

Kingborough



COUNCIL MEETING MINUTES

7 October 2024

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

Kingborough Councillors 2022 - 2026



Mayor
Councillor Paula Wriedt



Deputy Mayor
Councillor Clare Glade-Wright



Councillor Aldo Antolli



Councillor David Bain



Councillor Gideon Cordover



Councillor Kaspar Deane



Councillor Flora Fox



Councillor Amanda Midgley



Councillor Mark Richardson



Councillor Christian Street

Table of Contents

Item		Page No.	
Open Session			
	1	Audio Recording	1
	2	Acknowledgement of Traditional Custodians	1
	3	Attendees	1
C279/18-2024	4	Apologies	1
C280/18-2024	5	Confirmation of Minutes	2
	6	Workshops held since Last Council Meeting	2
C281/18-2024	7	Declarations of Interest	2
C282/18-2024	8	Transfer of Agenda Items	2
C283/18-2024	9	Questions without Notice from the Public	2
	9.1	Integrated Transport Strategy	3
	9.2	Personal Mobility Devices	3
	9.3	Power Outlets at the Hub	3
	9.4	112 Tinderbox Road	4
C284/18-2024	10	Questions on Notice from the Public	5
	10.1	112 Tinderbox Road	5
	10.2	Delegation	5
C285/18-2024	11	Questions without Notice from Councillors	5
	11.1	Tree Planting and Sub-Divisions	6
C286/18-2024	12	Questions on Notice from Councillors	6
	12.1	Mary's Grange Development Application	6
	12.2	Compostable Dog Poo Bags	7
	13	Officers Reports to Planning Authority	8
C287/18-2024	13.2	DA-2024-276 - Development Application for Demolition of Existing Building and Construction of 22 Warehouses and Associated Infrastructure and Works at 65 and 12 Patriarch Drive, Huntingfield	8
	14	Petitions still being Actioned	22
	15	Petitions Received in Last Period	22
	16	Officers Reports to Council	22
C288/18-2024	13.1	Request for Consent to Remove One (1) Large Eucalyptus Ovata Tree on CT 162233/201, to Remove One (1) Large Eucalyptus Ovata Tree and to Build Outside the Building Envelope on CT 179428/1 at 14 Bonnie Vale Drive, Howden	22

Table of Contents

Item		Page No.
C289/18-2024	16.1 Exhibition of the Kingborough Draft Local Provisions Schedule	22
C290/18-2024	16.2 Copping Refuse Disposal Site Joint Authority - Proposed Rule Changes	23
C291/18-2024	16.3 Appendices	23
	17 Notices of Motion	23
C292/18-2024	18 Confirmation of Items to be Dealt with In Closed Session	23

Public Copy

MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 7 October 2024 at 5.30pm

1 AUDIO RECORDING

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

3 ATTENDEES

Councillors:

Mayor Councillor P Wriedt	✓
Councillor A Antolli	✓
Councillor D Bain	✓
Councillor G Cordover	✓
Councillor K Deane	✓
Councillor F Fox	✓
Councillor A Midgley	✓
Councillor C Street	✓

Staff:

Chief Executive Officer	Mr Dave Stewart
Director Governance, Recreation & Property Services	Mr Daniel Smee
Manager Development Services	Ms Tasha Tyler-Moore
Senior Strategic Planner	Mr Adriaan Stander
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

C279/18-2024

4 APOLOGIES

Deputy Mayor Councillor C Glade-Wright
 Councillor M Richardson

C280/18-2024

5 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox
 Seconded: Cr David Bain

That the Minutes of the open session of the Council Meeting No. 17 held on 16 September 2024 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
23 September	Tree By-Law	Provision of information and consultation outcomes for the proposed Tree By-law
30 September	Planning Scheme	Provision of information and summary of the consultation plan for the Kingborough LPS exhibition period.

C281/18-2024

7 DECLARATIONS OF INTEREST

Cr Deane declared an interest in the report headed “Request for Consent to Remove One (1) Large Eucalyptus Ovata Tree on CT 162233/201, to Remove One (1) Large Eucalyptus Ovata Tree and to Build Outside the Building Envelope on CT 179428/1 at 14 Bonnie Vale Drive, Howden”.

Cr Midgley declared an interest in the report headed “DA-2024-276 - Development Application for Demolition of Existing Building and Construction of 22 Warehouses and Associated Infrastructure and Works at 65 and 12 Patriarch Drive, Huntingfield”.

C282/18-2024

8 TRANSFER OF AGENDA ITEMS

Moved: Cr Amanda Midgley
 Seconded: Cr Gideon Cordover

That item 13.1 be moved into open session.

