or omitted, or to be done or omitted, by him in or about the discharge of the duties of his office; or~~
- (2) ~~corruptly gives, confers, or procures, or promises or offers to give, confer, or procure, or attempt to procure, to, upon, or for any public officer, or any other person, any property or benefit of any kind on account of anything done or omitted, or to be done or omitted, by such officer in or about the discharge of the duties of his office—is guilty of a crime.~~

- 8.48.3.2 Councillors are considered 'public officers' under the *Criminal Code Act 1924* which has provision for the imposition of severe penalties, including imprisonment.

9. RELATED DOCUMENTS

- 9.1 Council's Code of Conduct.

- 9.2 Part 6 of the Kingborough Code of Conduct states:

- 9.2.1 A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.

- 9.19.2.2 A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

10. AUDIENCE

- 10.1 Kingborough Councillors.
- 10.2 Public.

UPDATED POLICY FOR APPROVAL



Councillors Gifts & Benefits Policy

Policy No:	1.16
Approved by Council:	February 2021
New Review Date:	February 2025
Minute No:	C76/3-2021
ECM File No:	12.214
Version:	4.0
Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.



Councillors Gifts & Benefits Policy 1.16

1. POLICY STATEMENTS

- 1.1 The Gifts and Benefits Policy is to provide guidance to Councillors regarding the issue of being offered or receiving gifts or benefits to support compliance with the requirements of both the *Local Government (General) Regulations 2015* and the relevant provisions in Council's Model Code of Conduct.
- 1.2 The Policy also ensures that in dealing with any gifts, benefits or the offer of gifts or benefits that Councillors are not influenced in the performance of their duties and that there is no perception of undue influence due to these offers.

2. DEFINITIONS

- 2.1 **"Councillors"** means a person elected to Council and includes the Mayor and Deputy Mayor.
- 2.2 **"Gift"** as defined in the regulations is "an item, service, loan of money, loan of property or any other benefit with a monetary value".
- 2.3 **"Aggregated gift or benefit"**, in alignment with the regulations, means an item, service or other benefit that is part of a series of gifts or donations received by a councillor from the same donor.
- 2.4 **"Gift of influence"** means a gift that is intended to generally ingratiate the giver with the recipient for favourable treatment in the future.
- 2.5 **"Gift of gratitude"** means a gift offered to an individual or department in appreciation of performing specific tasks or for exemplary performance of duties. Gifts to staff who speak at official functions may be considered an example of gifts of gratitude.
- 2.6 **"Benefit"** means a non-tangible item which is believed to be of value to the receiver (i.e. preferential treatment such as queue jumping, access to confidential information and hospitality).
- 2.7 **"Hospitality"** means the provision of accommodation, meals, refreshments or other forms of entertainment.
- 2.8 **"Bribe"** means a gift or benefit given specifically for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.
- 2.9 **"Cash"** means money or vouchers which are readily convertible.
- 2.10 **"Nominal value"** means the monetary limit of the value of gifts or benefits that may be accepted (i.e. total value of gift or benefit received). A gift or benefit is of nominal value when it has no significant or lasting value in excess of \$50.00.
- 2.11 **"Significant value"** means a gift or benefit that has a value above the nominal value limit.
- 2.12 **"Token"** means a value under the nominal value limit.
- 2.13 **"Non-token"** means items that are of a more individual nature, with a value above the nominal value limit. Items may include: free or discounted travel, use of holiday homes, corporate hospitality at major sporting events, free training excursions, tickets to major events, and access to confidential information.
- 2.14 **"Conflict of interest"** means any situation in which an individual or corporation (either private or government) is in a position to exploit a professional or official capacity in some way for their personal or corporate benefit.
- 2.15 **"Public perception"** means the perception of a fair-minded person in possession of the facts.
- 2.16 **"Gifts and Benefits Declaration Form"** means a form to be completed (example template at attachment A), when an individual receives a gift or benefit of a non-token nature above the nominal limit or receives a series of token gifts or benefits in a specified time that may have significant aggregate value (Aggregated Gift or Benefit).



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3. OBJECTIVE

- 3.1 The Policy provides a clear understanding of Councillors' responsibilities in relation to receiving or being offered gifts or benefits to ensure that the integrity of individual Councillors and Council as a corporation is protected as well as compliance with Council's Code of Conduct and the *Local Government (General) Regulations 2015*.

4. SCOPE

- 4.1 The policy applies to all gifts and benefits offered to or received by Councillors in their role as officers of the Council.

5. PROCEDURE (POLICY DETAIL)

5.1 General

- 5.1.1 Councillors at all times and in all circumstances must be seen to be fair, impartial and unbiased.
- 5.1.2 Council's Code of Conduct "Gifts and Benefits" outlines the provisions in relation to Councillors being offered a gift or benefit.
- 5.1.3 The Code of Conduct states: "A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits and carries out their duties without being influenced by personal gifts or benefits".
- 5.1.4 A breach of the clauses within the Code of Conduct will be treated as a breach of the Code of Conduct.
- 5.1.5 Councillors should actively discourage offers of gifts and benefits and must not solicit gifts or benefits.
- 5.1.6 Councillors must not take advantage of their official position to secure an unreasonable personal profit or advantage.
- 5.1.7 People doing business with the Council should be encouraged to understand that they do not need to give gifts or benefits to Councillors to get high quality service.
- 5.1.8 From time-to-time Councillors may be offered gifts or benefits. In some limited circumstances gifts and benefits may be accepted. Token gifts of nominal value may generally be received. Non-token gifts of significant value should not generally be accepted.
- 5.1.9 Councillors should at all times be aware of the wider situation in which an offer of a gift or benefit is being made. For example, Councillors should consider whether the donor is in or may be seeking to enter into a business relationship with Council or may be applying to Council in relation to the exercise of Council's functions.
- 5.1.10 Councillors must avoid situations that suggest that a person or body, through the provision of gifts or benefits, is attempting to secure favourable treatment from Council.
- 5.1.11 When deciding whether to accept or decline a gift or benefit, consideration should be given to both the value of the gift or benefit and also the intent of the gift or benefit being offered.

5.2 Acceptable gifts and benefits

- 5.2.1 Token gifts may be accepted by Councillors without disclosing details to the Chief Executive Officer or Mayor and without recording the details of the gift or benefit on the *Gifts and Benefits Declaration Form* or *Gifts Register* (attachments A and B).
- 5.2.2 That said, Councillors who receive more than the specified number of token gifts of a nominal value from the same person or organisation, in a specified period must disclose that fact in the gifts and benefits register. The period is specified in 5.11.



