

# Kingborough



## COUNCIL MEETING MINUTES

21 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**

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MINUTES of an Ordinary Meeting of Council  
Kingborough Civic Centre, 15 Channel Highway, Kingston  
Monday, 21 October 2024 at 5.30pm

**1 AUDIO RECORDING**

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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**

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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**

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**Councillors:**

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

**Staff:**

Chief Executive Officer	Mr Dave Stewart
Director People & Finance	Mr David Spinks
Director Governance, Recreation & Property Services	Mr Daniel Smee
Director Engineering Services	Mr David Reeve
Director Environment, Development & Community Services	Ms Deleeze Chetcuti
Manager Development Services	Ms Tasha Tyler-Moore
Senior Planner	Mr Timothy Donovan
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

**4 APOLOGIES**

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There were no apologies.

C298/19-2024

**5 CONFIRMATION OF MINUTES**

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

That the Minutes of the open session of the Council Meeting No.18 held on 7 October 2024 be confirmed as a true record.

**CARRIED**

**6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING**

Date	Topic	Detail
14 October	Environment Reports	Workshop to discuss the 2023 AGM motion relating to environmental reports and to consider recommendations.

**7 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**8 TRANSFER OF AGENDA ITEMS**

There were no agenda items transferred.

**9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC**

There were no questions without notice.

C299/19-2024

**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 Power Outlets at the Hub**

At the Council meeting on 7 October 2024, **Mr Mark Donnellon** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

*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?

**Officer's Response:**

The power outlets at the Hub and in Kingston Park were installed to support community events and were not intended to be a power source to charge personal devices. Installation of the outlets included provision to lock off the power supply and this action may be taken in response to vandalism and/or antisocial behaviour at the facility. Power outlets on some of the BBQs in the park have been covered/disabled due to ongoing vandalism.

*Daniel Smee, Director Governance, Recreation & Property Services*

**C300/19-2024**

**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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**Cr Cordover** asked the following questions without notice:

**11.1 Aquatic Centre**

*In light of Glenorchy City Council making their announcements today around their plans for an Aquatic Center, can we please have an update on our aquatic facility planning? When should we be expecting a report from the Kingborough Aquatic Facility Steering Committee and do we think that the competition now for federal and state funding with respect to Glenorchy puts Kingborough at any disadvantage?*

**Director Governance, Recreation & Property Services responds:**

It's early days for the committee, we've only met twice so far and there is a lot of considerations in relation to the location, the design and the purpose of the facility. We are intending to apply for some federal grant funding to do further analysis in respect to those questions that need to be answered. In relation to a report, it's too early to say when we might be able to bring a report to Council and the question of competition, I really think it's a question of timing and the opportunity and that opportunity could come at any time. I don't think we're at a disadvantage with Glenorchy having come out recently with their plans. It's a big capital sum of money, and there are no obvious opportunities to fund that at the moment.

**11.2 Climate Governance**

*On 9 September 2024, the Federal parliament passed landmark legislation to establish an internationally aligned climate reporting regime in Australia. How is Kingborough Council preparing for mandatory climate governance reporting and will Councillors be receiving a specific workshop around Kingborough Council's climate governance reporting standards and processes?*

**Director Environment, Development & Community Services responds:**

We had our new climate adviser start today. The role of our climate adviser will be to review our existing plan and as part of that review will be to look at any new requirements, whether they're state or federal or good practice that we should be looking to. I believe we're in a very good position. We've already done some carbon and emission accounting. It would be a matter of aligning what we have done in accordance with any new guidelines and then reporting in

accordance with those guidelines. At this stage we haven't given thought to whether or not there will be a workshop, but we will keep Councillors up to date as we progress and our new adviser gets his feet under the desk.

**Cr Antolli** asked the following questions without notice:

### **11.3 Landscape Conservation Zone**

*With around 1,500 properties slated for conversion to LCZ, is there a potential risk that landowners may claim a remission of rates? The argument being that the shift from residential use to a primarily public benefit does not align with the original purposes for which they are paying their rates. Given this large-scale rezoning in Kingborough, has Council assessed this as a potential legal challenge or a risk? Is it a real risk, and if so, why or why not?*

#### **Director Environment, Development & Community Services responds:**

Yes, of course we assess the risk of all the changes proposed with the new incoming scheme and they obviously have to be carefully managed. I believe there was quite a lot of concern in the Huon Valley regarding the scale of properties to be zoned landscape conservation zone. So for context, in Kingborough, there is only two properties that are in the rural living zone that will potentially change to the landscape conservation zone. There's not a large scale shift in Kingborough and as you probably understand as well, the landscape conservation zone, while it is not named the same or has the exact requirements of the existing environmental living zone, the outcomes of each of those zones are fairly similar. Most of the properties going to landscape conservation zone are already environmental living zone at the moment. There is approximately 1,500 properties that will be landscape conservation zone, and for additional context that's about 7% of our ratable properties in Kingborough. The other thing to note is the total number of environmental living zoned properties versus the proposed total number of landscape conservation zone properties is actually decreasing. There is a decreasing shift in those total numbers so it's a bit hard to compare, so given all of those considerations, we don't believe that there's a risk.

#### **Cr Antolli:**

In the absence of any form of community consultation, how did the Council planners determine what the Community's expectations are around this concept of landscape values?

#### **Director Environment, Development & Community Services:**

As you're aware, this is a State run process and Kingborough Council have followed the process defined by the TPC very strictly. The exhibition period is the consultation period. This is the intent of the exhibition period for residents to look at the proposed zoning and the overlays etc, and to make their submission. I would say that since 2019, Council have been informally engaging with the community and have certainly heard concerns from our various groups within the community. The other part that is really important is that the draft LPS was drafted in accordance with all the guidelines set out by the TPC. That was passed on to the TPC for review and they indicated to Council that they were satisfied that the draft LPS was ready for exhibition. So we're really confident in the process that we have gone through to draft the LPS and also to consider the submissions that get made during exhibition. Also, to reiterate, those submissions will be provided to the TPC, they will be heard through the hearing process and it is the TPC who makes the final decision.

#### **Cr Antolli:**

The concept that representation is the same as consultation, could you clarify that? I think the expectation from the community is that consultation is different, it's like a pre-process and representation is like an end-process because it actually has a legal final outcome. It goes to a judiciary body like the TPC. Whereas I would say that the community's expectation around



consultation is different, that it's co developing something together. So could you maybe clarify what you meant by that?

**Director Environment, Development & Community Services:**

A consultation process is potentially different, and this is a formal representation process through exhibition, but it is the defined method under the process for the communities, positions, opinions and concerns to be made and considered.

**Cr Antolli:**

You mentioned also before that the TPC was happy with the LPS process to date. Is there a requirement in the process that consultation needs to be done with the community around the concept of what constitutes landscape values?

**Director Environment, Development & Community Services:**

No, there's not.