CARRIED

C283/18-2024

9 QUESTIONS WITHOUT 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.

Mr Mark Donnellon asked the following questions without notice:

9.1 Integrated Transport Strategy

It's been 14 years since the completion of the Kingborough Integrated Transport Strategy. Many of the recommendations in that strategy are still valid, but much has changed since 2010, especially with regard to the availability of e-bikes and personal mobility devices. Is this strategy likely to be reviewed and updated and when?

Mayor responds:

Council has commenced the process for reviewing and updating that work. Councillors had a workshop about four weeks ago. We accept that there are some things within that that are still relevant, it's obviously been quite a while since it's been updated and there has been a number of changes that I think we'd all like to see within that policy. I'm not sure if we have a time frame. CEO that you can share with us?

Chief Executive Officer:

No, don't have a time frame on that one. But we can have a chat offline if you like and talk through the process that we're going through.

9.2 Personal Mobility Devices

Does Kingborough Council have any strategy or policy that provides specific consideration to personal mobility devices, their users, and the facilities that Council provides?

Mayor responds:

Not that I am aware of.

Chief Executive Officer:

I don't believe we have anything that specifically covers personal mobility devices in any policy.

Mr Donnellon:

May I clarify what I'm referring to? The Department of State Growth defines personal mobility devices as things like e-scooters, e-skateboards and unicycles and shouldn't be confused with mobility aids like an electric wheelchair.

Mayor:

Right. No, we don't.

9.3 Power Outlets at the Hub

On Saturday, 21 September at 6:00pm, my friend Rick Gunton, who's with us today, was on his way home on his e-skateboard in need of a charge and found that all of the power outlets at the Hub and Kingston Park, including the BBQ shelters and toilet block, were either blocked or disabled and then was unable to charge his personal mobility device and went home without power. Why have all of the power outlets from Kingston Park, including those mentioned, been blocked or disabled?

Director Governance, Recreation & Property Services responds:

I'm not aware that they've been blocked. I do know that we've had some power outages that may have resulted, but when you say they've been blocked, are you physically unable to plug them in?

Mr Donnellon:

I visited the site this morning, and the power outlets at the BBQ shelters have been covered with purpose made plastic covers that remove access to the power points, and the Hub seemed to be working this morning, so that has changed since. But yes, all of the power points at the BBQ shelters have been effectively removed.

Director Governance, Recreation & Property Services:

I was unaware that that has happened. We'll look into that and take it on notice.

Ms Valeska Winter asked the following questions without notice:

9.4 112 Tinderbox Road

Thank you for the response to my question taken on notice in relation to a possible breach of planning permit conditions. Could I confirm the reason that action was not taken following my first request to the planning authority?

Manager Development Services responds:

Until the matter is resolved with the appeal, it probably does make a lot of sense to do the enforcement just purely to say, you must put it in as it is, because if the newer permit were to go through, it would potentially have some impacts on that landscape area. So it's better that we probably consider the two together. If the appeal against the approval is successful and doesn't go through, then obviously the applicants can reapply with a new proposal. That's not to say we wouldn't do anything for the original approval for the landscaping area, but if it were to go through then it would make better sense to work with the proponent to make sure that the two marry with each other.

Ms Winter:

Could I just clarify what date does the 120 day period of time commence from? Has that started from when I first requested the planning authority or does that start from now? To clarify, the question on notice response was that no investigation or action had been taken and it has now been referred to planning services. Could you clarify at what date at 120 day period starts from?

Manager Development Services:

I'm not sure which 120 days is being referred to, but I guess the investigation has started because we certainly pulled the file and got all the details so that we were able to answer the questions. We are aware of the non compliance with that condition, so it has commenced.

Ms Winter:

My understanding is, when there has been a possible breach of planning permit conditions, the planning authority has 120 days to investigate and take action at which point they would then advise the notifier who has made that request, and if appropriate action hasn't been taken, that person, in my understanding is, could then have the right to take their own action. Have I misunderstood that process?

Manager Development Services:

You would be referring to the 63B provisions of Land Use Planning and Approvals Act 1993. It has in there requirements for Council to take action and to commence investigations within that. So that would be the section you're referring to. The exact wording I'd need to look at the Act, which I'm happy to do and provide a response to you directly, if you would like.

Ms Winter:

Thank you. And I guess what I'm hoping to clarify is what date has that time frame started from?

C284/18-2024**10 QUESTIONS ON NOTICE FROM THE PUBLIC**

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10.1 112 Tinderbox Road

At the Council meeting on 16 September 2024, **Ms Valeska Winter** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

Could you confirm what action has been taken by the planning authority to address the failed landscaping at the site following my request for investigation and action on 28 May.

