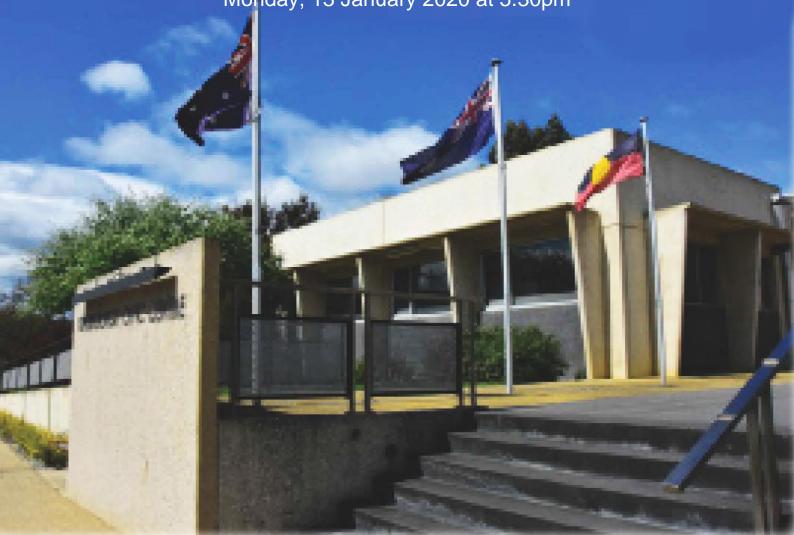


PUBLIC AGENDA

This Agenda is provided for the assistance and information of members of the public.

COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Civic Centre, Kingston on Monday, 13 January 2020 at 5.30pm



Kingborough Councillors 2018 - 2022



Mayor Councillor Dean Winter



Deputy Mayor Councillor Jo Westwood



Councillor Sue Bastone



Councillor Gideon Cordover



Councillor Flora Fox



Councillor David Grace



Councillor Amanda Midgley



Councillor Christian Street



Councillor Steve Wass



Councillor Paula Wriedt

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports contained in Council Meeting Agenda No. 1 to be held on Monday, 13 January 2020 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.

Gary Arnold

GENERAL MANAGER

7 January 2020

TABLE OF CONTENTS

Item Page No.

Open Session

1	Audio Recording	1
2	Acknowledgement of Traditional Custodians	1
3	Attendees	1
4	Apologies	1
5	Confirmation of Minutes	1
6	Workshops Held Since Last Council Meeting	2
7	Declarations of Interest	2
8	Transfer of Agenda Items	2
9	Questions Without Notice from the Public	2
10	Questions on Notice from the Public	2
	10.1 Compliance with Statutory Timeframes in Planning10.2 Drinking Fountain, Blackmans Bay Beach10.3 Skate Park	2 3 3
11	Questions Without Notice from Councillors	4
12	Questions on Notice from Councillors	4
	12.1 Hobart Huskies 12.2 Single Use Plastics	4 4
13	Officers Reports to Planning Authority	6
	 13.1 Delegated Authority for the Period 27 November 2019 to 2 January 2020 13.2 DA-2019-381 - Development Application for Demolition of Existing Dwelling and the Construction of a New Dwelling at 32 Balmoral Road, 	6
	Kingston Beach for Mr A Reed 13.3 PSA-2019-3 - Draft Amendment to Kingborough Interim Planning Scheme 2015 - Amendment of the Former Kingston High School Site Specific Area Plan at 'Kingston Park', 42 Channel Highway, Kingston for Kingborough	12
	Council 13.4 Consent to Lodgement of Application for a Non Habitable Building Outside	40
	the Building Envelope at 6 Derwent Avenue Margate	143

TABLE OF CONTENTS (cont.)

iten	<u>n</u>	Page No
Op	pen Session	
14	Motions of Which Notice has been Given	149
	14.1 Free Green Waste Weekends14.2 Joining the Cities Power Partnership	149 151
15	Petitions Still Being Actioned	153
16	Petitions Received in the Last Period	153
17	Officers Reports to Council	154
	 17.1 Kingston Park Playground 17.2 Climate Change Resourcing 17.3 Paid Parking Within Central Kingston 17.4 Spring Farm Public Open Space 14.5 Customer Service Charter 17.6 Revised Footpath Trading (On-Street Dining And Vending) Policy 17.7 Audit Panel Chairperson 	154 158 162 169 173 192 205
18	Information Reports	207
	 18.1 General Manager's Diary for the Period 18 November 2019 to 24 December 2019 18.2 Current and Ongoing Minute Resolutions 18.3 Kingborough Waste Services Bi-Monthly Report 18.4 Audit Panel Minutes 18.5 Kingborough Access Advisory Committee Meeting Minutes 	208 209 212 232 266
19	Confirmation of Items to be Dealt With in Closed Session	270

AGENDA of an Ordinary Meeting of Council Kingborough Civic Centre, 15 Channel Highway, Kingston Monday, 13 January 2020 at 5.30pm.

1 AUDIO RECORDING

The Chairperson will declare the meeting open, welcome all in attendance and advise that Council meetings are recorded and made publically available on its website. In accordance with Council's policy the Chairperson will request confirmation that the audio recording has commenced.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

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

3 ATTENDEES

Councillors:

Mayor Councillor D Winter

Deputy Mayor Councillor J Westwood

Councillor S Bastone

Councillor G Cordover

Councillor F Fox

Councillor D Grace

Councillor A Midgley

Councillor C Street

Councillor S Wass

Councillor P Wriedt

Staff:

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of Council Meeting No. 24 held on 9 December 2019 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

Nil.

7 DECLARATIONS OF INTEREST

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations* 2015 and Council's adopted Code of Conduct for Councillors, the Mayor requests Councillors to indicate whether they have, or are likely to have, a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015.*

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Compliance with Statutory Timeframes in Planning

At the Council meeting on 9 December 2019, **Mr John Maynard** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

- (a) Can Council explain the apparent discrepancy between the officer's responses to the questions on notice on 25 November and 9 December?
- (b) As the assessment times for DA-2018-601, DA-2019-39 and DA-2018-61 appear to have exceeded statutory limits, are the permits valid?
- (c) In these cases, is any development based on these permits illegal?
- (d) In these same cases, has Section 59 of LUPAA been fully complied with?