**Cr Antolli:**

We have put it in our own past documentation that we want to consult with the community and I've quoted to council officers the document, it's called the Council's Land Use Strategy from May 2019, which I understand from talking to staff in the past, has been updated, but I'm assuming consultation hasn't been removed from that document. Given that our own documentation posted on our website since 2019 requires that we consult with the community about zone changes, why have we not done it?

**Director Environment, Development & Community Services:**

I believe that there was consultation conducted in the form of information sessions post the 2019 document, but I'll take that on notice to confirm that.

**Mayor:**

We did hold information sessions previously in relation to this matter and that was a decision that Councillors made. You may recall it was about the first half of last year because we were considering at the time about how we actually get out to the community, the message about we're still waiting to hear from the TPC. With the rates notices we put out the information flyer and then we had sessions that ran following that in quite a few locations around the place and that provided feedback. It also opened up the opportunity for individuals beyond those sessions to engage with our planning staff and in particular our strategic planner. And I know that as a result of that, that he was exceptionally busy from engaging with members of the community. So I do feel we already have gone beyond what is required of us in a statutory sense and now, with the engagement process that we have announced 2 weeks ago, we have gone above and beyond what any other Council has done to consult with the community and get that feedback so that when the final submission goes to the TPC, that we've got as much feedback and as many representations as we possibly can get from people in the community to feed into that process. I feel confident that we have provided a lot of opportunities for the community.

**Cr Antolli:**

That was a valuable process. Notwithstanding anything you've said, from my point of view and I may not have worded it well enough, is that when you're setting in place, what constitutes a landscape value, value in one person's eyes is different in another. Value in one Council's eyes is different than another. My question was around the risk this poses to us that we didn't actually go to the community and say that this is what we believe constitutes landscape value. A lot of our community that is 100 meters or above the sea level because of the value from the road and also from the sea, and value in my eyes could be different in value in another person's eyes. How did the Council planners determined what the community's expectations were around that? How did

we get to that very quickly because that seems to be an issue. Some people look at their property that's not visible from any part of the community and it's been caught up in LCZ and it has no visual value to anybody.

**Manager Development Services:**

There is clearly confusion about the different controls. A lot of the submissions then was about the landscape conservation zone. Then there's reference to the 100m mark. That's actually to do with the setting landscape overlay. They're two completely different things. One is a zone and as I've explained, every property has a zone, some properties have code overlays on them, so they've got different functions. The reference to the 100 meters is something that exists in the current scheme, it was applied during the interim schemes by the State Government and the Minister made a decision to make that a transitional provision of the planning scheme. So it's not Council officers that decided to put it in the new one, the Minister has said it will transfer to the new one. We agree, and we've said this and it's also written in a supporting report, which I encourage people to read and is available on our website with all our fact sheets, that it is an unusual way to apply it. We don't necessarily think it's the best way to be applied, and it's something that people could put submissions in if they want, but they do need to acknowledge that it's a transitional requirement put forward by the Minister, so there's not as much weight. Certainly once we get to the new planning scheme it's something that we can look at doing the planning scheme amendment to review and revise. But at this point in time, it's not the right time unfortunately, and I think it's important for people to understand what the scenic landscape code actually means, to actually read the document, read the code provision, because then they can see that it's not as scary as some people might have made out, because there's actually very little limitation that it has on a property and we assess it frequently, they've come to the chamber for the scenic landscape overlay, so it's important to actually read the content to understand it, but it is very different to the zoning.

**Cr Antolli:**

With regards to overlays, are they handed to us from the State and we apply them prescriptively or is there some co-consultation with the community that has to go in the development of those overlays before they are applied?

**Manager Development Services:**

Some of the code overlays that are provided to us are provided by the State agencies for example, the bush fire prone is provided by the TFS, the coastal hazards is provided by the State Government, landslide is provided by the State Government. Lots of them are mapped by the State Government, by professionals who have prepared them and we then need to adhere to that. Some of the other overlays, such as the Heritage overlay we make selection about heritage. In the instance of Kingborough, we haven't added any new heritage overlays, we just don't have the resources to be able to do the work. So that will go in the same as it is in the current planning scheme. The question about was it required to do consultation on those – the exhibition period is the consultation. So no, there isn't a requirement under the legislation to do further consultation on that. If we had more resources, we'd love to do further consultation but we are working with the parameters that we have and also within the legislation. We're confident that we've applied them as we have and I would also encourage the public, if they're unsure about what overlays are and how they work, look at the information we've provided on our website to get a better understanding of that and certainly people can put representations in related to overlays as well as zones.

**Cr Antolli:**

With the scenic overlay is that one of the ones that we can actually build with the community before applying it and maybe should have?

**Manager Development Services:**

No, it's not. As I mentioned, the Minister made a transitional provision, so we couldn't amend it. The Minister said it's going over to the new scheme and that's what it is.

**Cr Antolli:**

There is a number of people that approach me that the scenic overlay is one that is built in consultation, not handed ex-cathedra from the Minister, but that's false is that correct?

**Manager Development Services:**

I'm making a comment going from the interim scheme to the new scheme. I'm not making comment about how it originally came in because people may or may not be aware that when the interim schemes, that were going to be here for a very short time, which has been in for an extraordinarily long time now, almost a decade, they were just applied by the State Government. . And I wasn't here when they were originally established, but I believe the State Government came up with that criteria.

**Cr Antolli:**

There are potentially four outcomes after this before the TPC makes its determination and one of them is what's called Division 8, where Council could possibly be in breach of it, and that's when Council fails to comply with the required process. And I am not in any way accusing Council of failing to comply in any way, shape or form. In the event that the Council would be required to cover all costs incurred by the TPC in taking over these responsibilities, has Council assessed that risk? Is there much of a risk of that happening and if it does happen, how would we pay for it?

**Director Environment, Development & Community Services:**

The risk of the whole process of transition has been considered and managed very carefully. As described in previous questions, we have followed the process exactly as set out by the State which has included reviews by the TPC of our draft LPS, and they are satisfied that it was ready for exhibition. We also provided a detailed supporting document, which is available on our website, showing how we have complied with all the guidelines and requirements set out by the State, which are numerous and onerous. There is no indication that we have failed with the requirements of the process and it's a heavily scrutinised process by the TPC and the risk is extremely low.

**Cr Antolli:**

I'm assuming then if a significant number of public representations reject the zoning and overlays proposed by Council such as the LCZ, the risk of Council running in breach of Division 8 in Council's eyes would be very low, because whether or not they have come to that conclusion, our advice is that we've still followed the process. Is that is that your position?

**Director Environment, Development & Community Services:**

Yes, it is. And of course those representations and submissions will be considered in the final decision making by the TPC, and if they believe changes are required, they will direct Council to do that before the final scheme is adopted.

