

Kingborough



COUNCIL MEETING MINUTES

4 November 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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Public Copy

MINUTES of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 4 November 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:

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

Staff:

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 Planning Support Officer	Ms Emma Carson
Media & Communications Advisor	Ms Sam Adams
Executive Assistant	Mrs Amanda Morton

C320/20-2024

4 APOLOGIES

Mayor Councillor P Wriedt
Councillor A Midgley

C321/20-2024

5 CONFIRMATION OF MINUTES

Moved: Cr Flora Fox
 Seconded: Cr David Bain

That the Minutes of the open session of the Council Meeting No. 19 held on 21 October 2024 be confirmed as a true record.

CARRIED

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Date	Topic	Detail
28 October	Operational Update	Update provided on a range of Council projects and programs across the organisation

C322/20-2024

7 DECLARATIONS OF INTEREST

Cr’s Cordover and Fox declared an interest in the report ‘DA-2024-91 - Development Application for Demolition, Vegetation Removal and Construction of Mixed Use Development (Retail, Food Services and 18 Multiple Dwellings) and Associated Infrastructure and Roadworks at 150 & 152 Channel Highway, Taroom and Adjacent Road (Channel Highway).’

8 TRANSFER OF AGENDA ITEMS

There were no agenda items transferred.

C323/20-2024

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 question without notice:

9.1 Coffee Vendor, Kingborough Community Hub

I see a great opportunity for a portable coffee vendor to attend the Kingborough Hub every Saturday morning or perhaps even the weekend for Kingston Park attendees. There are 200 to 300 people regularly attending every Saturday morning for the park run. What expedited process might there be available to a coffee vendor to take advantage of the opportunity to get access to the site every Saturday morning?

Director Environment, Development & Community Services responds:

Staff actually held a meeting today to discuss exactly the question that you have asked us tonight. We are looking at that option to be able to have local food or coffee vans, particularly for those

higher attendance times such as the park run or potentially after school on a Friday. We are looking at, and we do have to go through the process to do this, but whether we can establish an approved site near Kingston Park for interested vendors to utilise.

C324/20-2024

10 QUESTIONS ON NOTICE FROM THE PUBLIC

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10.1 Governance Structure Regarding the New Kingborough Planning Scheme

Ms Jacqui Perkins submitted the following question on notice:

Can the governance structure regarding the new planning scheme please be explained and then published in the minutes of this meeting? Can the following information be included:

- *The names of all committees/working groups and their members;*
- *Authors of each of the Zones;*
- *Authors of each of the Codes;*
- *Authors of the specific area plan for Bruny Island and;*
- *Who was the final signature on each of these documents?*

Officer's Response:

The transition of all Tasmanian Councils to the 'Tasmanian Planning Scheme' is a State Government initiated project. The State Planning Office, on behalf of the State Government wrote all content of the Administrative sections in addition to all Zones and Codes that are available in the Tasmanian Planning Scheme.

Specific Area Plans (SAPs) can be developed by individual Council's, but they must be within the parameters provided by the State Government, including their set out and content. More information about those parameters are included in Kingborough Council's [LPS Supporting Document](#) and the [State Planning Office's Webpage](#). The content of the Bruny Island SAP was written by Council Planning Officers (under delegations provided by Kingborough Council) and in conjunction with the Tasmanian Planning Commission.

The final approval (signature) of the Planning Scheme that would be in affect under the *Land Use Planning and Approvals Act 1993* is the Minister of Planning (as advised by the Tasmanian Planning Commission). More information on that process (including how representations and subsequent hearings operate) is available in the [LPS Supporting Document](#) and the [State Planning Office's Webpage](#).

Adriaan Stander, Senior Strategic Planner

10.2 Landscape Conservation Zone

Ms Kim Phillips submitted the following question on notice:

1. *In November 2022 a petition requested that the draft LPS be recalled and revised, in order to remove the widespread application of LCZ from privately owned land. The petition wasn't*

supported by councillors when it was considered at the 6 February 2023 meeting; it was merely noted. Why wasn't this petition supported by councillors?