Officer's Response:

- (a) There is no discrepancy as DA-2018-164 was approved within 42 days. DA-2018-601, DA-2019-39 and DA-2018-61 were approved in accordance with S59 (7) which enables such a decision to be made outside the timeframes contained in S57 & S58.
- (b) The permits are valid.

- (c) The permits are valid.
- (d) The permits were approved in accordance with S59 (7) and this approach has recently been confirmed in the Resource Management & Planning Appeal Tribunal decision, Laning v Kingborough Council (2019) TASRMPAT 24, handed down on 26 November 2019.

Tasha Tyler-Moore - Manager Development Services

Mr Mark Thorpe submitted the following questions on notice:

10.2 Drinking Fountain, Blackmans Bay Beach

Could there be a drinking fountain installed at Blackmans Bay Beach as there are not any along the beach at all? Many people exercise along the beach and, in particular, near the BBQ Area. Kingston Beach has at least 4 in the space of about 50 meters.

Officer's Response:

There is an existing drinking water fountain inside the Blackmans Bay Community Hall playground. There are no immediate plans for another drinking fountain at Blackmans Bay Beach but this can be considered in future budgets.

David Reeve - Executive Manager, Engineering Services

10.3 Skate Park

Has there been or can there be consideration of another skate park being developed on the spacious underutilised area over the foot bridge behind the toilet block at the Christopher Johnson Memorial Park at Browns River, Kingston Beach. This would disperse the youth to two separate spaces instead of having the large number of youth congregating at the skate park in Blackmans Bay. This would assist to ease growing concerns for local residents regarding crime and noise in all hours of the day and night.

Officer's Response:

There are currently 4 skate parks in Kingborough (Alonnah, Kettering, Blackmans Bay and Taroona). Planning for future skate park infrastructure will be undertaken in accordance with Kingborough Council's: Strategic Plan 2020 -2025; Sport and Recreation Facilities Strategy 2013; Open Space Strategy 2019; Kingborough Youth Strategy 2019 – 2024; and the Play Space and Playground Strategy 2020 – 2025. There are currently no plans under these strategies for additional skate park infrastructure in Kingborough. However, Council will continue to monitor community requests for this and similar infrastructure.

Council manages Christopher Johnson Memorial Park under a Crown Lease from the Parks and Wildlife Service. Council's Urban Design Officer is currently considering alternative youth-focused recreational facilities which may be appropriate at Christopher Johnson Memorial Park. There are flooding and natural asset management constraints relating to the site (Christopher Johnson Memorial Park) which will also be taken into consideration when planning for recreational facilities at this location.

The Kingston Park Playground development will include informal (outdoor) half-court basketball and handball facilities, and spaces designed specifically to encourage social

interaction and passive recreation for Kingborough's youth. These facilities will be constructed during 2020.

Daniel Smee – Executive Manager Governance & Community Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Hobart Huskies

At the Council meeting on 9 December 2019, **Cr Wass** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

As at 21 November there was an amount of \$3,370 outstanding. I would like to know whether that amount is still outstanding and, if it is, what arrangements are in place for the repayment of that amount?

Officer's Response:

The amount of \$3,300 is outstanding. The debit is being addressed within Council's normal debt recovery process.

John Breen - Chief Financial Officer

Cr Cordover submitted the following question on notice:

12.2 Single Use Plastics

To date, what investigation and consultation has the Council conducted towards implementing a phase out of single use plastics in Kingborough? What initiatives should we be organising now to help minimise the impact on our local business community of the transition to phase out all single use plastic as soon as possible?

Officer's Response:

Council has adopted a Waste Wise Events Policy which prohibits the sale and/or distribution of single-use plastic products and single use sachets, polystyrene, plastic bags, plastic straws, bottles and/or balloons at public events and functions held on Council owned or managed property. In conjunction with the policy, Council has produced a Waste Wise Events guidelines brochure to support event holders' responsibly managing waste.

The State Government's Draft Waste Management Action plan has an action/ target to work at the national level, and with local government and businesses in Tasmania to phase out problematic and unnecessary plastics such as single use plastics by 2030. It is likely that,

if this is adopted, they will partner with local government to assist in implementing this across the State, including measures to help businesses transition.

David Reeve - Executive Manager Engineering Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commenced at

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 DELEGATED AUTHORITY FOR THE PERIOD 27 NOVEMBER 2019 TO 2 JANUARY 2020

File Number: 17.170

Author: Tasha Tyler-Moore, Manager Development Services

The following are matters that have received delegated approval from the Manager Development Services for the period 27 November 2019 to 2 January 2020.

DEVELOPMENT APPLICATIONS FOR PERMITTED DEVELOPMENT/USE			
DA-2019-600	Pear Properties P/L 998 Adventure Bay Road ADVENTURE BAY	Change of use from residential to visitor accommodation	
DA-2019-601	Prime Design 86 Maudsleys Road ALLENS RIVULET	Extension to dwelling (swimming pool and deck)	
DA-2019-610	Fisher Family 151 Coningham Road CONINGHAM	Change of use from residential to visitor accommodation	
DA-2019-618	Super Spark Holding P/L 11-13 Serena Road ADVENTURE BAY	Change of use from residential to visitor accommodation	
DA-2019-626	Mr G Y Loef 44 Cox Drive DENNES POINT	Change of use from residential to visitor accommodation	
DA-2019-635	Mr J A Bean 34 William Carte Drive ALONNAH	Change of use from residential to visitor accommodation	
DA-2019-637	Mrs L J Flower 149 Nebraska Road DENNES POINT	Change of use from residential to visitor accommodation	
DA-2019-653	West Elevation Design Unit 2/25 Opal Drive BLACKMANS BAY	Extension to dwelling (deck)	
DA-2019-668	Mr P & Mrs S Ball Unit 5/30 Caladium Place BLACKMANS BAY	Roof over existing rear courtyard - Retrospective	