**Cr Deane** asked the following question without notice:

**11.4 Coffee Hole, Kingston Hub**

*The Coffee Hole is now closed. One of the key considerations, it seems, has been slow down in construction work, the apartment's not going ahead and the access to tradies that will go there in their lunch break or grab a coffee. They've been there for a few years, and now that it's closed, I'm just wondering if there are any plans and how we might, as a Council, rethink what we're going to*

*do with that space. Obviously, the bigger part of that tenancy is Traders In Purple. Are there any plans from our perspective as to what we could do differently moving forward?*

**Mayor:**

It was certainly very sad to hear that the Coffee Hole was closing because I know that there are a lot of groups who were utilising that facility, people who were hiring facilities at the Hub, very popular in the mornings with park runners, etc. In terms of that space, that entire space is let to Traders In Purple for their showroom area, so the lease that the Coffee Hole had was in fact, with Traders In Purple, not with Council. It would be up to Traders In Purple what they would want to do with the balance of that lease. I'm not aware of the terms of it, that's between them and Traders In Purple.

**Chief Executive Officer:**

We are in contact with Traders In Purple around the development plan around that broader precinct. Obviously the sooner we can enter into sustainable development within that area and achieve the strategic outcomes that we're looking for from that overall precinct, then it will have the opportunity to reinvigorate the area and bring more sustainable operations in terms of a commercial cafe, for example, into that space. In regard to the overall development, it's still a tough market out there and especially in terms of some of residential development that we're looking for within that precinct. So we need to have some honest conversations about where we are with that and we have a project control group around that overall precinct in the next couple of weeks, so we should gain some more information about how we're progressing and what the outlook is at that stage. We have talked about bringing it back to Council for a workshop on the way forward in the future.

**Cr Deane:**

We've heard that the slowdown in the developments not happening means that it's not really viable for a café and it is a Traders In Purple space, which they're not using. If it gets to the point where Traders walk away or it's our facility ultimately and it's not being used, are able to step in, in terms of wanting to utilise that space better than just having an empty showroom that doesn't get used, can we step in at any point?

**Director Governance, Recreation & Property Services responds:**

Traders lease is until February 2026. There's nothing in the terms of the lease that would enable us to step in without Traders first relinquishing that lease or it would need to be with agreement. After February 2026, that will be a decision for Council as to what they do with this space, but we have a a lease agreement until that date.

**Cr Midgley** asked the following question without notice:

**11.5 Coastal Policy Position Paper**

*The State coastal policy position paper closed today and I'm wondering if Council put in a submission for that?*

**Director Environment, Development & Community Services:**

We were planning to put a submission in and I will be requesting an extension first thing in the morning. That has been an oversight on my behalf. We have one drafted. The summary of our submission is around needing further consultation and particularly some clarification in relation to the risk that is referred to in their proposed changes in terms of what's an acceptable threshold and further definition on mobile landforms as well as what would be considered public benefit for a development to be approved on those land forms, so we would be encouraging further consultation with more detailed supporting information.

**Cr Glade-Wright** asked the following question without notice:

### 11.6 Pedestrian Crossing

*Can I please have an update on the pedestrian crossing at Beach Road?*

**Director Engineering Services responds:**

We've just finalised the design for that and it's going out to tender at the moment. It should come back to Council shortly.

## C301/19-2024

### 12.1 QUESTIONS ON NOTICE FROM COUNCILLORS

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#### 12.1.1 United Nations Sustainable Development Goals

**Cr Cordover** submitted the following question on notice:

1. *How is the Kingborough Council dealing with the United Nations Sustainable Development Goals (SDGs)?*
2. *If engaged, what are Kingborough Council's SDG priorities by rank?*
3. *What role will the SDGs, and any of their relevant regional-specific socio-economic and environmental priorities, play in developing the next iteration of the Kingborough Council Strategic Plan?*

#### **Officer's Response:**

Kingborough Council's Strategic Plan and associated initiatives broadly align with several of the UN United Nations Sustainable Development Goals (SDGs), however the linkage between the Strategic Plan and the SDGs is not formally documented or measured.

Council may consider the role of the SDGs, along with other key factors such as legislative requirements, in the development of the next Kingborough Council Strategic Plan. A benefit of this approach would be the delivery of a more holistic and sustainable plan for the community. To assess the relevance of each SDG, Council would need to undertake a review of existing strategic documents against the SDGs and their associated indicators using established guidelines such as SDG Compass 2015.

Council notes that the State Government is currently developing a Tasmanian Sustainability Strategy which will likely include the adaptation of the SDGs into key focus areas. This Strategy, when finalised, will be important in informing any future sustainability objectives, strategies, and initiatives at Kingborough Council.

*Deleeze Chetcuti, Director Environment, Development & Community Services*

## 12.2 UPDATES ON ISSUES RAISED BY COUNCILLORS DURING DEBATES

At the Council meeting held on 7 October 2024, **Cr Antolli** requested clarification on the following issue, with a response that an answer would be provided:

*Clarification was requested about the process for development applications to include Aboriginal Heritage Reports.*

**Officer's Response:**

A verbal response will be provided during the meeting.

*Dave Stewart, Chief Executive Officer*

Response provided by the Manager Development Services at the meeting:

At the last Council meeting, there were a number of questions that were raised about the process for Aboriginal Heritage Reports and the need for them and it was stated several times that the department was inconsistent in how they did their approach. Despite pointing out that it wasn't inconsistent that it was consistent, I had the opportunity to go back and have a look. I did ask for further clarification because it was stated that there were three separate developers, three separate sites where this had occurred in Huntingfield. The Councillor did provide me with a single application where it had occurred or had seemed to occur. Looking at that file, it's very clear that the request for the Aboriginal assessment was actually made by Aboriginal Heritage Tasmania, not Council, and a copy of that further information request and that report has been provided to the Mayor and the CEO, providing the details that it's untrue and where it really came from. It also included clarification of the cost, which is not really relevant to us because we didn't ask for it, but it was brought up and the statements that were made included that a knowledge of inconsistencies in the department, so I did raise that and provide clarification about the correction of those statements at the meeting.

OPEN SESSION ADJOURNS

## PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 6.06pm

### 13 OFFICERS REPORTS TO PLANNING AUTHORITY

#### C302/19-2024

- 13.1 **DAS-2024-2 - DEVELOPMENT APPLICATION FOR STAGED SUBDIVISION OF 8 LOTS INTO 3 LOTS AND 4 BALANCE LOTS, DEMOLITION OF EXISTING BUILDINGS AND COMBINED COMMERCIAL DEVELOPMENT (GENERAL RETAIL AND HIRE, FOOD SERVICES, BUSINESS AND PROFESSIONAL SERVICES), SIGNAGE, ASSOCIATED WORKS AND INFRASTRUCTURE, AND VEGETATION REMOVAL AT 182 AND 202 CHANNEL HIGHWAY, 11 SPRING FARM LANE, LOT 501 SPRING FARM ROAD (CT 175960/501), SPRING FARM ROAD, SPRING FARM LANE AND CHANNEL HIGHWAY ROAD RESERVATIONS AND VARIOUS ROAD LOTS (CT 164731/100, CT 62794/3, CT 164731/101, CT 252331/2, CT 252331/1, CT 156869/1), KINGSTON**

Moved: Cr Clare Glade-Wright

Seconded: Cr Kaspar Deane

*Meeting adjourned at 6.27pm*

*Meeting resumed at 6.40pm*

#### **Amendment:**

Moved Cr Midgley

Seconded Cr Fox

To add clauses 1(d), 11(iii) and 25(g) to the conditions.