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- 5.2.3 If a Councillor has any doubt if a gift or benefit is token or of nominal value they should discuss it with the Chief Executive Officer or Mayor.
- 5.3 Gifts and Benefits which are not acceptable**
- 5.3.1 Accepting gifts of cash, cash-like gifts (such as gift cards and vouchers) or credit is prohibited.
- 5.3.2 Councillors should generally not accept gifts or benefits that appear to be non-token in nature or more than of a nominal value.
- 5.3.3 If a gift or benefit of a non-token nature or above nominal value is offered and cannot reasonably be refused (as this action may cause embarrassment), the offer and receipt of the gift or benefit must be declared via completion of a *Gifts and Benefits Declaration Form* (at attachment A) and the details must be recorded on the *Council Gift Register* (at attachment B).
- 5.3.4 If a Councillor refuses a gift or benefit because they believe that the gift was a deliberate attempt to receive "special treatment", then such instances are to be reported to the Chief Executive Officer or Mayor.
- 5.4 Non-token gifts and benefits between authorities**
- 5.4.1 At times a gift of a non-token nature may be given from one authority to another. Such gifts are often provided to a host authority. These gifts may be given as an expression of gratitude without obligation on the receiver to respond. The gratitude usually extends to the work of several people in the authority and therefore the gift is considered to be for the authority, not a particular individual.
- 5.5 Actual or perceived effect of the gift or benefit**
- 5.5.1 Accepting gifts where a reasonable person could consider that there may be influence applied as a result of accepting the gift or benefit is prohibited (gift of influence).
- 5.5.2 Where it is suspected that a gift or benefit has been offered for the purpose of influencing the behaviour of someone acting in their official capacity, the gift or benefit must be declined, and the matter should be reported immediately to the Chief Executive Officer or Mayor.
- 5.6 Bribes**
- 5.6.1 Councillors must not offer or seek a bribe. A person offered a bribe should refuse it and report the incident as soon as possible to the Chief Executive Officer or the Mayor. Council will take steps to report the matter to Police immediately.
- 5.6.2 Receiving a bribe is an offence under both the common law and Tasmanian Legislation.
- 5.7 Family members**
- 5.7.1 Councillors must take all reasonable steps to ensure that immediate family members do not receive gifts or benefits of a non-token nature or gifts or benefits above the nominal value. Immediate family members include parents, spouses, children and siblings.
- 5.8 Records – Gifts and Benefits Registers**
- 5.8.1 Councillors who receive more than the specified number of token gifts or benefits from the same person or organisation (Aggregated Gift or Benefit), must disclose that fact on the *Gifts and Benefits Declaration Form* and the *Gifts and Benefits Register*. The specified number is included in 5.11.
- 5.8.2 Councillors who receive more than the prescribed value through aggregated gifts and benefits over a financial year, must disclose that fact on the *Gifts and Benefits Declaration Form* and the *Gifts and Benefits Register*. The specified value is included in 5.11.



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- 5.8.3 If a Councillor receives a non-token gift or benefit in circumstances where it cannot reasonably be refused or returned, the receipt of the gift or benefit should be disclosed and the details recorded on a *Gifts and Benefits Declaration Form* and in the *Gifts and Benefits Register*.
- 5.9 **Disposal of gifts**
- 5.9.1 The Chief Executive Officer or Mayor will determine whether a gift or benefit of a non-token nature should be disposed.
- 5.9.2 There are options for the disposal of gifts that have been accepted because they could not reasonably be refused but should not be retained by an individual. Examples of such circumstances where gifts or benefits may be received include:
- Gifts accepted for protocol or other reasons, where returning it would be inappropriate.
 - Anonymous gifts (received through the mail or left without a return address).
 - A gift received in a public forum where attempts to refuse or return it would cause significant embarrassment.
 - A gift or benefit of significant value provided to a Council official through a Will, where the relationship between the giver and recipient was essentially a council related business relationship.
- 5.9.3 Options for disposal include:
- Surrendering the gift to Council for retention.
 - Distributing the gift or benefit amongst a selection of Council's officials - where a reasonable person would agree that the allocation was appropriate, (public perception).
 - Donating the gift to an appropriate charity.
- 5.10 **Breaches of Model Code of Conduct**
- 5.10.1 All Councillors are obliged to comply with the Code of Conduct and sanctions may be applied if the policy is breached.
- 5.10.2 Any person may lodge a complaint in accordance with the Code of Conduct for an alleged breach of the Code of Conduct to the Chief Executive Officer.
- 5.11 **Detail of amounts and frequencies specified in the policy**
- 5.11.1 For the purpose of this policy the value limit, for single and aggregate gifts and benefits, is as prescribed in the *Local Government (General) Regulations 2015*. At the time of the writing policy this is \$50.00.
- 5.11.2 The aggregate gift and benefit value limit for a financial year is as prescribed in the *Local Government (General) Regulations 2015*. At the time of the writing policy this is \$50.00.
- 5.11.3 Councillors who receive more than (three) nominal gifts of a token nature from the same person or organisation, in a six-month period must disclose that fact in the gifts and benefits register.
- 5.12 **Gifts and Benefits Register**
- 5.12.1 The Chief Executive Officer will establish a *Councillors' Gifts and Benefits Register*. All offers of gifts and benefits that are reported or declared are to be recorded in the *Register*.
- 5.12.2 The *Councillors' Gifts and Benefits Register* must include:
- The date on which the gift or donation was received (or offered).
 - The name of the intended recipient.



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- The name of the person/organisation who offered the gift (the donor).
 - The councillor's relationship to the donor.
 - The suburb or locality where the donor resides (if known).
 - The nature of the gift.
 - The estimated monetary value of the gift.
 - Other relevant details (including details of refusal or return of gift or benefit).
- 5.12.3 The Chief Executive Officer will review the *Gifts and Benefits Register* every three months to ensure compliance with this Policy and will liaise with the Mayor on the issue.
- 5.12.4 In auditing the register, the Chief Executive Officer will review the submissions of the previous six months and record on the register that they have done so. This will be dated and signed. Any comments or observations made by the Chief Executive Officer should also be recorded on the register in the space available.
- 5.12.5 The Register will be updated at least monthly and made available for public inspection at the Council Offices at 15 Channel Highway, Kingston and on Council's website.
- 6. GUIDELINES**
- 6.1 Nil.
- 7. COMMUNICATION**
- 7.1 Kingborough Councillors are informed of this Policy.
- 7.2 A copy of this Policy is available from the Civic Centre or can be accessed on Council's website.
- 8. LEGISLATION**
- 8.1 *Local Government Act 1993* (the Act)
- 8.1.1 Section 56A of the Act requires councillors who receive gifts or donations as prescribed in regulations to notify the Chief Executive Officer in writing, with prescribed details, within a prescribed period.
- 8.1.2 Section 339A of the *Local Government Act 1993* specifies penalties in relation to misuse of office by Councillors and employees.
- 8.2 *Local Government (General Regulations) 2015* (the Regulations)
- 8.2.1 Section 29A of the Local Government (General Regulations) 2015 prescribes the following classes of gift or donation:
- (a) an item, service, loan of money, loan of property or any other benefit with a monetary value of \$50 or more;
 - (b) an item, service or other benefit that is part of a series of gifts or donations received by a councillor from the same donor, where the aggregate monetary value of the series of gifts or donations in a financial year is \$50 or more.
- 8.2.2 Section 29B of the Regulations outlines what must be contained in a notice to the Chief Executive Officer. That being:
- (a) the name of the councillor who received the gift or donation;
 - (b) a description of the gift or donation;
 - (c) the name of the donor, if known;
 - (d) the councillor's relationship to the donor, if known;



Councillors Gifts & Benefits Policy 1.16

- (e) the suburb or locality where the donor resides, if known;
 - (f) the date on which the gift or donation was received;
 - (g) the estimated monetary value of the gift or donation.
- 8.2.3 Section 29C of the Regulations prescribes the timeframe for reporting gifts and donations. These are within 14 days of receiving a gift or donation; or if the gift or donation is received outside of Australia, within 14 days for returning to Australia.
- 8.2.4 Information to be included in the Councillor Gifts and Benefits Register is prescribed in section 29D of the Regulations:
 - (a) the name of the donor of the gift or donation, if known;
 - (b) the councillor's relationship to the donor, if known;
 - (c) the suburb or locality where the donor resides, if known;
 - (d) the date on which the gift or donation was received;
 - (e) the estimated monetary value of the gift or donation.
- 8.3 *Criminal Code Act 1924*
 - 8.3.1 Section 83 of the *Criminal Code Act 1924* provides for criminal action to be taken against public officers who corruptly solicit, receive, obtain (or agree to) any property or benefit of any kind for themselves or other people on account of anything done or omitted in the discharge of their duties.
 - 8.3.2 Councillors are considered 'public officers' under the *Criminal Code Act 1924* which has provision for the imposition of severe penalties, including imprisonment.