2. *Council minutes for the Glamorgan Spring Bay Council from 25 August 2020 note "Guideline no 1. very clearly states that residential purposes should be directed to the Rural Living Zone" and based on this, the council indicated that they would NOT apply LCZ unless it was requested by the property owner. Acknowledging the obvious impacts of LCZ (eg decrease in land value, difficulty securing finance, reduction in allowable land use), why did Kingborough Council choose NOT to follow the same process and instead, nominate properties for LCZ?*
3. *Originally, a number of properties on Jamieson's Road were proposed for LCZ. In the last revision, the proposed zone for these properties (for example 68 and 75 Jamieson's Road) was changed to Rural Living. 68 and 75 Jamiesons Road are visible from the Channel Highway and Ray's Court. In comparison, our property is a km up a valley and is not visible from anywhere other than Fehres Road. LCZ is proposed for our property. How did Kingborough Council determine the difference in 'landscape values' between these properties?*
4. *At the last Council Meeting, comments made by Councillors and the Mayor indicated that they felt they had gone "above and beyond" in seeking input from the community. As a community member, who has lived close to their entire life in the area, I would like to express my disagreement with this statement. At no stage has my input been sought and in fact I would say it was actively discouraged. For example, I remember reading a flyer where we were told that changes were coming, but that we should not contact council as it was too early in the process; we would be told when we could have our say.*

We purchased our property, as it was all we could afford. I feel that many other property owners will be in a similar boat, where the application of LCZ will have very real, negative impacts on their financial status. In my opinion, Council have not acknowledged these impacts when nominating properties for LCZ. Can Council please elaborate how they have gone "above and beyond" in consulting affected property owners and considering the impacts to private property owners?
5. *We are within a couple of kms of the new Huntingfield subdivision. How can Council justify applying LCZ to private residential properties so close to such a major development?*
6. *Considering that ample environmental overlays exist and acknowledging the ongoing housing crisis, can council explain why they have chosen to apply LCZ to private land, rather than Rural Living?*

Officer's Response:

1. The reasons are outlined in the [Council Agenda](#) and Minutes of 6 February 2023.
2. The State Government's LPS Guidelines allow a level of flexibility for Councils to apply the standard zoning in their municipal areas. The justification for the Landscape Conservation Zone (LCZ) is provided in section 2.2.15 of the [LPS Supporting Document](#). It includes an assessment of zone application against the LPS Guidelines and why the approach may be different from other municipalities.
3. The Draft LPS zoning as being exhibited is reflective of the Tasmanian Planning Commission assessment and it is likely that the application of the Rural Living Zone in the area of Jamieson Road is reflective of the situation under the Kingborough Interim Planning Scheme 2015. The justification for the LCZ is consistent with the information provided in the LPS supporting document, however Council encourages landowners to make representations during the exhibition period if they don't agree with the zoning that is proposed for their land. It is anticipated that the LCZ mapping will be refined as part of the Tasmanian Planning Commission's public hearing process.

4. The reference at the meeting was in relation to the exhibition period, which we are now in.
5. The Huntingfield subdivision was created outside of the LPS process, it was partly dealt with under a Housing Order. That subdivision is State Government owned land. The application of zoning is relevant to the land it applies to. Reasons for the application of zoning is included in the LPS Supporting Document.
6. Refer to the justification provided in the LPS Supporting Document and please make a written representation if you disagree with the information provided.

Adriaan Stander, Senior Strategic Planner

10.3 Landscape Conservation Zone

Ms Angela Hanly submitted the following question on notice:

Can council officers please outline the logic they used to make a conscious choice to inflict LCZ on 1500 of its ratepayers? Yes it's a state led initiative BUT KC had a choice NOT to apply LCZ to any private land holder unless requested or supported by the landowner. The Glamorgan Spring Bay Council for example recognised the risk of LCZ affecting financing as it may not qualify for a residential loan as residential use is discretionary.

With this in mind, can we please have the rationale behind why such a harsh and detrimental zone (that isn't like for like) was chosen when there was an option for council to propose a less harmful zoning option for the ratepayer?

Officer's Response:

The State Government's LPS Guidelines allow a level of flexibility for Councils to apply the standard zoning in their municipal areas. The justification for the Landscape Conservation Zone (LCZ) is provided in section 2.2.15 of the [LPS Supporting Document](#) that is available on Council's website explains why the approach may be different from other municipalities. It includes an assessment of the zone application against the LPS Guidelines and in that assessment, Council acknowledges the alternative zoning options under the Tasmanian Planning Scheme (including the Rural Living Zone) and why it may not always be appropriate.