**CARRIED**

The substantive motion was then put:

That the Planning Authority resolves that the development application for staged subdivision of 8 lots into 3 lots and 4 balance lots, demolition of existing buildings and combined commercial development (general retail and hire, food services, business and professional services), signage, associated works and infrastructure, and vegetation removal at 182 and 202 Channel Highway, 11 Spring Farm Lane, Lot 501 Spring Farm Road (CT 175960/501), Spring Farm Road, Spring Farm Lane and Channel Highway Road Reservations and Various Road Lots (CT 164731/100, CT 62794/3, CT 164731/101, CT 252331/2, CT 252331/1, CT 156869/1), Kingston for ERA Planning and Environment be approved subject to the following conditions:

1. Before the commencement of works, amended plans, excluding the subdivision proposal plan, Council Plan Reference No. P5 submitted on 14/08/2024, 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 amended plans must be generally in accordance with the plans dated 19/12/2023 and 15/07/2024 and prepared by i2C, Council Plan Reference P4 submitted on 08/08/2024, and the plan dated 06/06/2024 prepared by Play Street Architecture, Council Plan Reference P3 submitted on 21/07/2024 and the Civil Drawings prepared by Gandy & Roberts, Council Plan Reference P5 submitted on 14/08/2024, but modified to show:

- (a) The redesign of the carparking areas and removal of car parking spaces from the land in the Utilities Zone as required by Condition 3 of this permit.
- (b) Landscaping as required by Condition 9 of this permit.
- (c) Fencing of Lot 2 as required by Condition 10 of this permit.
- (d) Provision of increased bicycle parking, including the provision of secure bicycle parking facilities in accordance with clause E6.0 "parking and access code" to the satisfaction of the Manager Development Services.

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 the permit coming into effect, the landowner must enter into a Part 5 Agreement with and to the satisfaction of Kingborough Council to the effect that:
  - (a) A \$300,000 bond for the security of the transfer of the Bushland Reserve to Council must be paid prior to commencement of on-site works.
  - (b) The Bushland Reserve on future Lot 2 must be established and managed as an offset in accordance with the endorsed Conservation Management Plan required under condition 5 by the developer from execution of the Part 5 Agreement until such time as the land is transferred to Council.
  - (c) The Bushland Reserve must be transferred to Council prior to the issue of a Certificate of Occupancy for any buildings or within 12 months of the date of issue of this Permit, whichever is the earlier, unless otherwise agreed by Council in writing.
  - (d) No Certificate of Occupancy may be issued for any buildings until such time as the Bushland Reserve on future Lot 2 is transferred to Council for the purposes of public open space and as an offset.

This Part 5 Agreement must be to the satisfaction of the Manager Development Services and generally in accordance with the draft Agreement submitted to Council on 12 September 2024 and as amended by Council on 4 October 2024.

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

For Advice: 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. The use of the land zoned Utilities is restricted to use for access and utility infrastructure purposes only, or any other No Permit Required Use, or an approved Permitted or Discretionary Use in accordance with the relevant Planning Scheme in force at the time. The land must not be used for car parking and trolley bays associated with any business and professional services, food services, or general retail and hire use approved on proposed Lot 1.



Prior to the commencement of onsite works, an amended site plan removing any car parking and trolley bays within the Utilities Zone to the satisfaction of the Manager Development Services must be submitted to and approved by Council. When approved, the plans will be endorsed and will then form part of this Permit.

For Advice: The use of car parking and trolley bays associated with any business and professional services, food services, or general retail and hire use on proposed Lot 1 is deemed to be a use ancillary to and associated with those uses which are Prohibited within the Utilities zone. Such uses are not able to be undertaken on the Utilities zoned land until and unless the land is rezoned to a zone that allows these uses to occur and any relevant planning approval is obtained.

4. Approved tree/vegetation removal and modification:
  - (a) Is limited to:
    - (i) 120 trees as shown in Council Plan Reference P4 (submitted on 08/08/2024) and P5 (submitted on 14/08/2024), the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024) and the Natural Values Assessment (North Barker Ecosystem Services, 13 August 2024); and
    - (ii) no more than 1.68 hectares of native vegetation comprising 1 hectare of Eucalyptus amygdalina forest and woodland on sandstone and 0.68 hectares of Eucalyptus obliqua dry forest and woodland as shown in Figure 2 of the Natural Values Assessment (North Barker Ecosystem Services, 13 August 2024), excluding individual trees identified for retention in Council Plan Reference P5 (submitted on 14/08/2024), the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024) and the Natural Values Assessment (North Barker Ecosystem Services, 13 August 2024).
  - (b) Must not occur prior to building approval for Stage One, securing the conservation offset through the execution of the Part 5 Agreement required under condition 2 and payment of the financial contribution required under condition 5 and approval of an 'Application for Approval of Planning Start of Works Notice' required condition 14.
  - (c) Must be undertaken outside the breeding season of the swift parrot and blue-winged parrot (September-January inclusive). Alternatively, clearing may occur during the breeding season provided:
    - (i) a suitably qualified consultant undertakes an activity assessment immediately prior to the commencement of clearing to determine whether breeding activity is evident and identify any mitigation measures that need to be applied to reduce impacts on breeding;
    - (ii) this assessment verifies that the species are not currently breeding within or adjacent to the trees to be removed;
    - (iii) this assessment confirms that any disturbance to the species is tolerable and will not compromise their ability to breed this season; and
    - (iv) the assessment is provided to Council for review and Council approves commencement of clearing, subject to implementation of any mitigation measures identified in the activity assessment.
  - (d) Must be overseen by a wildlife spotter to identify and respond to any displaced wildlife in accordance with the endorsed Construction Environmental Management Plan required under Condition 8.