DEVELOPMENT	T APPLICATIONS FOR DISCRETIO	NARY DEVELOPMENT/USE
DA-2018-120	Beachouse Architecture 97 Mount Louis Road TINDERBOX	Dwelling, visitor accommodation, signage and access over 290 Tinderbox Road and 71 Mount Louis Road, Tinderbox
DA-2019-182	Mr J Richardson & Ms Y Takasuga 77 McQueens Road SNUG	Dwelling
DA-2019-320	Wilson Homes Tasmania P/L 20 Eleni Avenue KINGSTON	Dwelling
DA-2019-362	Systembuilt Homes 23 Stuart Street ALONNAH	Dwelling
DA-2019-439	BYA Architects 132 Longeys Road BIRCHS BAY	Extension and alterations to dwelling and construction of a fire bunker
DA-2019-447	Room 11 Architects 10 D'Entrecasteaux Drive NORTH BRUNY	Dwelling, ancillary dwelling, outbuilding (workshop) and access
DA-2019-452	Another Perspective 87 Channel Highway KINGSTON	Six multiple dwellings and demolition of existing dwelling
DA-2019-467	M O Thomson 2A Staff Road ELECTRONA	Dwelling
DA-2019-474	Cunic Homes 5 Panoramic Drive KINGSTON	Dwelling
DA-2019-481	Wilson Homes Tasmania P/L 8 Eleni Avenue KINGSTON	Dwelling
DA-2019-483	Another Perspective 5 Taronga Road BONNET HILL	Alteration to dwelling
DA-2019-484	Tim Penny Architecture 'Taroona Schools', 104 Channel Highway TAROONA	Extension and alterations to music facilities
DA-2019-497	PDA Surveyors Lot 1000, Spring Farm Road KINGSTON	Boundary fence
DA-2019-501	Mr R Bassett 100 Saddle Road KETTERING	Visitor accommodation unit

DA-2019-503	Mr N Smith 495 Leslie Road LESLIE VALE	Outbuilding (shed)
DA-2019-510	Paul Johnston Architects 4 Maranoa Road KINGSTON	Two multiple dwellings (one existing)
DA-2019-519	Prime Design 25 Apolline Drive KINGSTON	Dwelling
DA-2019-531	Mr K & Ms N Van den Hoff 100 Fehres Road MARGATE	Construction of new outbuilding (shed) and change of use of existing swimming pool enclosure to rumpus room
DA-2019-533	Mr R W Beadle 6 Apolline Drive KINGSTON	Dwelling
DA-2019-535	Mr J A Bosveld 54 Apolline Drive KINGSTON	Dwelling
DA-2019-539	Miss A F M Sugden 33A Kingston Heights KINGSTON BEACH	Partial change of use from dwelling to visitor accommodation
DA-2019-543	Ms B Craven 26 Miandetta Drive MARGATE	Extension to outbuilding (carport) and relocation of two shipping containers - Retrospective
DA-2019-549	Mr G K Rutledge 90 Coal Mine Road KAOOTA	Outbuilding (shed/carport)
DA-2019-556	Tassie Homes P/L 67 Apolline Drive KINGSTON	Dwelling
DA-2019-561	All Urban Planning P/L 99 Channel Highway KINGSTON	Reduction in carparking spaces from 41 to 37 (changes to DA-2018-570)
DA-2019-568	Kingston Beach Early Learning Centre 46 Beach Road KINGSTON BEACH	Replacement of front fence
DA-2019-569	Mr R E Clark 8 Blanche Avenue BLACKMANS BAY	Two multiple dwellings (one existing)
DA-2019-570	Mr L A Synnott 1880 Channel Highway' MARGATE	Outbuilding (shed)
DA-2019-573	Mr P B Docking 4 Coral Place BLACKMANS BAY	Extension and alterations to dwelling, including carport and gazebo

DA-2019-574	Mrs P & Mr B Pitt 152 Umfrevilles Road KAOOTA	Change of use from ancillary dwelling to visitor accommodation
DA-2019-577	Rivercity Christian Church Hobart Inc. 16 Freeman Street KINGSTON	Change of use from general retail to food service (Café) and community meeting and entertainment (Church Services)
DA-2019-584	Mr S Laning 30 Derwent Avenue MARGATE	Demolition of existing outbuildings and installation of outbuilding (shed)
DA-2019-587	Mr A & Mrs M Purcell 15 Honeys Road FLOWERPOT	Change of use from non-habitable building to visitor accommodation
DA-2019-588	Mr P & Mrs B Turner 16 Dayspring Drive MARGATE	Dwelling and outbuilding (carport/garage)
DA-2019-590	Mr I & Mrs R Creswell 180 Allens Rivulet Road ALLENS RIVULET	Change of use of two cottages to visitor accommodation
DA-2019-594	Wilson Homes Tasmania P/L 16 Dolphin Drive KINGSTON	Dwelling
DA-2019-595	Jaws Architects 'Calvin Christian School', 35 Maranoa Road KINGSTON	Two relocatable classrooms
DA-2019-598	Mr N Smith 26 Golden Grove Drive BLACKMANS BAY	Extension to existing outbuilding (carport)
DA-2019-602	Mr S A Finlayson 327 Summerleas Road KINGSTON	Outbuilding (shipping container)
DA-2019-607	Wilson Homes Tasmania P/L 20 Kingsgate Circle HUNTINGFIELD	Dwelling
DA-2019-613	Maveric Builders P/L P 1145 Esplanade Road MIDDLETON	Dwelling
DA-2019-621	Mr S Denehey 1 Sugarwood Court MARGATE	Outbuilding (shed)
DA-2019-624	Mr D & Mrs J Fisher 845 Killora Road NORTH BRUNY	Change of use from residential to visitor accommodation
DA-2019-642	Mr J & Mrs S Phillips 49 Dayspring Drive MARGATE	Outbuilding (shed)