The LCZ is a not a like-for-like translation. In fact, the Environmental Living Zone of the Kingborough Interim Planning Scheme 2015 is converted into a number of different zones including, but not limited to, the Rural Zone, Rural Living Zone, Low Density Residential Zone and Landscape Conservation Zone. The Environmental Living Zone and Landscape Conservation Zone have different aims, however the provisions of the zones and how they operate with other parts of the scheme will result in similar outcomes.

The LPS Supporting Document states that the LCZ mapping will be finalised having regard to the written representations received during the public exhibition period and the Tasmanian Planning Commission's public hearing process.

Adriaan Stander, Senior Strategic Planner

10.4 Kingborough Planning Scheme

Ms Jo Landon submitted the following question on notice:

The Kingborough Land Use Strategy from May 2019 states that a local landscape analysis to rank the landscape quality of the whole of Kingborough was proposed to be completed during 2020; why has this project not been completed?

The scenic landscapes area overlay in the current planning scheme applies to all land above an elevation of 100m, which the Kingborough Land Use Strategy refers to as only ever having been a temporary arrangement; please could Council share any report or document that makes reference to any decisions to delay or not proceed with the local landscape analysis project?

If the Minister for Planning was to revoke the transitional provisions in relation to the scenic landscapes area overlay what positive and negative impacts could there be?

Where the mapping of the scenic protection areas can be justified, could the planning authority simply not support representations seeking to remove the overlay from specific areas?

Where the mapping of the scenic protection areas cannot be justified – with representors providing the evidence and argument – could the planning authority then recommend that the overlay be removed from those specific areas?

Officer's Response:

The [Kingborough Land Use Strategy of 2019](#) provides a broad overview of the visual landscape qualities in Kingborough and how it could to be managed and protected in the proposed new planning scheme. The document acknowledges that a local landscape analysis may be required to rank the landscape quality for Kingborough and at the time it was anticipated that that work would be completed during 2020. However, the first version of the Kingborough Draft LPS was submitted to the Tasmanian Planning Commission in late 2019 without the analysis and that was mainly due to resource constraints and the fact that the Southern Tasmanian Council also then began with a process to undertake a coordinated assessment approach to scenic values. As with many other Councils that have now moved over to the Tasmanian Planning Scheme, the Minister declared the Scenic Landscape overlay as transitional.

There is currently no intention to revoke the transitional arrangements. The following options are available:

1. The Tasmanian Planning Commission advised that Council should accept representation in relation to the Scenic Landscape Overlay (regardless the transitional arrangements). It is unclear how the Tasmanian Planning Commission will consider such representations; however, it is expected that it could have regard to those representations in determining an underlying zoning decision.
2. Council can initiate a planning scheme amendment process after the Tasmanian Planning Scheme comes in force in Kingborough to amend the Scenic Landscape Overlay. Our intention is to review that overlay in consultation with the community and representation received during this public exhibition process may be useful and inform those discussions with the community.

Adriaan Stander, Senior Strategic Planner

10.5 Landscape Values

Ms Jill Winter submitted the following question on notice:

Please define what exactly you mean by the 'landscape values' of a particular area. This definition obviously underpins your application/use of LCZ so I am interested to know exactly what is included, what is not and how it will be applied .

Officer's Response:

There is no definition for 'landscape values' provided in the Tasmanian Planning Scheme; however, the Tasmanian Planning Commission recently made a decision to utilise the Macquarie Dictionary that provides a broad definition for 'landscape'. The definition *includes* "a view or prospect of rural scenery, more or less extensive, such as is comprehended within the scope or

range of vision from a single point of view” and “an area of land with distinguishing features or landforms: a wooded landscape, a hilly landscape”. Importantly, these distinguishing features or landforms can exist even when they can’t be seen from a public vantage point such as a road.

Please refer to the discussion on page 42 to 45 of the [LPS Supporting Document](#).

Adriaan Stander, Senior Strategic Planner

10.6 LCZ Proposed Zoning Impact

Ms Sandra Brady submitted the following question on notice:

I’d like further clarification on proposed changes to zoning LCZ and the landowners ability to maintain bushfire hazard reduction around the property, including the felling of trees that may be within a 10 meter zone of approved structures.

I would also like to understand how the decision has been made to change zoning without consulting with the property owners directly.