- (e) Must include the identification and stockpiling of suitable large logs from felled trees within the development area in accordance with the endorsed Construction Environmental Management Plan required under Condition 8 for later strategic placement in the offset area in accordance with the endorsed Conservation Management Plan required under Condition 5.
5. To offset the loss of 1 hectare of the *Eucalyptus amygdalina* forest and woodland on sandstone, 1.28 hectares of potential swift parrot and blue-winged parrot nesting habitat and 0.99 hectares of *Chaostola skipper* habitat and eastern barred bandicoot habitat within the Commercial Zone and two (2) trees of very high conservation value within the Environmental Management Zone, the following offset package must be secured and implemented:
- A. The on-site protection area (the Bushland Reserve) of 1.658 hectares, including 0.43 hectares of *Eucalyptus ovata* forest and woodland, 0.45 hectares of *Eucalyptus amygdalina* forest on sandstone, 0.63 hectares of *Eucalyptus obliqua* dry forest and 0.13 hectares of cleared land with emergent *Eucalyptus ovata* trees, as 'secure conservation land' through:
- (a) Development and implementation of a Conservation Management Plan (CMP) for Lot 2. This plan must be submitted to and approved by the Manager Development Services prior to the commencement of on-site works. This CMP must:
- (i) provide for the protection for all native vegetation and habitat values within the Bushland Reserve in perpetuity;
  - (ii) identify conservation actions and management prescriptions to ensure that environmental and cultural values are managed for their long-term survival, including but not limited to fencing of the Bushland Reserve, a weed management plan, facilitating natural regeneration, strategic placement of large woody debris from the development site, ensuring ongoing retention and maintenance of individual trees, and ongoing monitoring and reporting for a period of not less than 5 years following implementation of any primary conservation actions;
  - (iii) be drafted by a suitably qualified environmental consultant; and
  - (iv) include a schedule of works specifying timeframes, details and costings for each action.
- Once endorsed, this Plan forms part of the permit.
- (b) Interim protection of Lot 2 under a Part 5 Agreement prior to the permit coming into effect in accordance with Condition 2.
- (c) Payment of the costs equivalent to implementing, monitoring and reporting outstanding actions required as part of the Conservation Management Plan at the time of the sealing of the Final Plan of Survey. This payment must be made prior to the sealing of the Final Plan of Survey.
- (d) Transfer of Lot 2 to Council as a permanent Bushland Reserve and Public Open Space upon sealing of the Final Plan of Survey.
- B. The off-site protection of 4.74 hectares of high priority biodiversity values via a financial contribution of \$13,650/ha, totalling \$64,701. In addition, the loss of two (2) very high conservation value trees within the Environmental Management Zone must be offset at a rate of \$570/tree. This offset is to be used for the protection and management of *E. amygdalina* forest on sandstone, swift parrot and blue-winged parrot breeding habitat

and Chaostola skipper habitat in the vicinity of Kingston. This payment, totalling \$65,841, must be made into Kingborough Council's Environmental Fund prior to the removal of the vegetation and the commencement of any on-site works.

6. All remaining native vegetation identified for retention in Council Plan Reference P4 (submitted on 08/08/2024) and P5 (submitted on 14/08/2024), the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024) and the Natural Values Assessment (North Barker Ecosystem Services, 13 August 2024) must be appropriately protected during and after construction in accordance with the Tree Protection Plan (TPP) contained in Appendix E of the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024). 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, demolition, excavations, placement of fill, delivery of building/construction materials and/or temporary buildings):

- (i) Appointing a Project Arborist.
- (ii) Conducting a site briefing between the Project Arborist and the project manager and site supervisor or equivalent for the development, including provision of the TPP.
- (iii) Installing tree protection fencing in accordance with the TPP and Condition 7.
- (iv) Tagging of trees for retention with aluminium tags labelled with the corresponding identifying number.
- (v) Pruning of overhanging branches from Trees 49 and 62 in accordance with the TPP by a minimum Australian Qualifications Framework (AQF) level 3 arborist following the guidelines in the Australian Standard 4373-2007 Pruning of amenity trees (Standards Australia 2007).
- (vi) Obtaining Project Arborist input into the landscaping plan required under Condition 9 to ensure landscape design and associated works do not adversely impact retained trees.
- (vii) Providing certification by the Project Arborist of satisfactory implementation of tree protection, tree tagging and pruning measures to the Manager Development Services prior to the commencement of any on-site works.

B. During Construction:

- (a) Maintaining tree protection measures required above for the duration of the construction.
- (b) Removal of the existing shed within the tree protection zone of Tree 49 from within the development area and in a way that does not damage the tree.
- (c) Ensuring the Project Arborist conducts a site audit during construction to check compliance against the TPP and permit conditions.

C. Post Construction:

- (a) Providing written certification by the Project Arborist of satisfactory implementation of the measures identified in B. above to the Manager Development Services upon completion of construction, including implementation of any recommended remediation measures.

- (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.

7. Tree protection fencing required under Condition 6 must:

- (a) Be located in accordance with Figure E3 in the Tree Protection Plan (TPP) contained in Appendix E of the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024).
- (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 1.8m high temporary chain wire mesh supported by concrete fence and covered with shade cloth, unless otherwise in accordance with the advice of the Project Arborist and approved in writing by Council.
  - (ii) Form a visual and physical barrier.

- (iii) Include signage securely attached to the fence and visible from all angles within the development site.
8. Prior to commencement of any on-site works, a Construction Environmental Management Plan (CEMP) must be submitted to and endorsed by the Manager Development Services. No works are permitted to occur until the plan has been endorsed. The plan must provide details of the following:
- (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 workers and sub-contractor's vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. No vehicle parking is permitted within the Channel Highway road reservation;
  - (e) a Traffic Management Plan showing truck routes to and from the site;
  - (f) a plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - (g) measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the CEMP;
  - (h) weed management measures in accordance with condition 12;
  - (i) the specifications and location of tree and vegetation protection measures in accordance with conditions 6 and 7;
  - (j) the extent of cut and fill;
  - (k) storage locations for the stockpiling of fill on site;
  - (l) demonstration that the stockpiling of fill will not encroach into the Tree Protection Zones of trees identified for retention;
  - (m) 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;
  - (n) measures to minimise impacts on fauna species during construction including: the timing of works, fauna spotting on site during tree removal, and identification and stockpiling of logs suitable for placement in reserve as large woody debris in accordance with condition 4 and collision risk of fencing;
  - (o) waste management during construction works including:
    - (i) collection and storage in appropriate enclosures onsite;
    - (ii) regularly emptying and maintaining the waste storage enclosures so that no litter overspills the construction site onto adjoining land, including roads;
    - (iii) appropriately locating waste storage on the subject site so that it does not impede traffic or parking at any time;

- (p) 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; and
- (q) Contact details of key construction site staff.

Once endorsed, the Plan will form part of the permit and must be implemented to the satisfaction of Council.

9. Prior to commencement of any on-site works, an amended landscaping plan must be submitted to Council for approval. The plan must be prepared by a suitably qualified person in consultation with the Project Arborist, be to the satisfaction of the Manager Development Services, be generally in accordance with the plan dated 06/06/2024 prepared by Play Street Architecture, Council Plan Reference P3 submitted on 21/07/2024 but modified to:
- (a) remove *Melaleuca ericifolia* and replace with a species of local provenance;
  - (b) appropriate irrigation systems;
  - (c) retention of Trees 92-100 and Trees 105-106 as required in condition 6 and inclusion of these trees in the landscaping;
  - (d) the landscape design and associated works do not adversely impact retained trees; and
  - (e) perimeter fencing of the boundary between proposed Lots 1 and 2 consistent with the requirements of condition 10.