DA-2019-658	Dept of State Growth 61 Ferry Road KETTERING	Temporary portable cool room	
DEVELOPMENT	APPLICATIONS FOR SUBDIVISIO	N/BOUNDARY ADJUSTMENT	
DAS-2019-34	Leary & Cox P/L 57 & 61 Thomas Road WOODBRIDGE	Reorganisation of boundaries	
DAS-2019-35	Lark & Creese 15 Penola Drive LESLIE VALE	Subdivision of one lot and balance	
DEVELOPMENT	APPLICATIONS FOR STRATA/ ST	AGED DEVELOPMENT SCHEME	
STR-2019-29	Mr M G Clements Warehouse 2/52 Ascot Drive HUNTINGFIELD	Strata plan – Lots 1,8,10 & 11	
STG-2018-27/B	Mr M G Clements 52 Ascot Drive HUNTINGFIELD	Variation to staged development scheme – addition of Lot 11 to Stage 3	
STR-2019-34	Mr J L Armstrong 2 Carnation Terrace KINGSTON	Strata of one unit	
STG-2019-33	Mr J L Armstrong 2 Carnation Terrace KINGSTON	Stage one of two stages – Lot 1	
STR-2019-38	Leary & Cox P/L 11 Torpy Avenue SNUG	Strata units 1 & 2	
STR-2019-39	Rogerson & Birch Surveyors 8 Powell Road BLACKMANS BAY	Strata units 1-6	
DEVELOPMENT APPLICATIONS FOR MINOR AMENDMENTS TO PERMIT			
DAS-2015-44	JSA Consulting Engineers P/L 27 Spring Farm Road and 34 Maddocks Road KINGSTON	Change the timing of the transfer of the road widening reservation from completion of Stage 3 to completion of Stage 4	
DA-2018-481	Mr A Hill 53 Blowhole Road BLACKMANS BAY	Increase the front setback, remove a concrete slab and stairs, replace and move retaining walls	
DA-2019-110	Smeekes Drafting P/L 18 Wandella Avenue TAROONA	Remove the proposed second storey addition, alter the deck configuration and include a 1.7 metre screen with 25% transparency and accept P3 amended plans	

DEVELOPMENT APPLICATIONS FOR NO PERMIT REQUIRED		
DA-2019-564	Mr M & Mrs S Lukic 43 Bundalla Road MARGATE	Change of use from garage to ancillary dwelling
DA-2019-619	Studiko Architectural Design & Drafting 89 Diamond Drive BLACKMANS BAY	Extension and alteration to dwelling (deck)
DA-2019-623	Maveric Builders P/L 13 Turquoise Way KINGSTON	Dwelling
DA-2019-633	Mr N W Lyon 5 Charles Eaton Court HUNTINGFIELD	Alterations and extension to dwelling - Retrospective
DA-2019-665	Mr V P Ponsonby 35 Malachi Drive KINGSTON	Internal alteration
DA-2019-682	Mrs A & Mr S Morgan 1 Gourlay Street BLACKMANS BAY	Internal alterations to existing dwelling
DA-2019-707	Mr P H Walsh 7 Jayda Place KINGSTON	Outbuilding (garage)

RECOMMENDATION

That the report be noted.

13.2 DA-2019-381 - DEVELOPMENT APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND THE CONSTRUCTION OF A NEW DWELLLING AT 32 BALMORAL ROAD, KINGSTON BEACH FOR MR A REED

File Number: DA-2019-381

Author: Sarah Silva, Senior Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

Application Number: DA-2019-381

Applicant: Alex Reed/McCarthy Reed Architects

Owner: D Carey and A Lucas

Subject Site: 412m2

Certificate of Title Number: CT 150657/2

Recommendation: Approval subject to conditions

Proposal: Demolition of existing dwelling and construction of new

dwelling.

Use Class/Category: Residential/single dwelling

Planning Scheme: Kingborough Interim Planning Scheme 2015

Zone: General Residential

Codes: E6.0 Parking and Access

E7.0 Stormwater Management

E11.0 Waterway and Coastal Protection

E13.0 Historic Heritage

E15.0 Inundation Prone Areas E16.0 Coastal Erosion Hazard

Discretions: Clause 10.4.2 Setbacks (A3)

Clause 10.4.4 Sunlight & overshadowing for all dwellings

(A1)

Clause E11.7.1 Buildings and works (A1)

Clause E13.8.1 Demolition (A1)

Clause E13.8.2 Buildings and works (A1 &A2)

Clause E16.7.1 Buildings and works (A1)

Public Notification: Public advertising was undertaken between 11 December

2019 and 2 January 2020 in accordance with section 57 of

the Land Use Planning and Approvals Act 1993

Representations: Four (4) objections:

(a) Privacy and overlooking

(b) Site coverage

(c) Adjacent property values

(d) Noise

1 PROPOSAL

1.1 Description of Proposal

The proposal is to demolish the existing dwelling and construct a new dwelling at 32 Balmoral Road, Kingston Beach.

The new dwelling would have 3-4 bedrooms, 2 bathrooms, a smaller front lounge area and an open plan kitchen/living/sitting area located to the rear of the dwelling. A large external deck would extend to the rear of the site and provides direct stair access to the garden.

A Heritage Report (prepared by Gray Planning, July 2019) provides that the proposed architectural design of the dwelling clearly borrows from and is inspired by vertical board dwellings. The proposed dwelling allows for a front garden, addresses the street with the front verandah, front window and primary entrance and is a low one-storey built form that utilises a gentle hip roof and gable end profile in keeping with the Interwar vertical board dwellings in the Kingston Beach area. The roof cladding is Colorbond and wall cladding is predominantly timber vertical board.

Two sections of masonry blockwork walls are proposed to be installed along the shared south-western side boundary to provide privacy screening to habitable rooms in the new dwelling (the walls are approximately 3.6m and 4.2m in length and 2.4m in height).

The existing wooden paling front fencing is to be replaced with a 1.0m high picket fence.