9. RELATED DOCUMENTS

- 9.1 Council's Code of Conduct.
- 9.2 Part 6 states:
 - 9.2.1 A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances and is not in contravention of any relevant legislation.
 - 9.2.2 A councillor must avoid situations in which a reasonable person would consider that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

10. AUDIENCE

- 10.1 Kingborough Councillors.
- 10.2 Public.

Attachment A

GIFTS AND BENEFITS DECLARATION FORM

Councillor's Name			
Date gift offered/received			
Description of the gift			
What is the approximate dollar value of the gift?			
Name of individual or organisation providing the gift			
Where was the gift offered? <i>(ie. at a function, through the mail, at a meeting etc)</i>			
Recipient's relationship to the donor <i>(if known)</i>			
Suburb/Locality where Donor Resides <i>(if known)</i>			
Was the gift or benefit accepted or declined?			
Councillor's signature			
Date			

CEO's comments			
Should the gift be retained? If not, disposal method			
CEO's Name	Dave Stewart	Signature :	
Date			

Councillors Gifts & Benefits Register

[illegible]

I confirm that I have reviewed the submissions and make no comments or observations.

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

Date _____

16.2 REVIEW OF UNAUTHORISED VEGETATION DAMAGE SIGNAGE POLICY

File Number: 12.153

Author: Rene Raichert, NAB Coordinator

Authoriser: Liz Quinn, Manager Environmental Services

Strategic Plan Reference

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.3 Council is able to demonstrate strong environmental stewardship and leadership.

1. PURPOSE

- 1.1 The purpose of this report is to review and update of Council's Unauthorised Vegetation Damage Signage Policy 5.7.

2. BACKGROUND

- 2.1 Unauthorised and illegal vegetation damage has long been recognised as an issue for not only Kingborough, but for all public land managers in Tasmania and beyond. Two of the common reasons for the damage is the collection of free firewood and removal for residential views.
- 2.2 In 2007, both Council staff and community voiced concerns over obvious damage to the vegetation which was occurring along Coningham Beach foreshore. In response, a decision to install signage at the high-profile site was endorsed by Council (see image 1 below).



Image 1: Photo depicting the size and method of installation for original sign placed in response to unauthorised vegetation damage at Coningham Beach.

- 2.3 Since the endorsement of Kingborough's policy, similar responses have been adopted by other Tasmanian councils, including Clarence City Council, as seen in image 2 below.



Image 2

- 2.3 The signage has two primary aims; to serve as an educational tool and as a deterrent against further damage.
- 2.4 Following the installation of the sign at Coningham, Council resolved to develop a policy that would guide future responses, resulting in the Council endorsed Unauthorised Vegetation Damage Signage Policy.
- 2.5 Since endorsement several revisions have occurred, to ensure implementation is simple and cost efficient.
- 2.6 This current review of the Policy identified minor errors and includes changes to language and format. However, the proposed changes do not alter the intent of the policy or how the Policy is to be implemented.

3. STATUTORY REQUIREMENTS

- 3.1 A number of State and Federal laws are in place to govern activities involving native vegetation. At the most fundamental level, however, are Council By-laws which prohibit the unauthorised damage or removal of vegetation on Council owned or managed land.
- 3.2 The Parks, Recreation and Natural Areas By-Law 2 of 2021 states:

Part 3, Division 2, Clause 9(1)

"Unless authorised by a permit to do so, a person must not, by any act, wherever performed, cut, pluck, destroy or injury any tree, shrub, flower or other vegetation growing in or on any Council land, or recreational facility."

Part 3, Division 2 Clause 9(2)

"Unless authorised by a permit to do so, a person must not remove any wood or timber from any Council land or recreational facility."

Part 3, Division 2 Clause 13(3)

“Unless authorised by a permit to do so, a person must not interfere with the nest, breeding place or habitation of any wildlife on or in any Council land or recreational facility.”

- 3.3 Legislation and By-laws provide Council with several mechanisms to respond to the unauthorised clearance of vegetation on public land. However, these mechanisms are not easily applied when the perpetrator remains unknown or when the required evidence to employ them is not available. The signage increases public awareness of the requirements when installing signs and demonstrates Council is responsive to breaches of its By-laws.

4. DISCUSSION

- 4.1 Native vegetation is well recognised to deliver a host of benefits, including the vital habitat for native wildlife and critical ecosystem services for the community, including mitigation of coastal erosion, protection from temperature increases and storm events, improvements to air and water quality, as well as providing landscape and aesthetic values.
- 4.2 The loss of trees on public land, however, is also a known problem and Council need mechanisms to prevent and respond to these activities.
- 4.3 Previous versions of the Policy required the use of much larger signs than the current policy (seen in image 1), and as a result, Council received mixed feedback from the community regarding their installation. It was perceived that the signs impacted on the amenity of people who were not associated with the illegal activity.
- 4.4 A significant incident of vegetation damage occurred on the foreshore in Snug in 2013 where a large sign had previously been in place. Only months after removing the sign 12 trees were poisoned, highlighting that whilst ongoing education and signage was still required, the very large signs were not having the intended impact. Learnings from this investigation led to a significant review of the policy where simplified application of sign categories based on the degree of damage and removal of the largest category of signs were adopted.
- 4.5 The current signs used in relation to this policy are intended as an important educational tool and to demonstrate Council is not only concerned, but responsive to illegal damage of vegetation on Council managed land. They are fit for purpose and therefore no major changes are being recommended to the policy.

5. FINANCE

- 5.1 The Policy means Council has a low-cost mechanism to not only install signage quickly and with minimal staff resourcing, but also with negligible financial cost.

6. ENVIRONMENT

- 6.1 Council's strategic plan provides clear objectives for the protection of Kingborough's natural environment. This policy and the associated signage not only work to provide this protection, but also to demonstrate Council's environmental stewardship and leadership.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Unauthorised Vegetation Damage Signage Policy is available on Council's website. Given the minor nature of this revision, community consultation is not required.

8. RISK

- 8.1 There is risk of environmental harm if Council does not have the policies in place to facilitate and support appropriate responses to vegetation damage on Council managed land.
- 8.2 There is minimal reputational risk associated with the use of Unauthorised Vegetation Damage Signage. Council has largely received positive feedback to date in relation to the initiative. A failure to respond to illegal vegetation damage, however, could create perceptions within the community that Council does not enforce breaches of its By-laws.
- 8.3 There is no financial risk associated with this policy.

9. CONCLUSION

- 9.1 The Unauthorised Vegetation Damage Signage Policy is due for review. Minor amendments have been made that do not modify the intent or implementation of the policy.

10. RECOMMENDATION

That Council endorse the revised Unauthorised Vegetation Damage Signage Policy as attached to this report.