Once endorsed, the plan will form part of this permit.

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

10. Prior to commencement of any on-site works, a fencing plan developed in consultation with the Project Arborist must be submitted to and endorsed by Council. This plan must provide for fencing as follows:
- (a) The fence located on the side boundary between proposed Lots 1 and 2, between the proposed building and the Channel Highway frontage must be redesigned so that it does not detract from the appearance of the site or the locality and provides for passive surveillance to include:
    - (i) a maximum height of 1.5m;
    - (ii) at least 50% transparency above a height of 1.2m; and
    - (iii) does not contain barbed wire or chain mesh.
  - (b) The remainder of the boundary between Lots 1 and 2 must be fenced with a minimum 1.8m high paling fence.
  - (c) All fencing must not impact upon environmental or cultural values within Lot 2.

Once endorsed this plan will form part of the Permit.

11. Prior to the 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:

- Austroads Standards and Australian Standards.
- Australian Rainfall and Runoff Guidelines.
- The recommendations in the Traffic Impact Assessment Review by Midson Traffic, dated May 2024.
- Engineering plans and requirements approved by the Department of State Growth for road and road reservations in the Channel Highway.
- the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024).

The Plans must include, but are not limited to:

- (a) Road/access design plans, including:
  - (i) Design of the internal road network (including parking areas, aisles and loading bays), in accordance with the approved plans including junctions, vehicular crossovers to all lots, footpaths, and associated stormwater drainage system; and
  - (ii) Design of external adjoining roads (Channel Highway and Spring Farm Road access) including pavement design to suit the ultimate traffic loads.
  - (iii) Location and specification of the required bicycle parking facilities (as required by condition 1(d) of this permit).
- (b) A lighting plan for the parking and access areas in accordance with Code E6.0 'Parking and Access' Code of the Kingborough Interim Planning Scheme 2015.
- (c) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
  - (i) A water sensitive urban design system that achieves the acceptable stormwater quality and quantity targets, required in Table E7.1 of the Kingborough Interim Planning Scheme 2015 including MUSIC modelling;
  - (ii) The reticulated stormwater system sized to accommodate at least the estimated 5% AEP flow based on a future fully-developed catchment;
  - (iii) Overland flow paths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow based on a future fully-developed catchment;
- (d) Demonstration that the services alignment between 202 Channel Highway and Lot 501 Hollyhock Drive (CT 175960/501) is consistent with the approved plans and services along this alignment are installed via drilling rather than trenching; and
- (e) Inclusion of a Vegetation and Tree Protection Plan (which must be overlaid on the design plans indicating areas of cut, trenching, lines, poles, pits etc) which:
  - (i) identifies the species, diameter, tree protection zone and location of trees identified for retention in the approved plans within the vicinity of all civil works;
  - (ii) verifies that Trees 92-100 and Trees 105-106, all native vegetation within the Environmental Management Zone on CT 164731/202 (excluding Trees 53 and 61) and all trees within the Bypass Corridor and Lot 501 Hollyhock Drive (CT 175960/501), are to be retained in accordance with the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024) and the Natural Values Assessment (North Barker Ecosystem Services, 13 August 2024);

- (iii) demonstrates that the total extent of encroachment into the tree protection zones of these trees is no greater than shown in Council Plan Reference P5 (submitted on 14/08/2024) and the Arboriculture Impact Assessment (Tasmanian Arboriculture Consultants, 8/8/2024); and
- (iv) includes the tree and vegetation protection measures required in conditions 6 and 7.

Once endorsed the plans will form part of the permit.

12. Declared weeds under the Weed Management Act 1999, environmental weeds and/or weeds listed in the Kingborough Weed Management Strategy are present on the site, including but not limited to gorse, blackberry, boneseed, Spanish heath and Montpelier broom. To prevent the spread of weeds elsewhere and manage the weeds within the site, the following weed management measures must be undertaken to the satisfaction of the Manager Development Services:

A. Prior to Construction:

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

- (a) a Weed Management Plan by a suitably qualified person must be submitted to and approved by the Manager Development Services. The plan is limited to land within the Commercial and Utilities zones and footprint of the subdivision and development works and must include:
  - (i) a list and site plan of all declared weeds under the Weed Management Act 1999, environmental weeds and/or weeds listed in the Kingborough Weed Management Strategy present on the site;
  - (ii) timeframes and methods of primary, secondary and follow up treatments for these weeds;
  - (iii) weed hygiene measures to minimise the spread of weeds to and from the site during on site works; and
  - (iv) an implementation, monitoring and reporting plan (including timeframes and costings for each action).

Once endorsed the plan will form part of the permit and must be complied with to the satisfaction of the Manager Development Services, unless otherwise agreed in writing by the Manager of Development Services.

- (b) Primary treatment of all declared, environmental and/or listed weeds on land within the Commercial and Utilities zones and footprint of the subdivision and development works must be undertaken prior to the commencement of on-site works and the removal of any native vegetation.

B. During and Post Construction:

Weed management measures must be implemented in accordance with the endorsed plan to the satisfaction of the Manager Development Services.

13. Unless otherwise approved by the General Manager in writing, building works (excluding vegetation removal and access works) within Stage Two as shown on the Staging Plan (Council Plan Reference P4, submitted on 08/08/2024) must not commence unless and until all the lots within Stage One and Two are consolidated and the new title to Lot 1 is issued in



accordance with the approved plan of subdivision (Council Plan Reference P5, submitted in 14/08/2024).

14. Prior to the commencement of any on-site works for each stage, 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 for each stage and works for each stage 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. Prior to undertaking any works in the Channel Highway road reserve a Works permit is required from the Department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935. The application is to be accompanied by detailed engineering drawings that include confirmation of the linemarking for the median turn lane and any islands/pedestrian crossing facilities on the Channel Highway.

For Advice: Application for permits can be found at [https://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings). Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

*The application is to comply with any conditions listed on the Crown Landowner Consent.*

16. The design of the buildings must, to the satisfaction of the Manager Development Services:
  - (a) 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 as much as practical; and
  - (b) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof.
17. The measures contained within the certified subdivision Bushfire Hazard Report and associated Bushfire Hazard Management Plan (BHMP) v2.0 (ERA Planning Pty Ltd, 2 July 2024) must be implemented in relation to any future development on Lot 1 involving development in a Building Class 1, 2, 3, 8 or 9, or a Class 10a building within 6m of a Class 1, 2, 3, 8 or 9 building, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management measures are wholly contained within Lot 1 and do not rely upon any management of vegetation within Lot 2 as shown on the Final Plan of Survey, based on the classification of vegetation on Lot 2 as forest.
18. Prior to sealing of the Final Plan of Survey, fencing must be constructed between the boundary of proposed Lots 1 and 2 in accordance with the endorsed fencing plan required under condition 10.
19. Prior to sealing of the Final Plan of Survey for the subdivision Certificates of Completion issued under the Building Act 2016 for the demolition of the existing buildings on the land approved under BA/214-2024 and PA/205-2024 must be issued.