From the documents available on council website, our property will be heavily restricted. Our intent was to be able to potentially build an additional dwelling for one of our children, which we would have been able to do under previous zoning, and it seems under LCZ we will not be able to?

Officer’s Response:

The current and incoming Tasmanian Planning Scheme includes several exemptions for bushfire hazard management. These exemptions encompass fire management mandated by the Tasmania Fire Service (TFS) as part of the TFS hazard reduction program, as well as fire hazard management in accordance with a bushfire hazard management plan approved as part of a specific land use or development. This plan will specify which trees are approved for removal and which are to be retained. When a development application is required, the planning scheme accommodates bushfire hazard management necessary to comply with the Building Regulations and AS-3959-2018. Consequently, permit conditions often place the responsibility on landowners to maintain their properties according to the approved bushfire hazard management plan. Undertaking works beyond the scope of the approved plan necessitates a new permit, potentially involving a reassessment of the bushfire risk and the preparation of a revised bushfire management plan by an accredited bushfire practitioner. These requirements are not anticipated to change under the LPS, including for land zoned LCZ.

Council is currently consulting property owners on the draft zoning through the formal exhibition process, as required under the Land Use Planning and Approvals Act 1993. Council invites people to utilise the current public exhibition process to make written representations. Those representations will be considered by the Tasmanian Planning Commission as part of their public hearing process before the LPS is finalised.

The LCZ will affect people differently and our suggestion is for people to meet with a Council officer to explain how the new zoning will affect them and then to decide if representation during the public exhibition process is necessary. Notwithstanding, building a second dwelling is currently restricted to urban zones only and this will not change under the LPS. Zoning a property LCZ or an alternative rural zone will not alter this. Building an ancillary dwelling may be an option.

Adriaan Stander, Senior Strategic Planner

C325/20-2024**11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS**

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Cr Cordover asked the following questions without notice:

11.1 Feral Deer Management

The National Deer Management Coordinators and Tasmanian organisations will meet to discuss the national deer action plan in Campbell Town on 14 November. Will anyone from Council be attending the deer forum in Campbell Town to discuss and share our enthusiasm for wild deer management?

Director Environment, Development & Community Services responds:

I am unsure, however, I'm sure that the Natural Areas & Biodiversity team are aware that this is happening but I will take it on notice and provide a response.

11.2 Pelverata Road

In previous years as Targa Tasmania has had involvement with Pelverata Road, has the State Government contributed funding towards Pelverata Road for road repair?

Director Engineering Services responds:

No. From our perspective, we have put a lot of time and money into doing various things on Pelverata Road, as you are aware. The Targa is a one off event in terms of overall damage to the road and is not really a factor. It would probably be an unrealistic idea to then go back to the State Government and ask them to contribute towards them having used the road in past.

Cr Richardson asked the following questions without notice:

11.3 Tree on Roslyn Avenue

About 3 weeks ago I sent an email to the CEO following a number of residents flagging the tree as dangerously hanging over the road with a concern that the tree would blow over in the next big wind. That was actioned quickly and a team was sent out to have a look at it and then an arborists report was requested. At the time that staff assessed the tree, they said it wasn't an immediate danger. Then we had some big winds on Saturday and on Sunday that big tree was across the road. Have we received an arborists report and what did it say? How was it determined at the time that the tree was of no danger to the public?

Director Engineering Services responds:

Yes, we have received an arborists report for that particular tree. The report made quite a few comments but basically said that the tree was in a situation of being of tolerable risk, in other words, it was a risk that you could continue with various different actions in place which included some pruning etc. What they are doing is using their experience, which is why we use arborists, to make an assessment based on what they would believe the risk would be on a number of different factors for example, it could be the shape of the tree, the soil conditions, whether the roots have been impacted, the over hand etc. That's not a sure fire way of making sure that something doesn't actually happen. It's just unfortunate in this situation that something happened fairly

shortly after getting the arborists report. From our perspective, what I would be doing is saying that just because of that reason, going back to the arborist and asking the question as to say that this is what you have come up with and this is what has happened afterwards and do you have any comments to make. That would be the usual response for us to take.

Cr Richardson:

At the time, staff went out and made the determination that it wasn't an immediate risk and it turns out that that was backed up by the arborists report. The people that are going out and making those assessments, do they have the requisite qualifications to make that assessment?