ATTACHMENTS

1. **Unauthorised Vegetation Damage Signage Policy track changes**
2. **Unauthorised Vegetation Damage Signage Review final**

EXISTING POLICY WITH TRACK CHANGES



Unauthorised Vegetation Damage Signage Policy

Policy No:	5.7
Approved by Council:	November 2022 <u>March 2025</u>
New Review Date:	November 2024 <u>March 2025</u> <u>March 2026</u>
Minute No:	TBA
ECM File No:	12.153
Version:	<u>5.04-0</u>
Responsible Officer:	Manager Environmental Services
Strategic Plan Reference:	3.3 Council is able to demonstrate strong environmental stewardship and leadership.

Kingborough

Unauthorised Vegetation Damage Signage Policy 5.7

1. POLICY STATEMENTS

- 1.1 Kingborough Council is committed to valuing and prioritising the natural environment.
- 1.2 The purpose of this policy is to provide guidance ~~as to for~~ the use and placement of signage ~~where in response to the~~ illegal ~~damage or~~ removal of vegetation ~~has occurred~~ on Council owned and/or managed land.

2. DEFINITIONS

- 2.1 **"Aesthetic significance"** means ~~a~~ trees whose form, seasonal beauty and/or placement are such that they are a significant aesthetic component of the streetscape, park, garden or natural landscape in which they grow.
- 2.2 **"Authorised officer"** means a Council employee who is authorised for the purposes of the Parks, Recreation and Natural Areas By-Law No. 3 of 2021.
- 2.3 **"Conservation significance"** means a tree that is of a species listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999*; and/or provides potential or significant habitat for a threatened species listed in either of those acts; and/or is a native tree with a trunk circumference exceeding 220cm when measured at 1.5m above the ground; or in the case of an exotic species, is considered globally significant due to its conservation status in the country of origin.
- ~~2.4 "Declared weed" means any plant which has been declared as a pest under the Biosecurity Regulations 2022.~~
- ~~2.5~~ **"Historical significance"** means a tree which commemorates a particular broader community interest associated with historical significance or event.
- ~~2.6~~ **"Landscape significance"** means the tree provides a key contribution to the environmental, cultural and/or historical landscape.
- ~~2.7~~ **"Vegetation"** means plant life whether native or exotic (not including declared weeds).

3. OBJECTIVE

- 3.1 To reduce and deter the illegal ~~damage and/or~~ removal ~~and/or damage~~ of vegetation on Council managed land. ~~public land within Kingborough.~~
- 3.2 To provide an avenue for education the public where illegal ~~damage and/or~~ removal of vegetation has occurred on Council ~~owned and/or~~ managed land.
- 3.3 To provide an avenue to respond to breaches of the Parks, Recreation and Natural Areas By-law 2021.

4. SCOPE

- 4.1 This policy applies to ~~all land owned or managed by Council.~~ public land in Kingborough that is owned and/or managed by Council.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Educational signage may be erected at the site of the offence when ~~clear~~ breaches of the Parks, Recreation and Natural Areas By-law 3 of 2021, Division 2 9(1), 9(2) or 13(32) have been identified.
- 5.2 Signage may be erected regardless of whether ~~the identity of~~ those responsible for the damage have been identified. ~~has been established.~~

Kingborough

Unauthorised Vegetation Damage Signage Policy 5.7

- 5.3 The damaged site may be rehabilitated ~~either by~~ either the undertaking of revegetation activities planting suitable replacement vegetation or through natural regeneration, including the use of techniques or materials which aid such regeneration.
- 5.4 There are two categories of signs. Wording on both signs is consistent, with the difference in categories reflected in the sizes:
- 5.4.1 Category A: 300mm x 450mm sign (approximately) on a post up to 3m high.
- 5.4.2 Category B: 1200mm x 900mm sign (approximately) on posts up to 3m high.
- 5.5 The wording for signage will be as follows:



- 5.6 The category of the sign to be used ~~is will be~~ dictated by the scale of the ~~unauthorised~~ vegetation removal and/or significance of the damage ~~at the location~~. Where appropriate, more than one sign may be erected.
- 5.6.1 Category A signage will be used where vegetation has been damaged, ~~and it is deemed by~~ and does not meet the requirements of a Category B sign as assessed by an Authorised Officer, ~~to not meet the requirements of a Category B sign.~~
- 5.6.2 Category B signage will be used at the discretion of the General Manager where vegetation has been damaged and is ~~deemed assessed~~ by an Authorised Officer to have been either:
- i. one or more individual trees which are ~~deemed to have~~ identified as having aesthetic, landscape, historical or conservation significance, or to be significant in size or age for the species type; or
 - ii. to have resulted in a cleared or modified area exceeding 25m²; or
 - iii. a combination of the above; or
 - iv. where there is clear evidence of a direct benefit to adjoining properties such as improved sightlines.
- 5.7 Signage will remain in place until either the site has regenerated to pre-damage status, has regenerated to the satisfaction of the General Manager, or has been in place for five years, ~~or~~ whichever comes sooner.

Kingborough

Unauthorised Vegetation Damage Signage Policy 5.7

- 5.8 ~~site will be~~ Until signage is removed, regular site inspections and photo point monitoring is to be undertaken to assess both the rehabilitation of the site and to ensure no further damage has occurred. ~~monitored annually by Council. This is to include a photographic record of the site up until the sign is removed.~~

6. GUIDELINES

- 6.1 Category A signage is intended to be used where damage or impact is minor in nature and/or there is no clear evidence of a direct benefit to adjoining properties.
- 6.2 Category B signage is intended to be used where there is a moderate or significant impact on natural, landscape or historical values and/or there is clear evidence of a direct benefit to adjoining properties such as improved sightlines.

7. COMMUNICATION

- 7.1 This Policy will be published and made accessible on Council's internet and intranet sites.

8. LEGISLATION

- 8.1 Parks, Recreation and Natural Areas By-Law 3 of 2021 Division 2 9 (1), 9 (2) or 13(32).
- 8.2 *Land Use Planning and Approvals Act 1993.*
- 8.3 *Threatened Species Protection Act 1995.*
- 8.4 *Environment Protection and Biodiversity Conservation Act 1999.*
- 8.5 ~~*Biosecurity Act 2019 and Biosecurity Regulations 2022.*~~

9. RELATED DOCUMENTS

- 9.1 Kingborough Interim Planning Scheme 2015 or subsequent scheme.

10. AUDIENCE

- 10.1 This Policy is intended for Council Employees and Councillors.
- 10.2 The policy is publicly accessible via Council's website.

UPDATED POLICY FOR APPROVAL



Unauthorised Vegetation Damage Signage Policy

Policy No:	5.7
Approved by Council:	March 2025
New Review Date:	March 2027
Minute No:	TBA
ECM File No:	12.153
Version:	5.0
Responsible Officer:	Manager Environmental Services
Strategic Plan Reference:	3.3 Council is able to demonstrate strong environmental stewardship and leadership.

1. POLICY STATEMENTS

- 1.1 Kingborough Council is committed to valuing and prioritising the natural environment.
- 1.2 The purpose of this policy is to provide guidance for the use and placement of signage in response to the illegal damage or removal of vegetation on Council owned and/or managed land.

2. DEFINITIONS

- 2.1 **“Aesthetic significance”** means a tree whose form, seasonal beauty and/or placement are such that they are a significant aesthetic component of the streetscape, park, garden or natural landscape in which they grow.
- 2.2 **“Authorised officer”** means a Council employee who is authorised for the purposes of the Parks, Recreation and Natural Areas By-Law No. 3 of 2021.
- 2.3 **“Conservation significance”** means a tree that is of a species listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999*; and/or provides potential or significant habitat for a threatened species listed in either of those acts; and/or is a native tree with a trunk circumference exceeding 220cm when measured at 1.5m above the ground; or in the case of an exotic species, is considered globally significant due to its conservation status in the country of origin.
- 2.4 **“Historical significance”** means a tree which commemorates a particular broader community interest associated with historical significance or event.
- 2.5 **“Landscape significance”** means the tree provides a key contribution to the environmental, cultural and/or historical landscape.
- 2.6 **“Vegetation”** means plant life whether native or exotic (not including declared weeds).