20. A Right of Way in favour of Lot 2 over proposed Lot 1 from the Channel Highway to the gate located on the western boundary between proposed Lots 1 and 2, generally in accordance with the endorsed subdivision proposal plan (Council Reference No. P5 submitted on 14/08/2024) and to the satisfaction of the Manager Development Services, must be included on the Final Plan of Survey submitted for signing and sealing by Council.
21. The Schedule of Easements submitted for sealing with the Final Plan of Survey must include a restrictive covenant on Lot 1 to the effect that any bushfire hazard management measures on Lot 1 must not rely upon any management of vegetation within Lot 2 as shown on the Final Plan of Survey, based on the classification of vegetation on Lot 2 as forest.
22. The Schedule of Easements submitted for sealing with the Final Plan of Survey must include restrictive covenants for Lot 2 to the following effect:
  - (a) no habitable buildings are to be constructed on any part of this lot;
  - (b) no other buildings, structures or other works are to occur on any part of this lot unless for the purposes of natural and cultural values management or passive recreation and in accordance with any endorsed management plan for the reserve; and
  - (c) the lot must not be used for any purpose except as a biodiversity offset reserve, natural and cultural values management and for public open space purposes.
23. Prior to the issue of a Certificate of Practical Completion of the public infrastructure for each approved stage of the subdivision, the developer must lodge a maintenance bond or bank guarantee equivalent to 10% of the total contract sum (including GST) of the public infrastructure works. This is to cover the satisfactory rectification of all defects and defective works during the statutory 52 weeks maintenance period.

*Note: Council will 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.*

24. The maintenance period for completion of public infrastructure for each stage of the subdivision will be considered complete when:
  - (a) All defects and any defective works have been rectified to the satisfaction of the Director Engineering Services; Note: Council will 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;
  - (b) the statutory 52-week maintenance period has ended and, the supervising Engineer requests a joint onsite inspection with the Council's authorised representative to confirm that all outstanding defects and defective works have been satisfactorily completed.

At the satisfactory completion of any outstanding defects and defective works Council will issue a notice of satisfactory 'Final Inspection' and the public assets will be taken over by Council.

After takeover of the public infrastructure assets, it is the supervising engineer's responsibility to request in writing release of all Bond or Bank Guarantee monies.

25. 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) All lots are to be consolidated in accordance with the endorsed Subdivision Proposal Plan, Plan 2 of 3 - Resultant Titles, Proposed Subdivision, Rogerson & Birch Surveyors, Plan Ref TIPAL02 15118-00, dated 6/03/2024 v. D – (Council Plan Reference P5 submitted 14/08/2024).

- (b) The parking areas (including signage and access).
  - (c) The garden and landscape areas in accordance with the endorsed Landscaping Plan required under condition 9.
  - (d) Fencing in accordance with the endorsed Fencing Plan required under condition 10.
  - (e) Drainage works undertaken and completed.
  - (f) Channel Highway and Spring Farm Road upgraded including any new footpaths.
  - (g) Installation of required bicycle parking including the secure spaces.
26. Prior to occupation of any of the new buildings, all waste material generated during construction works must be completely removed from the site.
27. Prior to the use commencing, a Waste Management Plan must be prepared to the satisfaction of the Manager Development Services. Once satisfactory, the plan will be endorsed and form part of the Permit. Implementation of the Plan must be to the satisfaction of the Manager Development Services. The Plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:
- Location of the bins for each tenancy (must not occupy parking, turning or access areas).
  - The type/s and number of waste bins.
  - Screening of bins, if visible from outside the site or areas visible by the public.
  - Type/size of trucks.
  - Frequency of waste collection.
  - Hours of collection (to comply with EPA Regulations).
  - Notation that the waste collection is a private service managed by the owner/occupants.
- The endorsed Waste Management Plan must not be amended without prior written consent of the Manager Development Services.
28. The landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose (i.e. parking, storage of goods, trafficable area) and any landscaping must be maintained to the satisfaction of the Manager Development Services.
29. The loading and unloading of vehicles and the storage of materials must be contained within the property boundaries and must not encroach on any part of any road reserve or public open space area.
30. Goods, materials or equipment must not be stored or displayed outside the buildings, unless otherwise approved in writing by Council.
31. Graffiti on the site which is visible to the public must be removed promptly to the satisfaction of the Manager Development Services.
32. 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. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council’s fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- C. 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.

- D. The developer should obtain a Plumbing Permit for the development prior to commencing construction.
- E. The Developer should not allocate any property address numbers for the proposed lots.

New property addresses have been allocated as follows:

<b>Lot No.</b>	<b>Allocated Property Address</b>
1	202 Channel Highway, Kingston (no change)
2	204 Channel Highway, Kingston
3	182 Channel Highway, Kingston (no change)

- F. TasNetworks have advised that based on the information provided, the development is likely to adversely affect TasNetworks’ operations. As with any development of such scale, consideration needs to be given to whether existing electricity supply arrangements to the site will remain sufficient. The proponent is advised to make contact with TasNetworks Early Engagement team to explore that issue further at their earliest convenience. The Early Engagement team can be contacted at [Early.Engagement@tasnetworks.com.au](mailto:Early.Engagement@tasnetworks.com.au) or Ph 6324 7583.

**CARRIED**



## Submission to Planning Authority Notice

### Application details

Council Planning Permit No.	DAS-2024-2
Council notice date	21/02/2024
TasWater Reference No.	TWDA 2024/00210-KIN
Date of response	Not sent
TasWater Contact	Al Cole
Trade Waste Contact	S.James - 136992
Phone No.	0439605108

### Response issued to

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

### Development details

Address	202 CHANNEL HWY, KINGSTON
Property ID (PID)	3278681
Description of development	Subdivision- 3 lots -Staged ,Demolish Ex Dwellings & Combined Commercial Development (Retail & food services), Associated Works & Infrastructure

Prepared by	Drawing/document No.	Revision No.	Issue date
Rogerson & Birch	Plan of Subdivision / TIPAL02 15118-00 / Shts 1 & 2	D	08/03/2024
i2C Architects	Existing Context & Conditions / DA41 & 42	1	19/12/2023
i2C Architects	Demolition & Site / DA43 & 44	2	17/06/2024
i2C Architects	Staging Plan / DA44A	1	19/12/2023
i2C Architects	Ground Floor Plans DA45 & 45A	2	17/06/2024
i2C Architects	L1 Floor Plan / DA46	1	19/12/2023
Gandy & Roberts	Sewer & Water Civil Plan / C050	D	30/07/2024

Tasmanian Water & Sewerage Corporation Pty Ltd  
 GPO Box 1393 Hobart, TAS 7001  
[development@taswater.com.au](mailto:development@taswater.com.au)  
 ABN: 47 162 220 653

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## 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 connections and sewerage system and connections to each lot of 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 if break tanks are required, the rate of flow into the break tank must be 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 use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.