Director Engineering Services:

They are not arborists, but they do have the experience and qualification to make a pre-lim assessment, enough to ask do we need to get an independent arborist to make an assessment of that tree. They are more than capable of doing that, this is what they do day in and day out, they are used to seeing lots of different trees in lots of different locations in lots of different conditions. You could argue that they came up with the same pre-lim conclusion that the arborist came up with as their final conclusion.

Cr Richardson:

Is the decision to err on the side of the tree being safe impacted by the fact that the tree is on the significant tree register?

Director Engineering Services:

It's certainly a factor that we have significant trees in the municipality that we want to protect and maintain as much as we possibly can, and there is a process for tree going on the register and also for them having to be removed from the register at the same time. Having said that, an assessment that we would make for any tree in a location where it may have some safety issues would be the same regardless. If it was a tree that wasn't significant but was deemed to be in an area where it could potentially be a safety issue, it would be exactly the same assessment, which is exactly what they did on site – they assessed the tree and said that on the balance of what we know, what we can see and what we can assess, we don't think it is a safety issue. However, it's enough for us to prompt us to get an arborists report to confirm that, which is what happened and which is what was confirmed. However, once again, that is based on an assessment of what you can see and it's unfortunate sometimes when something happens shortly after that and people put two and two together and say 'I told you so', but that's how risk actually works.

Cr Richardson:

Given that in the last two sets of decent winds that we have had in two separate events, about 60% of that tree has blown over, would it be your expectation that that tree would be removed?

Director Engineering Services:

We are waiting on an opinion from our NAB team. In my opinion, based on what we've got, from what's happened and in terms of all the other information that has come from the arborists report and the pre-lim assessment, that it would be something that we would be putting forward as a recommendation to consider because, effectively, that is one of the main things we also need to consider, regardless of the tree type, whether there is any safety issues associated with it. We are just waiting on those comments back from NAB and we will probably get some further comments from an arborist as well to confirm that and if that it is the case then that is what will happen.

C326/20-2024

12 QUESTIONS ON NOTICE FROM COUNCILLORS

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12.1 Kingborough Planning Scheme Consultation

At the Council meeting held on 21 October 2024, **Cr Antolli** asked the following question without notice to the Chief Executive Officer, with a response that the question would be taken on notice:

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?

Officer's Response:

The Kingborough Land Use Strategy 2019 is a high-level on statutory strategic document that was developed through informal consultation over a span of 10+ years. The document provides broad land use aspirations, and some aspects also helped to inform the first version of the Draft LPS (submitted to the TPC in 2019). The revised Draft LPS on exhibition is not entirely consistent with the outcomes anticipated by the Kingborough Land Use Strategy 2019 because partly of the time that has passed, the decision-making by the TPC for other Councils and considerations of aspects following the post lodgement meetings with the TPC. However, the objectives of the strategy are still relevant, and the broader strategic intentions have been used in a manner to inform the content of the revised Draft LPS as directed by the Tasmanian Planning Commission.

The LPS supporting document describes in detail, the components of the revised draft Kingborough LPS and how it meets the requisite requirements. Council held dedicated drop-in information sessions about the Landscape Conservation Zone in February 2023 mainly to inform people of the upcoming changes and have since then been actively engaging with the community regarding the proposed Scheme, with members of public being to access relevant information, make enquiries and meet with planning staff.

Adriaan Stander, Senior Strategic Planner

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at 5.47pm

13 OFFICERS REPORTS TO PLANNING AUTHORITY

C327/20-2024

13.1 DA-2024-91 - DEVELOPMENT APPLICATION FOR DEMOLITION, VEGETATION REMOVAL AND CONSTRUCTION OF MIXED USE DEVELOPMENT (RETAIL, FOOD SERVICES AND 18 MULTIPLE DWELLINGS) AND ASSOCIATED INFRASTRUCTURE AND ROADWORKS AT 150 & 152 CHANNEL HIGHWAY, TAROONA AND ADJACENT ROAD (CHANNEL HIGHWAY)

Moved: Cr Aldo Antolli
Seconded: Cr Christian Street

Amendment:

Moved Cr Flora Fox
Seconded Cr Gideon Cordover

To replace condition 1 with the following:

Before the approved development commences, amended plans to the satisfaction and approval of the Manager Development Services must be submitted to and approved. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the advertised plans but modified to show:

- a) Increased frontage setback for first and second floors to a minimum of 3m from that boundary. The increased setback cannot decrease the setbacks to other boundaries or increase the height of the development. NOTE: all affected plans must be amended and submitted.