1.2 Description of Site

The subject site has an area of 412m² and is a rectangular lot with vehicle access onto Balmoral Road. The lot is relatively flat and narrow piece of land. There is no native vegetation on the property.

The existing dwelling is weatherboard and comprises two bedrooms. There is an existing shed on the property which has not been proposed for demolition but its removal would be necessary to accommodate the new dwelling.



Figure 1 - Google Earth image of existing dwelling.

2 ASSESSMENT

2.1 State Policies and Act Objectives

The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

The proposal is consistent with the objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993.

2.2 Strategic Planning

The relevant statements associated with the Scheme are as follows:

Clause 10.1.1 – General Residential Zone Purpose Statements

- 10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.
- 10.1.1.5 To encourage residential development that respects the neighbourhood character, natural landscape and provides a high standard of residential amenity.

The proposal complies with the abovementioned statements as the development is a single residential dwelling.

2.3 Statutory Planning

The use is categorised as Residential under the Scheme which is a No Permit Required use in the General Residential Zone. While the application is classified as a No Permit Required use, it relies on Performance Criteria to comply with the Scheme provisions, and is therefore Discretionary. Additionally the Waterways and Coastal Protection, Historic Heritage, and Coastal Erosion Hazard Codes all trigger a discretionary application.

Council's assessment of this proposal should also consider the issues raised in the representations, the outcomes of any relevant State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993.

2.4 Use and Development Standards

The proposal satisfies the relevant Acceptable Solutions of the Scheme (see checklist in Attachment 1), with the exception of the following:

General Residential Zone

Clause 10.4.2 Setbacks

Acceptable Solution	Performance Criteria	Proposal
A3 - A dwelling, excluding	P3 - The siting and scale of	Does not comply with
outbuildings with a building height of not more than 2.4	a dwelling must: (a) not cause unreasonable	A3(a)(ii) – a section of awning over the rear deck
m and protrusions (such as	loss of amenity by:	slightly encroaches outside
eaves, steps, porches, and	(i) reduction in sunlight to a	of the building envelope.
awnings) that extend not	habitable room (other than a	The deck is also located
more than 0.6 m		approximately 1m from the

horizontally beyond the building envelope, must:

(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:

(i) a distance equal to the

- (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage; and
- (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3 m above natural ground level at the side boundaries and a distance of 4 m from the rear boundary to a building height of not more than 8.5 m above natural ground level; and
- (b) only have a setback within 1.5 m of a side boundary if the dwelling:
- (i) does not extend beyond an existing building built on or within 0.2 m of the boundary of the adjoining lot; or
- (ii) does not exceed a total length of 9 m or one-third the length of the side boundary (whichever is the lesser).

bedroom) of a dwelling on an adjoining lot; or

- (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
- (iii) overshadowing of an adjoining vacant lot; or
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

rear boundary, which is outside the envelope. Therefore the proposal must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria P3 of the Zone for the following reasons:

- The area of roof exceeding the building envelope is minor (refer to Figures 2 & 3 below)
 and is unlikely to cause any undue overshadowing to the adjacent lot as it is to the rear
 and to the south-west of the neighbouring dwelling and is minor in scale; and
- the rear of the site is adjacent to the driveway of a unit complex located to the north-west and impacts to the neighbouring residents is considered unlikely given that the closet dwelling would be located in excess of 8m from the subject deck.

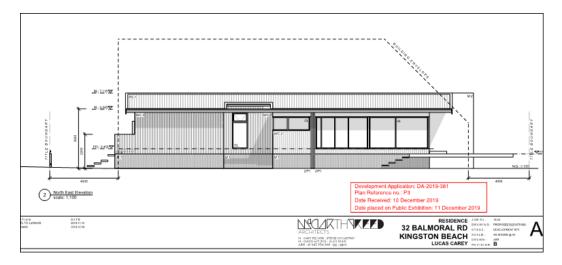


Figure 2: Elevation from submitted, advertised (P3) plans.

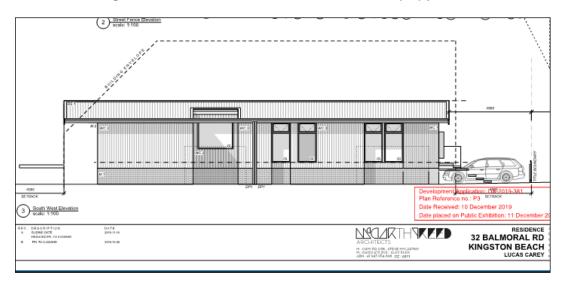


Figure 3: Elevation from submitted, advertised (P3) plans.

General Residential Zone

Clause 10.4.4 Sunlight and overshadowing for all dwellings

Acceptable Solution	Performance Criteria	Proposal
A1 - A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north.	P1 - A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).	Does not comply - The proposed dwelling does not include a window within 30 degrees of north. Therefore the proposal must be assessed against the Performance Criteria.

The proposed variation can be supported pursuant to this Performance Criteria P1 of the Zone for the following reasons:

- The orientation and size of the lot limits the possibility for the dwelling to be orientated north; and
- The living/dining and kitchen windows are all orientated to receive sunlight from the north, which will provide good natural light to those living areas.

Waterway and Coastal Protection Code

Clause E11.7.1 Buildings and works

Acceptable Solution	Performance Criteria	Proposal and compliance
A1 - Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	P1 - Building and works within a Waterway and Coastal Protection Area must satisfy all of the following: (a) avoid or mitigate impact on natural values; (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; (c) avoid or mitigate impacts on riparian or littoral vegetation; (d) maintain natural streambank and streambed condition, (where it exists); (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (f) avoid significantly impeding natural flow and drainage; (g) maintain fish passage (where applicable); (h) avoid landfilling of wetlands; (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.	The works are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria P1.