### TRADE WASTE

4. Prior to the commencement of operation 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 (Sewer Extension)

7. Prior to applying for a Certificate for Certifiable Work/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. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
  - a. Included in the application for Engineering Design Approval, must be a detailed report demonstrating exactly how the bored sewer will be guaranteed to meet the nominated grade and TasWater's Construction Requirements to make it fit for purpose and hand over (for example standard plans MRWA-S-208 and Sect 21.6.3 of WSA 02-2014-3.1).
9. Prior to applying for a Permit to Construct the 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.
10. 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.



11. 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.
12. 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.
13. Prior to the issue of a Consent to Register a Legal Document 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.
14. After testing, 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.
15. 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. Submit evidence demonstrating that the bored sewer has been constructed to the approved grade thus meeting the relevant standards. The evidence must include, but not be limited to electronic testing – CCTV light ring and measurement software as per Sect 21.6.3 of WSA 02-2014-3.1 and MRWA 21.11.1.
  - c. A request for a joint on-site inspection with TasWater's authorised representative must be made.
  - d. 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.
  - e. 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.

16. 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.
17. 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.
18. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
19. 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 sewerage 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

20. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.

*Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.*

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 conditions and requirements.
22. Prior to the issue of a TasWater Consent to Register a Legal Document, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:
- the exact location of the existing water/sewerage infrastructure,
  - the easement protecting that infrastructure.

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 if applicable which is built within a TasWater easement or over or 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 \$19,330.51 (Stage 1) and \$15,370.24 (Stage 2) to TasWater for water infrastructure for 13.002 (Stage 1) and 8.748 (Stage 2) 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 \$34,447.74 (Stage 1) and \$23,055.35 (Stage 2) to TasWater for sewerage infrastructure for 19.606 (Stage 1) and 13.122 (Stage 2) 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.
26. 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

27. The applicant or landowner as the case may be, must pay a development assessment fee of \$1,307.93 and a Consent to Register a Legal Document fee of \$256.99 to TasWater, as





approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater. The payment is required within 30 days of the issue of an invoice by TasWater.

## Advice

### General

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

### 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](http://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.

## Declaration

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

## OPEN SESSION RESUMES

Open session resumed at 7.15pm

### 14 PETITIONS STILL BEING ACTIONED

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There are no petitions still being actioned.

### 15 PETITIONS RECEIVED IN LAST PERIOD

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#### C303/19-2024

##### 15.1 PEDESTRIAN AND ACCESSIBLE CROSSING TO MEREDITH'S ORCHARD

Moved: Cr Flora Fox  
Seconded: Cr Amanda Midgley

That the petition containing 156 signatures be received and referred to the appropriate Department for a report to Council.

**CARRIED**

### 16 OFFICERS REPORTS TO COUNCIL

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#### C304/19-2024

##### 16.1 MARGATE MAIN STREET MASTERPLAN

Moved: Cr Amanda Midgley  
Seconded: Cr David Bain

That the *Draft Margate Main Street Master Plan (2024-2044)* as attached to this report be endorsed.

*Cr Richardson left the room at 7.24pm  
Cr Richardson returned at 7.26pm*

**CARRIED**

#### C305/19-2024

##### 16.2 LAND TRANSFER - KINGBOROUGH SPORTS PRECINCT

Moved: Cr Gideon Cordover  
Seconded: Cr Amanda Midgley

That Council notes that due to the requirement for legal frontage to Kingston View Drive as part of the creation of the new lot for the development of the JackJumpers High Performance Training Centre, the exact area of land to be transferred to the State Government is 7,785m<sup>2</sup>.

**CARRIED**

**C306/19-2024****16.3 LAND LEASE - LESLIE VALE OVAL**

Moved: Cr Clare Glade-Wright  
Seconded: Cr Kaspar Deane

That Council advertises its intent to lease land at the Leslie Vale Oval for the purpose of installing a telecommunications tower in accordance with the provisions of Section 178 of the *Local Government Act 1993*.

**CARRIED**

**C307/19-2024****16.4 ACTIVE TRANSPORT POSITIVE PROVISION POLICY**

Moved: Cr Amanda Midgley  
Seconded: Cr David Bain

That clause 6.4.2 of the policy be amended from a 2.5m wide shared path to 3m and that Council endorse the Active Transport Positive Provision Policy.

**CARRIED**

**C308/19-2024****16.5 CUSTOMER SERVICE CHARTER**

Moved: Cr Aldo Antolli  
Seconded: Cr Flora Fox

That the update of Council's Customer Service Charter Policy 1.6 as attached to this report be approved.

**CARRIED**

**C309/19-2024****16.6 FINANCIAL REPORT - SEPTEMBER 2024**

Moved: Cr David Bain  
Seconded: Cr Gideon Cordover

That Council endorses the attached Financial Report as at 30 September 2024.

**CARRIED**

**C310/19-2024****16.7 APPENDICES**

Moved: Cr Clare Glade-Wright  
Seconded: Cr Amanda Midgley

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

**CARRIED**

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**17 NOTICES OF MOTION**

There were no Notices of Motion.

**C3111/19-2024****18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION**

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Moved: Cr Amanda Midgley  
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*

**Tender Assessment - TS2955 Silverwater Park Upgrades**

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.*

**Marine Facilities By-Law 2021 - Application for a Permit**

Regulation 15(2)(c)(i) *commercial information of a confidential nature, that if disclosed, is likely to prejudice the commercial position of the person who supplied it.*

**Kingborough Bowls and Community Club - Loan**

Regulation 15(2)(g) *information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.*

**CARRIED UNANIMOUSLY AND BY ABSOLUTE MAJORITY**

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 8.12pm

**OPEN SESSION ADJOURNS**

**OPEN SESSION RESUMES**

Open Session of Council resumed at 8.52pm

**C312/19-2024**

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

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
Tender Assessment - TS2955 Silverwater Park Upgrades	Tender awarded to AJR Construct PTY Ltd up to \$429,384.24 excl GST
Marine Facilities By-Law 2021 - Application for a Permit	Permit approved for 12 month trial period
Kingborough Bowls and Community Club - Loan	Standing arrangements approved

**CARRIED**

**CLOSURE**

There being no further business, the Chairperson declared the meeting closed at 8.53pm.

.....  
 (Confirmed)

.....  
 (Date)