Officer's Response:

To date, Council has not taken any compliance action regarding the alleged breach of Condition 5 for the plantings and maintenance related to the landscaping plan under DA2016-423. The matter has been referred to Planning Compliance for further investigation.

Tasha Tyler-Moore, Manager Development Services

10.2 Delegation

At the Council meeting on 16 September 2024, **Ms Valeska Winter** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

Who holds the delegation to maintain Kingborough Council's municipal map under Section 208 of the Local Government Highways Act 1982?

Officer's Response:

As outlined in Section 208 of the *Local Government Act 1993* the General Manager is to keep up to date the map of the municipal area, showing in particular the various roads within the municipality. For Kingborough Council this is not a delegation from Council but rather a requirement for the General Manager as set out within act.

David Reeve, Director Engineering Services

C285/18-2024**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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Cr Midgley asked the following question without notice:

11.1 Tree Planting and Sub-Divisions

As part of sub-divisions, I note most of the time that developers are required to plant a series of street trees in the area as part of the development. What happens to those trees that don't survive and then if a building occurred and the developer doesn't retain those trees either? What's the mitigation as regards the fact that they were required to plant the trees, they don't survive and then a home is built and that homeowner doesn't keep or retain those trees either?

Manager Development Services responds:

The process for sub-divisions requires quite often that they have to do the landscaping. It may require other things such as building the footpaths or putting in rain gardens and the like. When that is completed for each stage, then it goes on to what we call a maintenance period, which is under the Local Government Act. The maintenance period goes for a 12 month period, so the developer is required to maintain it and make sure that it was built right. For example, if the footpaths were to crack, they would need to repair them, if the drain is blocked and glogged up, before they hand it over to Council at the end of the 12 months, they must clear that out. And the same goes for the planting of street trees or any other landscaping, they would need to maintain that landscaping and those trees and should they be damaged by the public or die or be diseased, then they do need to replace them before it is handed over to Council. Once it is handed over to Council and Council is satisfied and gives them a certificate to say we are satisfied that the maintenance period has been achieved, then Council becomes the custodian of all those assets, including street trees, and it's Council's responsibility to maintain them. If a resident goes and vandalises a tree and cuts it down, damages it or poisons it, which unfortunately we have seen occur, that's a breach against Council's assets and that will be dealt with under the by-law. By-laws are not the area that my department works in, so I don't know it that well, but there are certainly elements in there that the street trees would need to go back in. In the event that a resident had wanted to do other landscaping or change the landscaping on the footpath, there is a Council policy on that and that's available on the Council website.

C286/18-2024

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Mary's Grange Development Application

At the Council meeting held on 16 September 2024, **Cr Deane** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

Could we get an update on how the nursing home redevelopment is coming along?

Officer's Response:

The initial assessment of the application (DA2024-245) has been undertaken and a 'request for further information' has been made by Council. In accordance with the Act, the applicant has up to two years to provide a response. The application cannot proceed to advertising to decision making stage until the request has been satisfied. We are aware that the applicant has advised the local community directly that they intend to change the proposal that has been put forward to Council for assessment.

Tasha Tyler-Moore, Manager Development Services

12.2 Compostable Dog Poo Bags

At the Council meeting held on 16 September 2024, **Cr Midgley** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

Are we doing any comms around the fact that we've got compostable dog poo bags and that you can put them in your Fogo bin?

Officer's Response:

Council Officers will look at some additional stickers for the dog poo bag dispensers outlining that the bags are compostable.

David Reeve, Director Engineering Services

Public Copy

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 5.46pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C287/18-2024

13.2 DA-2024-276 - DEVELOPMENT APPLICATION FOR DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF 22 WAREHOUSES AND ASSOCIATED INFRASTRUCTURE AND WORKS AT 65 AND 12 PATRIARCH DRIVE, HUNTINGFIELD

Moved: Cr Kaspar Deane

Seconded: Cr David Bain

That the Planning Authority resolves that the development application for demolition of existing building and construction of 22 warehouses and associated infrastructure and works at 65 & 12 Patriarch Drive, Huntingfield for Phoenix Construction and Development Services be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2024-276 and Council Plan Reference No. P1 submitted on 16 August 2024.