3. OBJECTIVE

- 3.1 To reduce and deter the illegal damage and/or removal of vegetation on Council managed land.
- 3.2 To provide an avenue for education where illegal damage and/or removal of vegetation has occurred on Council managed land.
- 3.3 To provide an avenue to respond to breaches of the Parks, Recreation and Natural Areas By-law 2021.

4. SCOPE

- 4.1 This policy applies to land owned or managed by Council.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Educational signage may be erected at the site of the offence where breaches of the Parks, Recreation and Natural Areas By-law 3 of 2021, Division 2 9(1), 9(2) or 13(3) have been identified.
- 5.2 Signage may be erected regardless of whether those responsible for the damage have been identified.
- 5.3 The damaged site may be rehabilitated through either the undertaking of revegetation activities or through natural regeneration, including the use of techniques or materials which aid such regeneration.
- 5.4 There are two categories of signs. Wording on both signs is consistent, with the difference in categories reflected in the sizes:
 - 5.4.1 Category A: 300mm x 450mm sign (approximately) on a post up to 3m high.

5.4.2 Category B: 1200mm x 900mm sign (approximately) on posts up to 3m high.

5.5 The wording for signage will be as follows:



5.6 The category of the sign to be used will be dictated by the scale of the vegetation removal and/or significance of the damage. Where appropriate, more than one sign may be erected.

5.6.1 Category A signage will be used where vegetation has been damaged, and it does not meet the requirements of a Category B sign as assessed by an Authorised Officer. .

5.6.2 Category B signage will be used at the discretion of the Chief Executive Officer where vegetation has been damaged and is assessed by an Authorised Officer to have been either:

- i. one or more individual trees which are identified as having aesthetic, landscape, historical or conservation significance, or to be significant in size or age for the species type; or
- ii. to have resulted in a cleared or modified area exceeding 25m²; or
- iii. a combination of the above; or
- iv. where there is clear evidence of a direct benefit to adjoining properties such as improved sightlines.

5.7 Signage will remain in place until either the site has regenerated to pre-damage status, has regenerated to the satisfaction of the Chief Executive Officer, or has been in place for five years; whichever comes sooner.

5.8 Until signage is removed, regular site inspections and photo point monitoring is to be undertaken to assess both the rehabilitation of the site and to ensure no further damage has occurred.

6. GUIDELINES

6.1 Category A signage is intended to be used where damage or impact is minor in nature and/or there is no clear evidence of a direct benefit to adjoining properties.

6.2 Category B signage is intended to be used where there is a moderate or significant impact on natural, landscape or historical values and/or there is clear evidence of a direct benefit to adjoining properties such as improved sightlines.

7. COMMUNICATION

7.1 This Policy will be published and made accessible on Council's internet and intranet sites.

8. LEGISLATION

8.1 Parks, Recreation and Natural Areas By-Law 3 of 2021 Division 2 9 (1), 9 (2) or 13(3).

8.2 *Land Use Planning and Approvals Act 1993.*

8.3 *Threatened Species Protection Act 1995.*

8.4 *Environment Protection and Biodiversity Conservation Act 1999.*

9. RELATED DOCUMENTS

9.1 Kingborough Interim Planning Scheme 2015 or subsequent scheme.

10. AUDIENCE

10.1 This Policy is intended for Council Employees and Councillors.

10.2 The policy is publicly accessible via Council's website.

Public Copy

16.3 APPENDICES

RECOMMENDATION

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

17 NOTICES OF MOTION

17.1 FOGO Service

The following Notice of Motion was submitted by **Cr Midgley**:

RECOMMENDATION

That a report is provided that considers a change in the current FOGO service to an opt out service for Kingborough to start as soon as practical.

Background

At a recent councillor workshop with Kingborough Waste Service the KWS Board Chair recommended that Kingborough transition to an opt out FOGO service.

The most significant source of Council greenhouse gas emissions (over 80%) are from waste going to landfill.

For Council to meet the Zero Net target of reducing waste to landfill, an opt out FOGO service will help to meet this target.

This is important in regards to financial costs to council and the community with the landfill levy fees set to increase again in FY 2027.

More councils across Tasmania are moving to opt-out FOGO as the default.

Many community residents are not aware they can have a FOGO bin and this will be helpful for new residents moving to the area and rental properties.

Officer's Response

A report on this matter can be provided.

Daniel Smee, Acting Director Engineering Services

17.2 Development Assessment Panels

The following Notice of Motion was submitted by **Cr Fox**:

RECOMMENDATION

That Kingborough Council undertake the following actions in relation to the revised draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025* currently open for consultation.

1. Kingborough Council facilitates consultation to gather feedback from residents and ratepayers regarding their position on the proposed changes to planning appeal rights.
2. Kingborough Council reject any removal of third-party planning appeal rights.

3. Kingborough Council opposes the draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025*.

Background

On Thursday, 20 March 2025, the Blackmans Bay Community Association (BBCA) and the Planning Matters Alliance Tasmania co-hosted a community meeting at Blackmans Bay Hall from 6:30 to 8:00 pm. Fifty-six community members attended.

The meeting addressed the state government's proposal to introduce Development Assessment Panels (DAPs) through the revised draft *Land Use Planning and Approvals Amendment (Development Assessment Panels) Bill 2025* (the draft Bill).

At the meeting, the BBBCA passed three motions relating to Council, which have now been submitted in the above motion for consideration.

Council previously made submissions on the proposed DAPs in November 2023 and November 2024. In both, Council expressed that DAPs are broadly unnecessary but acknowledged potential benefits for certain Councils and application types. Council also raised concerns about the proposed model, particularly:

- The Minister's decision-making powers
- The broad, subjective criteria for referring applications to a DAP
- The loss of local knowledge in the assessment process

The submissions did not address appeal rights under the proposed framework.

In accordance with section 60AO(1)(d) of the revised draft Bill there are no appeal rights on merit grounds in respect of a permit issued by a DAP. Under the revised draft Bill an alternative review process is proposed where, similar to the current planning assessment process a DAP must advertise (exhibit) an application and draft assessment report for 14 days in which a person may make representations to the DAP. Under section 60AI a DAP is to then hold a hearing in respect of the application which is open to all persons who made a representation.

Officer's Response

A response is provided below to each action of the motion.

1. Due to the short timeframe before the submission deadline for the draft Bill, Council is unable to conduct community consultation. Additionally, doing so would duplicate the current consultation process conducted by the state government, which already provides a mechanism for community members to submit their feedback.
2. Council's submission can include a position on appeal rights under the proposed draft Bill, in line with the outcome of this motion.
3. Council is currently preparing a submission on the revised draft Bill. While the submission will acknowledge that the proposed changes improve upon the previous framework, it will also reaffirm Council's overall position and reiterate the concerns outlined in previous submissions. A draft of the submission will be provided to elected members for comment prior to finalisation and submission.