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.

In Favour: Crs Gideon Cordover and Flora Fox

Against: Crs Clare Glade-Wright, Aldo Antolli, David Bain, Kaspar Deane, Mark Richardson and Christian Street

LOST 2/6

The motion was then put:

That the Planning Authority resolves that the development application for demolition, vegetation removal and construction of mixed use development (retail, food services and 18 multiple dwellings) and associated infrastructure and roadworks at 150 & 152 Channel Highway, Taroona and adjacent road (Channel Highway) for HA Developments Australia Pty Ltd be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA 2024-91 and Council Plan

Reference No. P1 submitted on 26/03/2024 and Council Plan Reference No. P2 submitted on 08/08/2024.

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 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. A copy of the application form is available on Council's website.

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

3. No works are to commence within a Council roadway, without a road works permit and a 'Start of Works notice' being lodged with, and accepted by, the Executive Manager - Engineering Services.

At least 5 working days notice of intention must be given to commence works or resume works after works on site have ceased for a period of six (6) working days or more.

4. Prior to commencement of any on-site works, 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. 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) Soil and water management plan, in accordance with Condition 6;
 - (d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - (e) 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;
 - (f) A Traffic Management Plan showing truck routes to and from the site;
 - (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) Weed management measures in accordance with Condition 8;
 - (j) The specifications and location of tree and vegetation protection measures in accordance with Condition 5;

- (k) The extent of cut and fill;
- (l) Storage locations for the stockpiling of fill on site;
- (m) Demonstration that the stockpiling of fill will not encroach into the Tree Protection Zones of trees identified for retention;
- (n) 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;
- (o) 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 Y and collision risk of fencing;
- (p) Waste management during construction works;
- (q) 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
- (r) 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.

5. Documentation submitted for building approval must demonstrate that "Building A" has a ground floor level of 43.1mAHD. The plans must also incorporate all recommendations made in the Flood Inundation Report prepared by Flussig Engineers (17 July 2024). The recommendations must be adopted to the satisfaction of the Manager Development Services.
6. Prior to the commencement of any 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.

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.

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

8. Prior to commencement of on-site works associated with the private infrastructure to service the approved dwellings, 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.
- (b) Design (including supporting documentation and hydraulic calculations) of the proposed stormwater infrastructure including:
 - i. Stormwater connection to service the development.
 - ii. A stormwater detention system as per the submitted Civil Engineering Report by ADG Engineers, July 2023.
 - iii. Overland flowpaths sized to accommodate the estimated 1% AEP (Annual Exceedance Probability) flow as per the submitted Flood Hazard Report by Flussig Engineers, July 2024.

Once endorsed the plans will form part of the permit.

9. 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:
 - (a) Stormwater lot connection points must be provided to service the development as approved. All works must be inspected by Council during the relevant times to ensure works comply with Tasmanian Standard Drawings (TSD) and relevant Standards.
 - (b) Stormwater detention system installed as per the Engineering services report.
 - (c) The vehicular access for the new lot must be constructed in accordance with Tasmanian Standard Drawings TSD-RO9 in standard grey concrete with a broomed non-slip finish from the kerb crossing layback to the lot boundary.
 - (d) A Permit to carry out works within the Department of State Growth road reservation must be obtained prior to any works commencing within the road reservation.
10. The new double width vehicular access must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO9) in standard grey concrete with a broomed non-slip finish from the kerb crossing layback to the lot boundary. The existing redundant vehicular access must be removed and the kerb and channel reconstructed in accordance with the Tasmanian Standard Drawings (TSD-R14 & R15) to the satisfaction and approval of the Director – Engineering Services.

ADVICE:

Prior to undertaking any access (or other) works in the state road reserve an Access Works Permit is required from the Department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935.

Application for permits can be found at 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.