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 the permit coming into effect and the commencement of any on-site works, the owner must concurrently end the existing Part 5 Agreement (Dealing No. C716790) and enter into a new Part 5 Agreement under the *Land Use Planning and Approvals Act 1993* with and to the satisfaction of Kingborough Council. This new Part 5 Agreement must:
 - (a) define and map protected trees, which includes T1 and T2 as shown in Council Plan Reference P1 submitted on 16 August 2024 and all replacement plantings identified in the endorsed Landscaping Plan required under condition 6;
 - (b) require the ongoing retention, protection and maintenance of these trees;
 - (c) require use and development, including buildings, structures, services and utilities, boundary fences and any other works, to be designed, located and constructed to:
 - (i) ensure individual protected trees are able to be retained and any impacts are tolerable;
 - (ii) minimise encroachment into the tree protection zone of protected trees through the design and location of development;
 - (iii) ensure there is no cut, fill or placement of materials within the tree protection zones of protected trees.
 - (d) specify that Council will only approve impacts on protected trees, including encroachment into the tree protection zone or lopping, where it can be demonstrated that the impacts are tolerable, the trees are capable of retention and any impacts will not compromise the long-term viability or expected life of the trees; and
 - (e) specify that Council will only approve removal of protected trees where:

- (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert V Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because the health and viability of the trees is such that they represent an unacceptable safety risk;
 - (ii) the written consent of the landowner has been obtained;
 - (iii) the loss of the trees is mitigated through replacement plantings at a ratio of 3:1; and
 - (iv) loss of these trees is offset to the satisfaction of Council.
- (f) be drafted using Council's template Part 5 Agreement; and
- (g) be executed and registered on the title prior to acting on the planning permit, commencement of any on-site works and approval of an 'Application for Approval of Planning Start of Works Notice'.

The concurrent ending of the existing agreement and new agreement must be executed and registered on the title prior to the permit coming into effect.

All costs associated with ending, drafting and registering the Part 5 Agreements on the title must be borne by the developer. All terms of this Agreement must be complied with once executed.

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.

3. No more than seven (7) trees numbered 3, 12, 13, 14, 15, 16 and 28 and as shown in Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022), are approved for removal for the purposes of this development.

This vegetation must not be removed prior to building approval, securing the conservation offset and approval of an 'Application for Approval of Planning Start of Works Notice'.

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

4. Prior to the removal of any individual trees and the commencement of on-site works, the loss of five (5) very high conservation value *Eucalyptus viminalis* trees must be offset by a financial contribution totalling \$2,850.00 (\$570.00 per tree). This contribution must be paid to Council's Environmental Fund and used solely for the protection and management of *Eucalyptus viminalis* and Forty-spotted Pardalote habitat within the municipality.
5. Prior to the installation and erection of the walls within the tree protection zones of the trees along the south-west boundary, numbered 22, 23, 24, 27 and 30 as shown on Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022), advice and recommendations must be sought from the Project Arborist to confirm the requirement and extent of tree pruning to install the walls without damage to these trees.

All pruning work required for the installation must be in accordance with AS4373, the Arboricultural Impact Assessment (P Jackson, November 2022) and the Amendment to

Section 6.0: Tree Protection Specification (P Jackson, July 2024). All pruning must be contained within the subject land. No pruning is approved from or within the neighbouring lots (CT 129737/1, CT 148137/102 and CT 20222/1) as part of this permit.

Evidence of the Project Arborist consultation and recommendations, and compliance with this condition must be provided to Council prior to the installation of the walls.

6. Landscaping must be provided prior to occupation of the new buildings to the satisfaction of the Council's Manager Development Services.

The landscaping areas shown on the endorsed plan, Landscaping Plan, Glanville Architects, Drawing No. A-03 dated 31/01/2024 (Council Plan Reference P1 submitted on 16 August 2024) 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.

No weeds listed under the *Tasmanian Biosecurity Act 2019* or/and identified as non-declared priority weeds in the Kingborough Weed Management Strategy are to be planted on the property.

7. All remaining native vegetation including individual trees identified for retention in Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022) must be appropriately protected during and after construction in accordance with all the recommendations in the Arboricultural Impact Assessment. This includes but is not limited to implementation of the following measures:

A. Prior to Construction:

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

- (a) Appointing a Project Arborist.
- (b) Conducting a site briefing between the Project Arborist and the project manager and site supervisor or equivalent for the development, including provision of the Tree Protection Plan (TPP).
- (c) Installing trunk protection measures, and tree protection fencing in accordance with the Arboricultural Impact Assessment, Tree Protection Plan and Condition 8.
- (d) Providing certification by the Project Arborist of satisfactory implementation of these tree protection measures to the Manager Development Services prior to the commencement of on-site works.

B. During Construction:

- (a) Maintaining trunk, ground and tree protection measures required above for the duration of the construction.
- (b) Ensuring the Project Arborist conducts a site audit during construction to check compliance against the tree protection plan and permit conditions.
- (c) Ensuring the Project Arborist advises on the extent of pruning required for Trees 22, 23, 24, 27 and 30 prior to the installation of the walls along the south-west boundary in accordance with Condition 5.
- (d) Ensuring Project Arborist oversees any excavation, machine trenching, compacted fill placement and other designated site specific activities within the Tree Protection Zones and Structural Root Zones of all retained trees.