Deleeze Chetcuti, Director Environment, Development & Community Services

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

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 - AB2427 Davies 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.*

Kingborough Waste Services Board Appointment

Regulation 15(2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

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	
Tender Assessment - AB2427 Davies Road Reconstruction	
Kingborough Waste Services Board Appointment	

CLOSURE

Public Copy

APPENDICES

- A Chief Executive Officer's Activities 10 February 2025 to 28 March 2025
- B Infrastructure Works Report: January to March 2025
- C Audit Panel Minutes 21 February 2025
- D Current and Ongoing Minute Resolutions (Open Session)

Public Copy

A CHIEF EXECUTIVE OFFICER'S ACTIVITIES 10 FEBRUARY 2025 TO 28 MARCH 2025

Date	Description
11 February	Participated in Metropolitan Council GM's/CEO's weekly meeting
	Met with KWS Board Chair, Mr Bob Calvert
	Attended Councillor workshop
12 February	Attended TasWater's half yearly briefing to shareholders
13 February	Met with representative of the Kingston Beach Surf Lifesaving Club
	Attended Southern Council and TasNetworks joint workshop
17 February	Met with representatives of DSG to discuss the Browns Road reconstruction traffic permit application
	Attended meeting at DSG regarding the AFL HPC
	Attended Council meeting
18 February	Attended TasWaste South meeting
20 February	Attended JackJumpers High Performance Training Centre Steering Committee meeting
	Copping Joint Authority meeting
21 February	Attended Audit Panel meeting
24 February	Attended Councillor workshop
25 February	Participated in Metropolitan Council GM's/CEO's weekly meeting
	Attended online meeting with representatives of Fortius Hospitals
	Met with BICA President
26 February	Attended Southern Waste Solutions Board and CEO/GM's meeting
27 February	Met with representatives of the Kingston Christian Reformed Church regarding land at Dennison Street and Maranoa Road
28 February	In company with the Mayor, met with David O'Byrne
	Attended SETN Board meeting
3 March	Attended Southern Tas Circular Organics Roundtable
	Attended Council meeting
4 March	Attended the Greater Hobart CEO's meeting
5 March	Attended the Greater Hobart Mayors Forum
	Attended the Greater Hobart Advisory Group meeting
6 March	Attended the Tassie Devils breakfast
7 March	Attended the Kingston Neighbourhood House
11 March	Participated in Metropolitan Council GM's/CEO's weekly meeting
	Met with representatives of SJM Developments
	Attended Councillor workshop

Date	Description
12 March	Attended Southern Councils and TasNetworks joint workshop
13 March	Met with representative of Adventure Patch
	Met with representatives of Blackcap
17 March	Attended State Grants Commission hearing
	Attended Council meeting
18 March	Participated in Metropolitan Council GM's/CEO's weekly meeting
	Met with representatives of Traders In Purple
	Attended Tasmania Football Club event
19 – 20 March	Attended LGAT GM's workshop
21 March	Participated in the International Day for the Elimination of Racial Discrimination
24 March	Attended Councillor workshop
25 March	Participated in Metropolitan Council GM's/CEO's weekly meeting
26 March	Met with Mr Julian Roscoe and Ms Ann Cunningham to discuss the Mary's Grange DA

B INFRASTRUCTURE WORKS REPORT: JANUARY TO MARCH 2025**File Number: 25.9****Author: Anthony Verdouw, Executive Officer Engineering Services****Authoriser: David Reeve, Director Engineering Services****Contracted Capital Projects****1. Pelverata Road (Vic 40) Realignment:**

The contract for works has been awarded to Crossroads Civil Construction. TasNetworks have completed the relocation of pole infrastructure to enable the reconstruction of the road. The pole relocation necessitated vegetation clearing, to comply with TasNetworks standards and the required alignment of the road. Site works are scheduled to commence in early April.

**2. Kingston Beach Change Room and Carpark:**

The new change room construction and car park upgrade works at Kingston Beach Oval have been finalised by Taswide Built in February.

**3. Spring Farm Track to Whitewater Creek:**

The final section of Spring Farm - Whitewater Creek shared path was completed by JRV Civil Construction Pty Ltd in March. The new off-road shared path now provides pedestrians and cyclists with a continuous and safe route from Spring Farm to the Sports Centre, with an additional connection to Kingston Park.



4. Maranoa Road-Denison Street Intersection Reconstruction:

The intersection upgrade at Maranoa Road and Denison Street is approaching completion. Delivered under the Black Spot Program, the project is designed to improve vehicular and pedestrian safety within a high-traffic school zone. Key civil works included: asphalt overlay, concrete footpath installation, and crossover construction. The application of a high-friction surface treatment (Omnigrip) and line marking are programmed for delivery during the April school holiday period.



5. Sports Precinct to Whitewater Creek Connector Track - Stage 2:

The successful installation of the aluminium footbridge over Whitewater Creek, completed by AJR Construction Pty Ltd in January, has established a direct connection between the Whitewater Creek Track and the Sports Precinct Connector Track. This path network also facilitates off-road access to Kingston Park.



6. Channel Museum Retaining Wall:

SLS Landscape Group has successfully completed the retaining wall project at the Channel Museum. The new mass block retaining wall has been constructed to significantly reduce the risk of rockfalls, while also enhancing the safety and stability of the upper property's boundary.



7. Snug Community Hall Upgrade:

Upgrade works to the toilet and kitchen facilities at Snug Community Hall commenced in mid-March, delivered by Macquarie Builders. With demolition now complete, structural works are well underway. The project is on track for completion in May.



8. Silverwater Park Toilet Replacement:

The contract for replacing the toilet block at Silverwater Park has been awarded to JMK Construction Pty Ltd. The project involves demolition of the existing toilet block and construction of a new facility, which will include one accessible cubicle and two unisex ambulant cubicles. Demolition has been completed, and footing works are currently underway. The project is expected to be finished by April.



9. Trial Bay Foreshore Toilet Replacement:

Tasbuilt have completed the demolition of the original facilities. The footings and concrete slab have been successfully poured and the installation of the new toilet facilities is scheduled to commence shortly.



10. Silverwater Park Upgrade:

This project includes building a new playground and a raised FRP walkway to provide DDA-compliant access from the roadway to the playground and park facilities. Work is expected to begin in late March.



11. Davies Road Reconstruction:

Public tenders for Davies Road Reconstruction closed on 11 March 2025 with 9 submissions received. Tender evaluation is in progress and the contract is expected to be awarded in early April.



12. Peverata Road (vic 609) Reconstruction:

The contract for the reconstruction of Peverata Road (vic 609) has been awarded to JRV Civil Construction Pty Ltd, with works slated to begin in April. The scope of the project includes the construction and sealing of granular pavement, installation of culverts, earthworks, drainage, driveways, and other associated minor civil works.



Works Department – Works Recently Completed (Mainland Kingborough)

13. Leslie Road (Capital) – resheeting works completed:



14. Grading completed:

- | | |
|-----------------------|-------------------|
| ▪ Dennes Road | ▪ Gumpits Road |
| ▪ Snug Falls Road | ▪ Bundella Road |
| ▪ Frosts Road | ▪ Hickmans Road |
| ▪ Slatterys Road | ▪ Van Morey Road |
| ▪ Allens Rivulet Road | ▪ Thomsons Road |
| ▪ Kaoota Road | ▪ Moodys Road |
| ▪ Maudsleys Road | ▪ Milford Road |
| ▪ Umfrevilles Road | ▪ Coal Mine Road |
| ▪ Tinderbox Road | ▪ Summerleas Road |

15. Red gravel potholing completed:

- | | |
|-------------------|--------------------|
| ▪ Proctors Road | ▪ Umfrevilles Road |
| ▪ Coal Mine Road | ▪ Kaoota Road |
| ▪ Matthews Road | ▪ Wiggins Road |
| ▪ Van Morey Road | ▪ Devlyns Road |
| ▪ Chandlers Road | ▪ Clare Street |
| ▪ Waldie Drive | ▪ Wyburton Place |
| ▪ Parkdale Drive | ▪ Tinderbox Road |
| ▪ Christella Road | ▪ Granquist Road |

16. Knops Road – road surface repairs completed.

17. Sandfly Road – guidepost installation completed.

18. Asphalted road failures – Roslyn Avenue, Blackmans Bay and Pearsall Street, Snug.

19. Spray sealing completed – Tinderbox Road (maintenance patching), Fergusson Avenue and Bruschs Road (Capital reseal prep).