- The proposal is considered to comply with the Performance Criteria P1 as follows:
- the proposal does not immediately occur in a waterway and is not located in a wetland;

- the works are within a highly modified area therefore there will be no impacts on natural values;
- adverse erosion, sedimentation and runoff impacts on natural values will be limited to the construction phase. This is most appropriately addressed through implementation of a soil and water management plan;
- there is no littoral vegetation and therefore this criteria is not applicable;
- this proposal complies with this criterion providing a condition is included in the permit requiring works are undertaken generally in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003).

Historic Heritage Code

Clause E13.8.1 Demolition

Acceptable Sc	olution	Performance Criteria	Proposal and compliance
A1 - No Solution.	Acceptable	P1 - Demolition must not result in the loss of any of the following: (a) buildings or works that contribute to the historic cultural heritage significance of the precinct; (b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct; unless all of the following apply; (i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place; (ii) there are no prudent or feasible alternatives; (iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.	There is no acceptable solution. Therefore the proposal must be assessed against the Performance Criteria.

Kingston Beach is listed as a Heritage Precinct under Table 13.2 of the Historic Heritage Code.

A Heritage Impact Assessment was provided with the development application. The assessment concluded the following in relation to the demolition of the existing dwelling that the existing dwelling does not represent any historic or cultural heritage. The existing dwelling is in a highly modified condition and appears to have received ongoing external alterations resulting in a building that displays little comparison to other Interwar vertical board shacks or bungalow residences in the area. The existing dwelling is of low value, provides little contribution to the streetscape and is not of a

distinguishable era of development considered to be significant for the values and development of Kingston Beach.

Council agrees with the Heritage Impact Assessment provided and, for the reasons identified, no loss of any heritage values are expected as a result of the proposed demolition of the existing dwelling.

Clause E13.8.2 Buildings and Works other than Demolition

Acceptable Solution	Performance Criteria	Proposal and compliance
A1 - No Acceptable Solution	P1 - Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2	There is no acceptable solution.
A2 - No Acceptable Solution	P2 - Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.	There is no acceptable solution.

A Heritage Impact Assessment was provided with the development application. The assessment concluded the following in relation to construction of the dwelling:

- The overall proposed form, scale and location of the new dwelling is considered to have responded to an be in accordance with the dominant historical Interwar shack dwellings in the Heritage Precinct;
- The proposed architectural design of the dwelling clearly borrows from and is inspired by vertical board dwellings and avoids mixing architectural details from other different eras;
- The proposed dwelling allows for a front garden, addresses the street with the front verandah, front window and primary entrance and is a low one storey built form that utilises a gentle hip roof and gable end profile in keeping with the Interwar vertical board dwellings in the Kingston Beach area;
- The roof cladding is Colorbond and wall cladding is predominantly timber vertical board;
- The dwelling will still present as a contemporary dwelling, but will provide a muted and sympathetic architectural inclusion to the streetscape; and
- There are no specific design criteria or conservation policies for the Kingston Beach Heritage Precinct.

Coastal Erosion Hazard

Clause E16.7.1 Buildings and works

Acceptable Solution	Performance Criteria	Proposal and compliance
A1 - No acceptable solution.	P1 - Buildings and works	There is no acceptable
AT - No acceptable solution.	must satisfy all of the	solution. Therefore the
	following:	proposal must be
	(a) not increase the level of	assessed against the
	risk to the life of the users of	Performance Criteria.
	the site or of hazard for	
	adjoining or nearby	
	properties or public	
	infrastructure;	
	(b) erosion risk arising from	
	wave run-up, including	
	impact and material	
	suitability, may be mitigated	
	to an acceptable level	
	through structural or design	
	methods used to avoid damage to, or loss of,	
	buildings or works;	
	(c) erosion risk is mitigated	
	to an acceptable level	
	through measures to modify	
	the hazard where these	
	measures are designed and	
	certified by an engineer with	
	suitable experience in	
	coastal, civil and/or	
	hydraulic engineering;	
	(d) need for future	
	remediation works is	
	minimised; (e) health and safety of	
	people is not placed at risk;	
	(f) important natural	
	features are adequately	
	protected;	
	(g) public foreshore access	
	is not obstructed where the	
	managing public authority	
	requires it to continue to	
	exist;	
	(h) access to the site will not	
	be lost or substantially	
	compromised by expected	
	future erosion whether on	
	the proposed site or off-site; (i) provision of a developer	
	contribution for required	
	mitigation works consistent	
	with any adopted Council	
	Policy, prior to	
	commencement of works;	
	(j) not be located on an	
	actively mobile landform.	

The works are considered to comply with the Performance Criteria P1 as follows:

- the development will not increase the current level of risk to life of site users, or increase the hazard for adjoining properties;
- mitigation of coastal erosion arising from wave run-up including impact is not required;
- erosion risk is currently at an acceptable level and will remain so up to 2100;
- there is no need for future remediation works;
- the proposed development will not increase the level of risk to the health and safety of people;
- the development site is an existing house site and no natural features are impacted;
- public access will not be affected by the development;
- expected further coastal erosion is not expected to affect current or future access to the site;
- the contribution is not applicable since no mitigation works are proposed; and the site is not on an actively mobile landform.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the Land Use Planning and Approvals Act 1993 (from 11 December 2019 and 2 January 2020). Four representations were received during the public exhibition period. The following issues were raised by the representors:

2.5.1 Privacy and overlooking

The proposal meets the requirements of the Scheme for privacy as the deck is less than 1m above natural ground level and complies with A3(b)(i)&(ii) of Clause 10.4.2.

Given the close proximity of the deck to the north-eastern shared boundary, it would be considered warranted in this instance to provide some screen landscaping along the area in between the deck and the north-eastern fence and this has been included as a condition within the recommendation below.

2.5.2 Site coverage

The proposal is for a dwelling with a roofed area of 191.6m² which is 46.5% of the lot. This meets the Acceptable Solution of the scheme which specifies 50%.

2.5.3 Adjacent property values

This is not a planning consideration.

2.5.4 Noise

The proposal is for a residential use in a residential zone. There are no noise standards in the scheme for the General Residential Zone. It is not expected the noise

produced from residential use will be unreasonable or negatively affect amenity of adjoining lots.