- (e) Ensuring that the retaining wall is constructed with pier and beam footings within the TPZs of Tree 6 and 10 in accordance with Condition 11.
 - (f) Installing all services and sewer lines in accordance with section 6.5 of the Arboricultural Impact Assessment, including but not limited to locating all underground services and stormwater lines outside the TPZs of trees proposed for retention wherever possible, and where not possible using alternative measures such as non-destructive excavation.
 - (g) Installing all services and sewer lines within TPZs (only if unavoidable) in accordance with section 6.5.2 of the Arboricultural Impact Assessment, ensuring large woody roots are retained intact wherever possible.
 - (h) Pruning of woody roots only where no other alternative location of underground service lines is feasible, and ensuring the pruning is guided and assessed by a suitably qualified Arborist (AQF 5).
 - (i) Providing written certification by the Project Arborist of satisfactory implementation of these measures to the Manager Development Services upon completion of the site audit.
- C. Post Construction:
- (a) Ensuring the Project Arborist oversees the removal of the tree protection measures and fencing, and only removing tree protection when there is no risk of damage to the trees.
 - (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, contaminants or other materials;
 - (iii) machinery and vehicles are not permitted to access the tree protection zone; and
 - (iv) development and associated works are not permitted unless otherwise approved by Council in writing or otherwise in accordance with the law.
 - (c) Providing written certification by the Project Arborist of satisfactory implementation of these measures to the Manager Development Services upon completion of construction.
8. Tree protection fencing required under Condition 7 must:
- (a) Be in accordance with Appendix 1: Tree Protection Plan of the Arboricultural Impact Assessment (P Jackson, November 2022). The location of the protection fencing in the Tree Protection Plan has been derived on the assumption that the existing chain-link property boundary fence will remain intact for the duration of the construction works. Should this fence be removed at any point during construction, Council must be advised and Project Arborist advice must be sought in relation to the location of tree protection fencing.

- (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:
- Tree protection fencing must:
- (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.
- Tree trunk protection must:
- (v) Be in accordance with the specifications in section 6.2.3 of the Arboricultural Impact Assessment.
 - (vi) Be erected around nominated trees to avoid accidental damage, as indicated by a pink tree dot on the Tree Protection Plan.
 - (vii) Be installed prior to any site works and maintained in good condition for the duration of the construction period.
9. Prior to the commencement of on-site works a soil and water management plan must be submitted to Council for approval. The plan must be to the satisfaction of the Manager Development Services and be in accordance with the Soil and Water Management of Construction Sites – Guidelines.

Documentation submitted for Council approval must demonstrate the soil and water management measures and associated works do not result in additional encroachment into the tree protection zone of trees identified for retention in Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022).

All measures identified in the plan must be satisfactorily implemented and a site inspection of the implemented plan undertaken by Council with the principal contractor prior to commencement of on-site works.

10. Prior to commencement of on-site works, engineering design drawings must be submitted to Council for approval. The engineering plans and specifications must be prepared and certified by a professional Civil Engineer. Plans must be to satisfaction of the Director Engineering Services and comply with:

- Tasmanian Standard Drawings
- Austroads Standards and Australian Standards
- Australian Rainfall and Runoff Guidelines

The Plans must include, but are not limited to:

- (a) Detailed internal vehicular and pedestrian access, carparking and manoeuvring areas including:
- (i) Longitudinal and cross sections of the driveway/access road
 - (ii) Contours, finish levels and gradients of the driveway/access road
 - (iii) Provision of vehicle access (crossovers) with notation to be constructed in standard grey concrete with a broomed non-slip finish
 - (iv) Provision of passing bays (if applicable)
 - (v) 'No parking/keep clear' signage for turning bay areas
 - (vi) Wheel stops for parking bays
 - (vii) Surface treatment and stormwater drainage
 - (viii) Provision of landscaping of the parking and circulation areas must be provided. This landscaping must be no less than 5 percent of the area of the car park
 - (ix) 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
 - (x) The provision of a total of forty (40) car parking spaces and two (2) motor cycle parking spaces must be provided on the land for the uses permitted, to the satisfaction of the Manager Development Services. The area set aside for parking of vehicles including disabled parking and so delineated on the approved engineering design drawings must be made available for such use and must not be used for any other purpose
 - (xi) The provision of motorcycle parking areas 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
 - (xii) The provision of car parking spaces provided for people with a disability in accordance with the relevant provisions of the Building Code of Australia
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:

- (i) Layout details
 - (ii) A water sensitive urban design system to achieve the acceptable stormwater quality and quantity targets required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling
 - (iii) A reticulated stormwater system sized to accommodate at least the estimated 5% AEP (Annual Exceedance Probability) flow. Any on-site stormwater detention must be detailed including how the on-site detention will be serviced to prevent blockages while maintaining its capacity
- (c) A Tree Protection Plan which:
- (i) identifies all individual native trees with a diameter >25cm at 1.4m from natural ground level and their associated tree protection zones relative to the works
 - (ii) identifies which trees are to be removed and which are to be retained for the purpose of the works, in accordance with Council Plan Reference P1 (submitted on 16 August 2024) and the Arboricultural Impact Assessment (P Jackson, November 2022)
 - (iii) demonstrates encroachment is no greater than that shown in Council Plan Reference P1 (submitted on 16 August 2024) and assessed in the Arboricultural Impact Assessment (P Jackson, November 2022)
 - (iv) demonstrates all works are designed, located and constructed to minimise impacts on trees, and enable retention of trees in accordance with Appendix 1: Tree Protection Plans of the Arboricultural Impact Assessment (P Jackson, November 2022)
 - (v) demonstrates that all underground services and sewer lines have are proposed to be installed in accordance with section 6.5 of the Arboricultural Impact Assessment, including but not limited to locating all underground services and stormwater lines outside the TPZs of trees proposed for retention where possible, and/or using alternative measures such as Horizontal Directional Drilling (HDD)
 - (vi) details the mitigation and protection measures to be implemented before, during and after construction in accordance with Australian Standard 4970-2009 for the protection of trees on development sites, including incorporation of the recommendations in the Arboricultural Impact Assessment (P Jackson, November 2022) and Conditions 7 and 11

Once endorsed the plans will form part of the permit.

11. Plans submitted for building approval must incorporate:

- (a) the construction recommendations in the Geotechnical Site Investigation prepared by GES October 2022, including:
 - (i) all proposed shallow foundations must penetrate through any fill material & topsoils and onto sedimentary bedrock;
 - (ii) the excavation of conventional pad footings must be to a sufficient depth and bearing;
 - (iii) the driving or boring into underlying well consolidated natural soil where pile foundations are required;
 - (iv) the levelling and compaction of footprints with either natural rock fill or imported Class 1 fill in accordance with AS 1289 5.1.1;

- (v) all earthworks onsite must be compliant with AS3798-2007 “*Guidelines for Earthworks on commercial and residential subdivision*”;
 - (vi) connecting stormwater as soon as any roofing is sealed; and
 - (vii) the drainage for ground surface and pavements is designed to flow away from footing areas and towards stormwater discharge points.
- (b) the construction recommendations in the Arboricultural Impact Assessment (P Jackson, November 2022), including:
- (i) the retaining wall footings must be constructed using alternative ‘non-destructive’ methods such as ‘pier and beam’ footings within the TPZ of Trees 6 and 10.

All mitigation measures identified in the approved building plans must be satisfactorily implemented.

12. Prior to the commencement of on-site works, SP 155087 must be amended to remove and/or amend the location of the existing drainage, pipeline, cable and embankment easements affecting Lot 41.

For Advice: Council notes that a Sealed Plan Amendment application, SPA-2022-7, has been submitted in respect of the subject lot. This application will be determined by Council following the issue of a permit for DA-2024-276 and the taking effect of that Permit.

13. Before any works commence, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Manager Development Services. No works are permitted to occur until the Plan has been endorsed. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Manager Development Services. The plan must include, as a minimum:
- (a) Hours for construction activity in accordance with any other condition of this Permit;
 - (b) Measures to control noise, dust, water and sediment laden runoff;
 - (c) Measures relating to removal of hazardous or dangerous material from the site, where applicable.
 - (d) 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;
 - (e) A Traffic Management Plan including any truck routes to and from the site;
 - (f) 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;
 - (g) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - (h) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - (i) Contact details of key construction site staff;
 - (j) 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.

14. Prior to the commencement of any on-site works, including vegetation removal or modification, demolition, construction, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings, an 'Application for Approval of Planning Start of Works Notice' must be lodged with Council's Planning Department.

This application must be lodged a minimum of 14 days prior to commencement of on-site works and works must not commence until this notice has been approved by the Manager Development Services.