20. Stormwater maintenance – Kingston Heights and Denison Street (pits), GPT cleaning and pipe cleaning in various locations.

21. Footpath maintenance – various locations.

Works Department – Works Recently Completed (Bruny Island)

22. Mulchahys Road – bridge debris cleaning:



23. Grading completed – Coolangatta Road East, Lighthouse Road, and Matthew Flinders Drive.
24. Potholing completed – Resolution Road, Lockleys Road, and Pontoon Road.
25. School Road – tree trimming undertaken.
26. Adventure Bay Road – drain cleaning undertaken.
27. Lunawanna (PWA) – graded main road on behalf of Stornaway.
28. Jetty maintenance – Jetty Road, Barnes Bay (new fenders) and Shell Road, Alonnah (new cross beams).
29. Roslyn Avenue, Blackmans Bay – asphalt failures completed:



30. Trial Bay – installation of sculpture at the boat ramp:



31. Greenhill Drive – irrigation repairs at the playground:



Works Department – Works Underway / Planned (Mainland Kingborough)

32. Middleton (Capital) – culvert replacements (on-going):



33. Grading planned to be undertaken by the end of May 2025:

- | | |
|-------------------|--------------------|
| ▪ Summerleas Road | ▪ Proctors Road |
| ▪ Van Morey Road | ▪ Chandlers Road |
| ▪ Krauses Road | ▪ Old Station Road |
| ▪ Benbows Road | ▪ Palmers Road |
| ▪ McGuires Road | ▪ Besters Road |
| ▪ Clarks Road | ▪ Websters Road |
| ▪ Betts Road | ▪ Fehres Road |
| ▪ Jamiesons Road | |

34. Drain cleaning to be undertaken – Lawless Road, McGuires Road, Tinderbox Road and Powers Road.

35. Eelmat Court – shoulder repairs.

36. Asphalt road failures – Hillview Drive, Margate, Hinsby Road, Taroona. Edge breaks and potholes on various roads.

37. Stormwater maintenance and inspections in various locations.

38. Footpath maintenance and inspection – Redwood Road (pedestrian crossing) and general footpath maintenance.

39. Rural roads – red gravel potholes and shouldering on various roads as required.

40. Kingston Beach – foreshore upgrade including irrigation and turf.

41. Woodbridge Hall (Capital) – external painting and restoration works have commenced:



42. Hobart Radio Control Club – demolition and site clearing undertaken in preparation for the Jack Jumpers high performance centre:

**Works Department – Works Underway / Planned (Bruny Island)**

43. Grading:

- Killora Road
- Power Road
- Cox Drive
- Jannali Road
- Lighthouse Road

44. Drain cleaning – Killora and Power Roads.

45. Cloudy Bay Road (Capital) – resheeting to be undertaken.

46. Lighthouse Road (PWA) – grading on behalf of Parks and Wildlife.

47. Adventure Bay Road – sign maintenance.

48. Adventure Bay (East Cove) – jetty maintenance (Pennicott).

C AUDIT PANEL MINUTES 21 FEBRUARY 2025



**AUDIT PANEL
MINUTES**

21 February 2025

MINUTES of the Kingborough Council Audit Panel held at the Council Chambers on Friday, 21 February 2025 at 8.00 am.

PRESENT:

		PRESENT	APOLOGY
Chair	Mr P McTaggart	Y	
	Mr P Viney	Y	
	Ms C Millar	Y	
	Cr D Bain	Y	
	Cr A Antolli	Y	

IN ATTENDANCE

Councillor F Fox	Mr D Stewart
Chief Executive Officer	Mr D Spinks
Director People and Finance	Mr T Jones
Manager Finance	Ms L Eaton
Asst Manager Finance	
Director Environment Development & Community Services	Ms Deleeze Chetcuti
Coordinator Community Services & Hub	Ms Carol Swards
WLF Internal Auditors	Ms A Leis, Mr C Sparks (both online)
Tasmanian Audit Office	Mr H Batt

WELCOME:

The Chair welcomed the Panel and Cr Fox.

APOLOGIES

Nil

DECLARATIONS OF INTEREST

Mr Viney advised he is Chair of The Helm Pty Ltd and a director of ElkayAI Pty Ltd.

CONFIRMATION OF MINUTES

The Panel endorsed the minutes of the Kingborough Council Audit Panel meeting of 6 December as a true and correct record.

ACTION LIST

Action List

The Action List containing three items was noted. All items were listed as complete or on track.

INTERNAL AUDIT

Ms Leis and Mr Sparks from WLF joined the meeting online at 8.05am.

Financial Sustainability internal audit review report

Ms Leis spoke to the financial sustainability report. The scope of the review was to perform a high level review of the long term financial plan (LTFP) processes and key assumptions that underpin the plan with a focus on reviewing the preparation process for the long term financial plan, identifying key assumptions and the basis on which they were formed and supported, assessing the robustness of assumptions and the process undertaken by management to validate these assumptions such as scenario testing of the model, and following up on previously reported findings from the review in 2021.

Panel discussion noted the LTFP assumptions are sound and reasonable but that asset management planning is insufficiently robust to inform the LTFP. It was noted that the asset management development needed had been reported in the past but remains an issue. The Panel queried whether this could be accelerated. Mr Stewart advised that progress had been a function of capacity and capability and that asset management will be a focus for the new Engineering Director when appointed. The Panel also noted the suggested timelines in the management response to the recommendations and that there were two budget cycles in that time.

There was discussion on the asset sustainability ratio and its interpretation as well as intergenerational equity in terms of rating levels and reserving funds for future asset renewal needs. The Panel discussed that Kingborough is a high growth area and could we access more government funding.

Ms Leis spoke to Council's operating deficits which mean insufficient revenue is generated to cover Council's costs and fund asset renewal requirements. It is necessary to consider the best way to address this issue through not only increasing rates but the use of other items such as the appropriate use of debt. It was also noted that consideration of the type of organisation Council wishes to be and the breadth and depth of services provided was an important element of financial sustainability.

The Panel asked to be provided a status report each meeting in relation to strategic asset management issues.

The results of the internal audit effectiveness survey from management in relation to the financial sustainability review were noted.

Internal audit status report

The Panel noted the status report of the 2024/25 internal audit program which is on target. The review of capital work in progress (CWIP) processes is underway and the report will be tabled at the May meeting. Planning is underway for the 2025/26 internal audit program with the risk framework and business continuity planning being possible review areas. An options paper will be tabled at the May meeting.

Ms Leis highlighted some impending federal legislation aimed at combating supplier payment scams and reiterated the need for all organisations to have robust controls around phishing attacks, email account compromise and changes to supplier masterfile information such as bank account details.

Internal Audit Recommendations Tracker

The Panel reviewed and noted the action items under the internal audit recommendation tracker. The Panel noted the target date for the consultation and engagement review recommendations was approaching and that progress to date was listed as low.