2.6 Other Issues

The proposal met the requirements of Part E15.0 - Inundation Prone Areas Code of the Scheme with the submitted (P1) plans. In response to Council's further information letter regarding Coastal Erosion Hazard Code requirements the applicant submitted plans (P2) which no longer met the floor level required to meet the requirements of the Inundation Prone Areas Code. The applicant subsequently provided amended plans (P3) returning to the original floor level which met the requirements of the Inundation Prone Areas Code.

The proposal meets the Acceptable Solutions of the E6.0 - Parking and Access; and E70. - Stormwater Management Codes.

Part 5 Agreement on title – requires the establishment of a suitable flood study and appropriate floor levels. The proposed floor level is 3.45m, in compliance with the covenant on the title, (which stipulates a minimum floor level of 3m), and the Part 5 Agreement.

The proposal was referred to TasWater, a submission is included with the permit recommendations.

3 CONCLUSION

The proposed development is considered to comply with the Acceptable Solutions and Performance Criteria of the Scheme. It is therefore recommended that a planning permit be granted subject to conditions.

4 RECOMMENDATION

That the Planning Authority resolves that the development application for demolition of existing dwelling and the construction of a new dwelling at 32 Balmoral Road, Kingston Beach for Mr A Reed be approved subject to the following conditions:

- Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2019-381 and Council Plan Reference No. P3 submitted on 10 December 2019 and P4 submitted on 18 December 2019. 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 Landscaping plans must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field and submitted for approval by Council's Manager Development Services prior to the issue of a Building Permit.

The landscape plan must be at a suitable scale, and indicate the following:

- (a) planting in the area between the rear deck and the north-eastern side boundary. The species selected are to reach a height of 1.8m within two years of planting.
- (b) outline of the proposed buildings;

- (c) proposed planting by quantity, genus, species, common name, expected mature height and plant size;
- (d) proposed maintenance program; and
- (e) the relationship of the plantings to the proposed height of the buildings.
- The landscaping shown on the endorsed landscape plan must be completed to the satisfaction of the Council prior to the occupation of the new dwelling. The landscaping must be maintained for the life of the development to the satisfaction of the Council, including that any dead, diseased or damaged plants are replaced.
- 4 Plans submitted for building approval for the development must demonstrate that the dwelling will be constructed with a finished floor level of 3.45m.
- 5. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Executive Manager Engineering Services.
- 6. Works must be undertaken generally in accordance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003).
- The stormwater runoff from all new impervious areas must be disposed of by gravity to Council's reticulated stormwater system to the satisfaction and approval of the Executive Manager Engineering Services.
- 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. An application for Notifiable Plumbing Work must be lodged with Council before commencing any work.
- C. 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.

Attachments:

- 1. Assessment Checklist
- 2. TasWater Conditions
- 3. Location Plan
- 4. Proposal Plans

Attachment 1

Zone Provisions

Issue	Compliance/Comments
Setbacks and building envelope for all dwellings (Cl. 10.4.2) • A1 – setback from frontage • A2 - setback from primary frontage for carport/garage • A3 – containment within the building envelope • A4 – Impact on trees	A1 – 4.5m Complies A2 – no carport garage> N/A A3 – exceeds building envelope (the deck is 1m from the rear fence, setback to the rear should be 4m)> Does not comply – refer to report. A4 – no trees> Complies
Sunlight and overshadowing for all dwellings (Cl. 10.4.4) • A1 – location of habitable rooms (north)	A1 – no windows within 30 degrees of north> Does not comply – refer to report.

Code Provisions

Issue	Compliance/Comments
E6.0 Parking and Access Code	
Council's Development Engineering Officer has Acceptable Solutions of this Code.	assessed the proposal and found that it can satisfy the
E7.0 Stormwater Management Code	
Council's Development Engineering Officer has Acceptable Solutions of this Code.	assessed the proposal and found that it can satisfy the
E11.0 Waterway and Coastal Protection Code	
 Buildings and works (CI.E11.7.1) A1 - Buildings and works within a building area on subdivision plan approved under this Scheme A2 - Coastal refugia area A3 - Potable water supply area A4 - Development does not involve new stormwater point discharge into watercourse, wetland or lake E13.0 Historic Heritage Code 	A1 - The works are not located in a building area on a subdivision plan approved under this Scheme and therefore must be assessed against the performance criteria P1 . A2 - N/A as not a Coastal refugia area A3 - N/A as not a potable water supply area A4 - complies as no new stormwater connections into a water course proposed.
Development standards for heritage precincts (CI.E13.8.1) • A1 – No acceptable solution	A1 – No acceptable solution > Does not Comply – refer to report.
Buildings and works other than demolition (CI.E.13.8.2)	A1 – No acceptable solution> Does not Comply – refer to report.
 A1 – No acceptable solution A2 – No acceptable solution 	A2 – No acceptable solution> Does not Comply – refer to report.
A3 – No acceptable solution	A3 – Not applicable as it is not an extension>N/A
A4 – Front fence accords with original design	A4 – No acceptable solution> Does not Comply – refer to report.

E15.0 Inundation Prone Areas Code	
Use standards (CI.E15.6.1) • A1 – Change of use to habitable room and floor levels complies with (a) & (b)	A1 - N/A as no change of use to the residential use is proposed.
Coastal inundation low hazard areas (CI.E15.7.3) • A1 – New habitable building complies with floor level • A2 – Extension to habitable building complies with floor level or floor area – 60m2 • A3 – Non-habitable building/outbuilding floor area – 60m2	A1 – The proposed finished floor level is 3.45m and complies with A1. A2 – N/A A3 – N/A as no outbuildings/non-habitable buildings proposed.
 Riverine inundation hazard areas (CI.E15.7.4) A1 - New habitable building complies with floor level A2 - Extension to existing habitable building complies with floor level or floor area - 60m2 A3 - Non-habitable building/outbuilding floor area - 60m2 	A1 – The proposed finished floor level is 3.45m and complies with A1. A2 – N/A A3 – N/A as no outbuildings/non-habitable buildings proposed.
Riverine, coastal investigation area, low, medium high inundation hazard area (Cl.E15.7.5) • A1 – Extent of landfill complies • A2 – No acceptable solution • A3 – Land application for onsite wastewater management complies with (a) & (b)	A1 - N/A no landfill or walls proposed as part of the development. A2 - N/A A3 - NA as no land application area proposed (serviced area).
E16.0 Coastal Erosion Hazard Code	
Use standards – change of use of habitable buildings (Cl.E16.6.1) • A1 – No acceptable solution	A1 – N/A as there is no proposed change of use.
Buildings and works (Cl.E16.7.1) • A1 – No acceptable solution	A1 – No acceptable solution and therefore requires assessment against performance criteria.