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

15. The construction works must be undertaken in accordance with the approved drawings. Works must be to the satisfaction and approval of the Director Engineering Services and include the following:

- (i) 'No Parking'/'Keep Clear' signage must be installed for the turning bay;
- (ii) all the parking spaces must be properly line marked;
- (iii) wheel stops for parking bays must be installed;
- (iv) on-site stormwater detention must be installed; and
- (v) stormwater discharge from all new impervious areas must be disposed of by gravity to Council's stormwater infrastructure.

16. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Weed and Disease Planning and Hygiene Guidelines 2015 produced by the Department of Primary Industries, Parks, Water and Environment.

Any imported fill materials must be from a weed and pathogen free source to prevent introduction of new weeds and pathogens to the area.

17. During construction, all use and works, including stockpiling and storing of materials, vehicular access and parking, pruning of trees and works, must be contained within the subject land.
18. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Director Engineering Services.
19. The stormwater runoff from all new impervious areas must be disposed of by gravity to Council's reticulated stormwater system to the satisfaction and approval of the Director Engineering Services.
20. To ensure that the building contributes positively to the streetscape and the amenity and safety of the public and adjoining land is protected the owner/developer must ensure that:
- (a) 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 is screened from view; and
 - (b) roof-top service infrastructure, including service plants and lift structures are incorporated within the design of the roof.

21. The external building materials of all buildings applying to this development must be of types and colours that are sympathetic to the environment and must be to the satisfaction of the Manager Development Services. The cladding and roof is to be Colorbond 'Monument' or similar material and with a light reflectance value not greater than 40 percent. Unpainted metal surfaces will not be approved. Plans submitted for building approval must indicate the proposed colour and type of the external building materials.
22. The permit holder must promptly remove or obliterate any graffiti on the subject site which is visible to the public and keep the site free from graffiti at all times to the satisfaction of the Council.
23. Adequate provision must be made for the storage and collection of garbage and other solid wastes within the curtilage of the site, for periodic removal to a licensed disposal site by a private contractor.

All waste material generated by the development or from other sources must be contained in appropriate building waste containers. The containers must be of a size to adequately contain the amount of waste generated and must be appropriately located on the subject site and screened from public view to the satisfaction of the Manager Development Services.

24. Noise emissions measured at the boundary of a residential zone must not exceed the following:
 - (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 to 7.00 am;
 - (c) 65dB(A) (LAm_{ax}) 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.

25. Hours of operation of a use must be within:
 - (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;
 - (b) 9.00 am to 5.00 pm Saturdays;
 - (c) nil Sundays and Public Holidays.

except for office and administrative tasks.

26. The loading and unloading of vehicles and storage of vehicles or materials shall be contained within the property boundaries and not on any part of any road reserve.

Delivery vehicles must park within the site boundaries and must not under any circumstances block vehicular access along any road or adjoining property access.

27. All signs on the Endorsed Plans shall comply with the following requirements:
 - (a) The location and details of the sign(s), including supporting structures, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Manager Development Services.
 - (b) The sign(s) must not contain any flashing or moving light to the satisfaction of the Manager Development Services.

- (c) The sign(s) must be constructed and maintained to the satisfaction of the Manager Development Services.
 - (d) Only one (1) Transom sign and one (1) Wall sign, in compliance with the standards in the Signs Code E17.0, are approved for each tenancy. Any further signage will be required to comply with the Development Standards in the Signs Code E17.0 including when necessary, obtaining the approval of Council.
28. The Permit DA-2024-276 is for Storage (warehousing) as defined in the Kingborough Interim Planning Scheme 2015. Any further changes in use will be required to comply with the provisions of the Planning Scheme in force at the time including where relevant the lodgement of a development application and obtaining a Planning Permit.
29. The conditions as determined by TasWater, and set out in the attached Appendix A, form part of this permit.

ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- C. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- D. A drainage design plan at a scale of 1:200, designed by a qualified Hydraulic Designer, showing the location of the proposed sewer and stormwater house connection drains; including the pipe sizes, pits and driveway drainage, must be submitted with the application for Plumbing Permit.
- E. Prior to construction on Council land, a By-Law Permit under the Parks Recreation and Natural Areas By-law No. 3 of 2021 must be obtained.