11. 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 is screened from view from the street and other public spaces; and
 - (b) roof-top service infrastructure, including service plants and lift structures are incorporated within the design of the roof.
12. The building must not exceed 12.0 metres in height above the natural ground level existing prior to the construction of that building directly below that point.
13. The walls of a building facing residential zones must be coloured using colours with a light reflectance value not greater than 40 percent.
14. Landscaping must be provided prior to occupation of any use to the satisfaction of the Council's Manager Development Services. The landscaping areas shown on the endorsed plans, Council Reference Drawing P1 submitted on 26/03/2024, must be used for landscaping and no other purpose to the satisfaction of the Manager Development Services.
15. External lighting must comply with all of the following:
 - (a) be turned off between 10:00 pm and 6:00 am, except for security lighting;
 - (b) security lighting must be baffled to ensure they do not cause emission of light outside the site.
16. Operating hours for any non-residential uses are restricted to the following:
 - (a) 7.00 am to 9.00 pm Mondays to Saturdays inclusive;
 - (b) 9.00 am to 5.00 pm Sundays and Public Holidays.except for office and administrative tasks.
17. Noise emissions from the non-residential uses on the site, measured at the boundary of a residential zone, must not exceed:
 - (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.

18. Prior to the occupation of any of the new buildings the following works must be completed in accordance with the endorsed plans to the satisfaction of the Council:
 - (a) The 2 lots are to be consolidated in accordance with the endorsed Plans (Council Plan Reference No. P1 submitted on 26/03/2024 and Council Plan Reference No. P2

- submitted on 08/08/2024) and condition 22.
- (b) The Channel Highway access and any associated upgrading.
 - (c) The parking areas (including bicycle parking facilities, signage and access).
 - (d) The garden and landscape areas in accordance with the endorsed Landscaping Plan required under Condition 14.
 - (e) Drainage works undertaken and completed.
19. Prior to the occupancy of the uses the applicant must make provision for a private waste service agreement to enable the development to be serviced with waste and recycling collection. This agreement is to ensure these services are provided on site adjacent to the proposed garbage bay facility as indicated on the submitted plans. Council waste services will not be provided to service the development.
20. No signs are approved with this development and must not be displayed without separate approval of Council. Details of all proposed signs, including proposed location, dimensions, content, colours, materials and clearly drawn scale diagrams must be submitted to the Manager – Development Services for assessment and approval where required.
21. Goods, materials or equipment must not be stored outside without the prior consent of the Council.
22. To consolidate CT6265/3 and on CT6265/4 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) prior to building works commencing. Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
23. 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.
- C. 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. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- E. 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.

- F. The Developer should not allocate any property address numbers for the proposed lot.

New property address will be allocated by Council at the time of sealing of the Final Plan of Survey.

- G. If a strata plan is lodged for the development, the plan must include some common property and the visitor parking space must be contained within the common property and be accessible through the common property from all units.

CARRIED

Public Copy



Submission to Planning Authority Notice

Council Planning Permit No.	DA-2024-91	Council notice date	16/04/2024
TasWater details			
TasWater Reference No.	TWDA 2024/00440-KIN	Date of response	23/04/2024
TasWater Contact	Huong Pham Karen Triffett	Phone No.	0427 471 748 0439 492 314 (Trade Waste)
Response issued to			
Council name	KINGBOROUGH COUNCIL		
Contact details	kc@kingborough.tas.gov.au		
Development details			
Address	150 CHANNEL HWY, TAROONA	Property ID (PID)	5711389
Description of development	Demolition & Mixed use (retail, food services and multiple dwellings x18)		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Spark Architecture	2224 sheet A00.04	D	20/11/2023
ADG Engineers (Aust) Pty Ltd	Civil Engineering Report – sections 10 & 11	1	27/03/2024
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater’s satisfaction and be in accordance with any other conditions in this permit.			
<i>Advice: The water connection/meters must be located in the common area, with unfettered access. If the water and sewer connection points are located in the driveway/parking area, trafficable covers will be required.</i>			
2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer’s cost.			
3. Prior to commencing construction of the subdivision/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.			
TRADE WASTE			
4. Prior to the commencement of operation the developer/property owner must obtain Consent to discharge Trade Waste from TasWater for any retail / food tenancies.			
5. There are no Trade Waste Conditions for the residential tenements.			
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 \$16,361.18 to TasWater for water infrastructure for 9.312 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 \$26,263.64 to TasWater for sewerage infrastructure for 14.948 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater.
- DEVELOPMENT ASSESSMENT FEES**
8. The applicant or landowner as the case may be, must pay a development assessment fee of \$749.17 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.