WLF left the meeting at 8.50am.

EXTERNAL AUDIT

TAO Recommendations Tracker

The Panel noted the tracker update. Uncapitalised WIP is a separate agenda item and all other items were noted as on track.

Financial Audit Strategy for the year ended 30 June 2025

Mr Batt from the TAO joined the meeting and provided an apology from the Auditor-General Mr Thompson. Mr Batt spoke to the audit strategy highlighting their assessment of the risk of material misstatement, audit materiality, the audit team, and audit timelines. It was noted a new report was being introduced this year, the Audit Outcomes Report, which will be issued at the interim visit. This will cover audit progress, any findings to date, review of outstanding audit recommendations, TAO performance audit findings. .

The large increase in audit fees was discussed. Mr Stewart noted a number of councils are being quoted similar large fee increases. They are intending to query these increases collectively with TAO.

Ms Eaton left the meeting at 9am.

Mr Batt left the meeting at 9.11am.

KEY MATTERS – COUNCIL MEETINGS OVERVIEW

Mr Stewart spoke to:

- The Director Engineering Services's resignation and arrangements whilst the recruitment process was underway. The position has been advertised.
- Tasmanian Planning Scheme and Local Provisions Schedules (LPS). The submission period had closed but late submissions were being accepted to February 23. The analysis of the submissions was underway and a report will go to Council. A response to the Tasmanian Planning Commission is due by March 18.
- Kingston Park development update.
- AFL High Performance Centre (AFL HPC) - a lot of planning and preparation has been happening including establishing internal governance arrangements, risk assessment and project management. A project director has been appointed. The Council preferred approach will be a holistic, whole of precinct approach given the Jack Jumpers High Performance Centre will also be sited in the precinct, plus the existing facilities and infrastructure such as the sports centre. The Panel queried what reporting will Council and Panel receive in relation to the project, as well as reporting of project risks. The CEO stated this is to be determined. The Panel requested a project status update for the next meeting.
- Jack Jumpers High Performance Centre. – the CEO advised that unlike the AFLHPC Council is not involved in the delivery of the project. The project is understood to be on track.

Ms Chetcuti joined the meeting at 9.20am, Ms Swords at 9.24am and Ms Eaton re-joined at 9.24am.

RISK MANAGEMENT & BUSINESS CONTINUITY UPDATE

Risk management deep dive – managing events

Ms Chetcuti spoke to risk management procedures in place in relation to managing community events. These generally occur at the Hub, and include Council run events, as well as hirers staging their own. The risks associated with such events are high, with mitigating actions aimed at reducing to moderate. These risks include harm to persons attending, damage to council infrastructure, unplanned costs, and reputational damage. Mitigating actions include event planning including risk identification, ensuring appropriate arrangements and permits are in place (eg traffic management, place of assembly, food vendors) and staff/volunteer inductions. Post event reviews are also conducted. The Panel queried how many events are conducted. Ms Chetcuti advised it is seasonal

with November and December being the busies months, but a typical month would be one large event and 6-12 smaller events.

Ms Chetcuti and Ms Swards left the meeting at 9.48am.

IT Security and Policy Breaches

Nil breaches to report.

Ms Millar queried the status of our corporate systems and whether business operational needs are met. Mr Stewart advised responsibility for business applications should reside in business units.

It was agreed Council's Manager Information Services would attend the next meeting to provide an IT status update.

Insurance matters

Nil to report.

REGULATORY/GOVERNANCE UPDATES

Councillor and staff gift registers

The Panel noted the entries in the Councillor and staff gift registers (two and six respectively) for the six months ended December.

Depreciation protocols

The depreciation protocols report was tabled. There was discussion on depreciation rates. Mr Spinks referred to two independent reports that compared asset useful lives across councils and in both cases Kingborough asset lives were at the upper end meaning on this basis, our asset lives do not appear to be too short and thus contributing to overstate depreciation expense. These reports were the Report of the Auditor-General No 4 of 2023/24 Report on the financial statements of State entities, Volume 2, May 2024 and Future of Local Government, Review of Council Strategic Asset Management Plans and Practices, R J Howard August 2022. There was discussion whether climate change threats which might require accelerated depreciation and condition assessments of assets.

Asset infrastructure reconciliation protocols

The asset infrastructure reconciliation protocols report was noted. The Panel asked whether there were areas of concern to which management replied there were not. Discussion included the procedures behind the protocols, indexing of asset classes between revaluations and differences that arise, and climate change (stormwater pipe sizes and locations).

Capital Work in Progress (CWIP) update

A CWIP status report was tabled in the meeting showing a reduction in the balance to \$20.8M from \$38.4M at the start of the financial year. A further \$4.4M, comprising mainly Kingston Park works, is ready to be capitalised. An ongoing focus will be to ensure completed projects are closed out and capitalised more promptly.

Ms Eaton left the meeting at 10.08am.

Financial report December 2024

The Panel noted the December finance report.

Audit Panel performance evaluation – action list

The Panel noted and endorsed the proposed action list arising from the Panel's self assessment performance survey.

Annual Work Plan

The Panel's annual work plan for 2025 was tabled for noted.

Audit Panel remuneration

The Panel noted the recommendation to increase independent Panel members remuneration with a report to go to Council for approval. It was noted that in 2022 the Panel's Charter was updated and the clause for annual CPI increases was removed. The independent members declared their interest and declined to comment on the recommendation.

Audit Panel meeting dates 2025

The October Panel meeting date was changed from October 10 to the 17th.

OTHER BUSINESS

Nil.

ACTION LIST

Meeting	Item	Responsibility	Due Date
Oct 2024	CWIP update to be provided at each meeting	Manager Finance	Each meeting
Oct 2024	Management presents an updated risk matrix and consider looking at getting external help with development of risk management at the Council.	Director People and Finance	May 2025
Feb 2025	Financial sustainability internal audit report – strategic asset management update to be provided at each meeting	Director Engineering Services	Each meeting
Feb 2025	Manager Information Services to provide an IT status update	Director People and Finance	May 2025
Feb 2025	AFL High performance centre status update	CEO	May 2025
Feb 2025	Report to Council recommending an increase in independent member remuneration and re-inclusion in the Panel Charter of an annual CPI increase.	Director People and Finance	March 2025

CLOSURE

There being no further business the Chair declared the meeting closed at 10.36 am.

Confirmed as a true and correct record:

.....
Chair,
Audit Panel

D CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)

CURRENT	
Resolution Title	Fire & Biodiversity Town Hall Meeting
Meeting Date	17 February 2025
Minute No.	C42/3-2025
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	Petition did not receive the requisite number of signatories. A report reviewing and addressing the concerns outlined in the petition is being developed.
Anticipated Date of Completion	TBD
STILL BEING ACTIONED	
Resolution Title	The Tasmanian Sustainability Strategy
Meeting Date	2 October 2023
Minute No.	C314/19-2023
Status	In progress
Responsible Officer	Manager Development Services
Officers Comments	A submission was sent to State Govt (who are running the project) in October 2023. We await further direction or steps from them on the project.
Anticipated Date of Completion	Unknown
Resolution Title	Glyphosate
Meeting Date	7 February 2022
Minute No.	C54/2-2022
Status	Ongoing
Responsible Officer	Director Environment, Development & Community Services
Officers Comments	A broader herbicide usage review is underway which encompasses Glyphosate. The project is being delivered in two stages in the first half 24/25.
Anticipated Date of Completion	May 2025