CARRIED



Submission to Planning Authority Notice

Application details

Council Planning Permit No. DA-2024-276
 Council notice date 2/09/2024
 TasWater Reference No. TWDA 2024/01040-KIN
 Date of response 27/09/2024
 TasWater Contact Elio Ross
 Phone No. 0467 874 330

Response issued to

Council name KINGBOROUGH COUNCIL
 Contact details kc@kingborough.tas.gov.au

Development details

Address 65 PATRIARCH DR, HUNTINGFIELD
 Property ID (PID) 2917648
 Description of development Demolition of Ex building & Construction of 22 Warehouses

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Glannville	Project: Gla2203 Sheets: A-01 to A09	--	31/01/2024
Aldanmark	Project: 22E99-81 Sheet: C101, C106	C	16/02/2024
Design East	Project: 4527 Sheet: A01 (Existing building layout)	--	Sept 2008



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:

CONNECTIONS, METERING & BACKFLOW

1. A suitably sized water supply with metered connection 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.
Advice: TasWater will not accept direct fire boosting from the network unless it can be demonstrated that the periodic testing of the system will not have a significant negative effect on our network and the minimum service requirements of other customers serviced by the network. To this end break tanks may be required with the rate of flow into the break tank controlled so that peak flows to fill the tank do not also cause a 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/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.
4. 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 by any approved plan to TasWater's satisfaction.
5. In the event that a connection to the reticulated water supply for the purpose of firefighting coverage is required. The applicant must provide documents detailing the required fire flow rate in L/s and the required residual pressure (kPa) at the point of connection to allow TasWater to confirm the available capacity and boundary conditions prior to the issue of a Certificate for Certifiable Work (Building and/or Plumbing).
NOTE: The pressures will need to include losses through the actual connection, the associated pipework and the elevation changes.

DEVELOPER CHARGES

6. 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 \$13,353.20 to TasWater for water infrastructure for 7.6 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.
7. 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 \$20,029.80 to TasWater for sewerage infrastructure for 11.4 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.
8. In the event Council approves a staging plan, prior to TasWater issuing a Certificate(s) for Certifiable Work (Building) and/or (Plumbing) for each stage, the developer must pay the developer charges commensurate with the number of Equivalent Tenements in each stage, as approved by Council.



DEVELOPMENT ASSESSMENT FEES

9. The applicant or landowner as the case may be, must pay a development assessment fee of \$775.39, 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.

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.

NOTE: In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of -

- (a) a meter; and
- (b) installing a meter.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

OPEN SESSION RESUMES

Open session resumed at 6.14pm

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

There were no Petitions received.

16 OFFICERS REPORTS TO COUNCIL

C288/18-2024

13.1 REQUEST FOR CONSENT TO REMOVE ONE (1) LARGE EUCALYPTUS OVATA TREE ON CT 162233/201, TO REMOVE ONE (1) LARGE EUCALYPTUS OVATA TREE AND TO BUILD OUTSIDE THE BUILDING ENVELOPE ON CT 179428/1 AT 14 BONNIE VALE DRIVE, HOWDEN

Cr Deane left the room at 6.15pm

Moved: Cr Gideon Cordover

Seconded: Cr Aldo Antolli

That Council:

- (a) determine to grant consent under the covenant on Sealed Plan No. 179428 to allow a development application, under the provisions of the *Land Use Planning and Approvals Act 1993* and the Kingborough Interim Planning Scheme 2015, to be considered for the removal of two (2) *Eucalyptus ovata* trees and construction of a habitable building, retaining wall and an outbuilding outside the building area on Lot 1, generally in accordance with the plans submitted under DA-2024-83 and as shown in Attachment 2, and
- (b) advise the applicant that this consent does not imply approval for the development which will be subject to an assessment of the application under the above Act and Scheme.

CARRIED

Cr Deane returned at 6.22pm

C289/18-2024

16.1 EXHIBITION OF THE KINGBOROUGH DRAFT LOCAL PROVISIONS SCHEDULE

Moved: Cr Christian Street

Seconded: Cr Amanda Midgley

That Council notes the commencement of the public exhibition of the Kingborough Draft LPS on Wednesday, 9 October 2024 for a 60-day period until Monday, 9 December 2024.

CARRIED

C290/18-2024**16.2 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY - PROPOSED RULE CHANGES**

Moved: Cr Aldo Antolli
Seconded: Cr Gideon Cordover

That Council approves the proposed amendments to the Rules of the Copping Refuse Disposal Site Joint Authority as agreed by the Authority at its meeting on 15 August 2024.

CARRIED

Cr Midgley left the room at 6.55pm

C291/18-2024**16.3 APPENDICES**

Moved: Cr Flora Fox
Seconded: Cr Kaspar Deane

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

Cr Midgley returned at 6.57pm

CARRIED

17 NOTICES OF MOTION

There were no Notices of Motion.

C292/18-2024**18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

Moved: Cr Flora Fox
Seconded: Cr David Bain

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*

CARRIED

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

Open Session of Council adjourned at 6.58pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7.01pm

C293/18-2024

Moved: Cr Flora Fox
Seconded: Cr Amanda Midgley

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Approved

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.02pm

.....
(Confirmed)

.....
(Date)