Trade Waste

Prior to any Building and/or Plumbing work being undertaken in retail / food tenancies, the applicant will need to make an application to TasWater for a Certificate for Certifiable Work (Building and/or Plumbing). The Certificate for Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council. Documentation must include a floor and site plan with:
 Location of all pre-treatment devices;
 Schematic drawings and specification (including the size and type) of any proposed pre-treatment device and drainage design; and
 Location of an accessible sampling point in accordance with the TasWater Trade Waste Flow Meter and Sampling Specifications for sampling discharge.
 At the time of submitting the Certificate for Certifiable Work (Building and/or Plumbing) a Trade Waste Application together with the General Supplement form is also required.
 If the nature of the business changes or the business is sold, TasWater is required to be informed in order to review the pre-treatment assessment.
 The application forms are available at <http://www.taswater.com.au/Customers/Liquid-Trade-Waste/Commercial>.

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.

TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

OPEN SESSION RESUMES

Open session resumed at 6.25pm

14 PETITIONS STILL BEING ACTIONED

A report on the petition headed 'Pedestrian and Accessible Crossing to Meredith's Orchard' will be provided to a future Council meeting.

15 PETITIONS RECEIVED IN LAST PERIOD

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

16 OFFICERS REPORTS TO COUNCIL

C328/20-2024

16.1 PROPOSED NEW ROAD NAMES - KINGSTON

Moved: Cr David Bain
Seconded: Cr Gideon Cordover

That the following names be approved for use:

- (a) 'Streamside Way' for the road outlined in Figure 1; and
- (b) 'Clematis Place' for the road outlined in Figure 2.

CARRIED

C329/20-2024

16.2 SUBMISSION ON DRAFT DEVELOPMENT ASSESSMENT PANELS BILL 2024

Moved: Cr Aldo Antolli
Seconded: Cr Flora Fox

That Council:

- (a) Note the proposed framework for the establishment of Development Assessment Panels contained within the draft Bill
- (b) Provide the CEO with delegation to provide a submission on the draft Bill as outlined in this report.

Moved Cr Gideon Cordover
Seconded Cr Kaspar Deane

To add item (c) to the motion:

- (c) Strongly opposes the draft Bill for the reasons outlined in this report.

In Favour: Crs Gideon Cordover and Flora Fox

Against: Crs Clare Glade-Wright, Aldo Antolli, David Bain, Kaspar Deane, Mark Richardson and Christian Street

LOST 2/6

Cr Richardson left the room at 6.40pm

Cr Richardson returned at 6.41pm

The motion was then put.

CARRIED

C330/20-2024

16.3 POLICY 1.11 FRAUD CONTROL AND CORRUPTION PREVENTION

Moved: Cr Christian Street

Seconded: Cr Gideon Cordover

That Council approves the policy 1.11 Fraud Control and Corruption Prevention Policy, as attached to this report.

CARRIED

C331/20-2024

16.4 RESOLUTIONS FROM THE DISABILITY INCLUSION & ACCESS ADVISORY COMMITTEE

Moved: Cr Gideon Cordover

Seconded: Cr Flora Fox

That Council

- (a) Notes the minutes of the Disability Inclusion and Access Advisory Committee.
- (b) Approves DIAAC to explore the possibility of holding a Disability Expo in 2025 at the Kingborough Community Hub, with potential funding through a community grant. While Baptcare would take the lead in organizing the event, DIAAC members would form a sub-committee to assist with detailed planning.

CARRIED

C332/20-2024

16.5 ANNUAL REPORT 2023/24

Moved: Cr Kaspar Deane

Seconded: Cr Gideon Cordover

That Council endorse the attached Annual Report 2023/24.

CARRIED

C333/20-2024

16.6 APPENDICES

Moved: Cr Gideon Cordover

Seconded: Cr David Bain

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

CARRIED

17 NOTICES OF MOTION

There were no Notices of Motion.

C334/20-2024

18 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

Moved: Cr Flora Fox
Seconded: Cr Gideon Cordover

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*

Taroona 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 will now cease.

Open Session of Council adjourned at 7.08pm

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at 7.19pm

C335/20-2024

Moved: Cr Flora Fox
 Seconded: Cr David Bain

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

Item	Decision
Confirmation of Minutes	Confirmed
Applications for Leave of Absence	Nil
Taroona Bowls and Community Club - Loan	Confirmed

CARRIED

CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.20pm

.....
 (Confirmed)

.....
 (Date)