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

Attachment 2



Submission to Planning Authority Notice

Council Planning Permit No.	DA-2019-381			Council notice date	23/07/2019
TasWater details					
TasWater Reference No.	TWDA 2019/0104	9-KIN		Date of response	0/12/2019
TasWater Contact	Anthony Cengia		Phone No.	(03) 6237 8243	
Response issued	to				
Council name	KINGBOROUGH CO	OUNCIL			
Contact details	kc@kingborough.	tas.gov.au			
Development det	ails	50.00 			
Address	32 BALMORAL RD	, KINGSTON BEACH	1	Property ID (PID)	2839272
Description of development	Demolition of exis	ting weatherboard	d residence a	nd new dwelling	
Schedule of draw	ings/documents				
Prepa	red by	Drawing/doo	cument No.	Revision No.	Date of Issue
McCarthy Reed A	rchitects	18.20 Sheets A20 A302 to M1	01 to A203,	А	18/11/2019
McCarthy Reed A	rchitects	18.20 Sheet A30	1		18/11/2019
Conditions				-	

Conditions

SUBMISSION TO PLANNING AUTHORITY NOTICE OF PLANNING APPLICATION REFERRAL

Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

56W CONSENT

Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater
the applicant or landowner as the case may be must make application to TasWater pursuant to
section 56W of the Water and Sewerage Industry Act 2008 for its consent in respect of that part of
the development which is built within a TasWater easement or over or within two metres of
TasWater infrastructure.

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) must show footings of proposed buildings located over or within 2.0m from TasWater pipes and must be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. The plans must include but not be limited to the following information:

- a. A cross sectional view through the footings which clearly shows;
 - i. Existing pipe depth and proposed finished surface levels over the pipe;
 - The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- b. A note on the plan indicating how the pipe location and depth were ascertained.
- c. The steps located within the easement land must be demountable and include details outlining how they can be removed.

Issue Date: August 2015 Page 1 of 2
Uncontrolled when printed Version No: 0.1



DEVELOPMENT ASSESSMENT FEES

The applicant or landowner as the case may be, must pay a development assessment fee of \$211.63 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

The payment is required by the due date as noted on the statement when issued by TasWater.

Advice

General

For information on TasWater development standards, please visit

https://www.taswater.com.au/Development/Technical-Standards

For application forms please visit http://www.taswater.com.au/Development/Forms

Declaration

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

Authorised by

Jason Taylor

Development Assessment Manager

TasWater	Contact Details			
Email	development@taswater.com.au	Web	www.taswater.com.au	
Mail	GPO Box 1393 Hobart TAS 7001			

Attachment 3



Locality Plan

Attachment 4

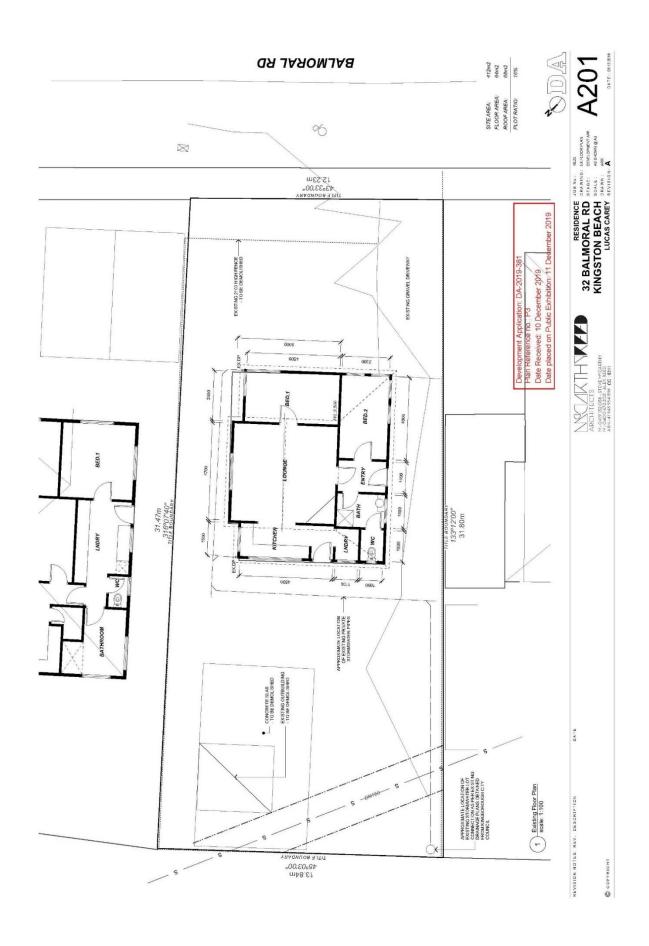
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CORROSION ENVIRONMENT:	SEVERE
DESIGN WIND SPEED:	TBA
SOIL CLASSIFICATION:	TBA
CLIMATE ZONE:	
LAND TITLE REFERENCE:	150657/2
ZONING:	
GENERAL RESIDENTIAL	10.0
OVERLAYS:	
HERITAGE PRECINCT	120.HER
COASTAL INUNDATION(LOW)	120.SLR
COASTAL EROSION HAZARD	120.CEH
WATERWAY COASTAL PROTECTION AREA	120.WCP

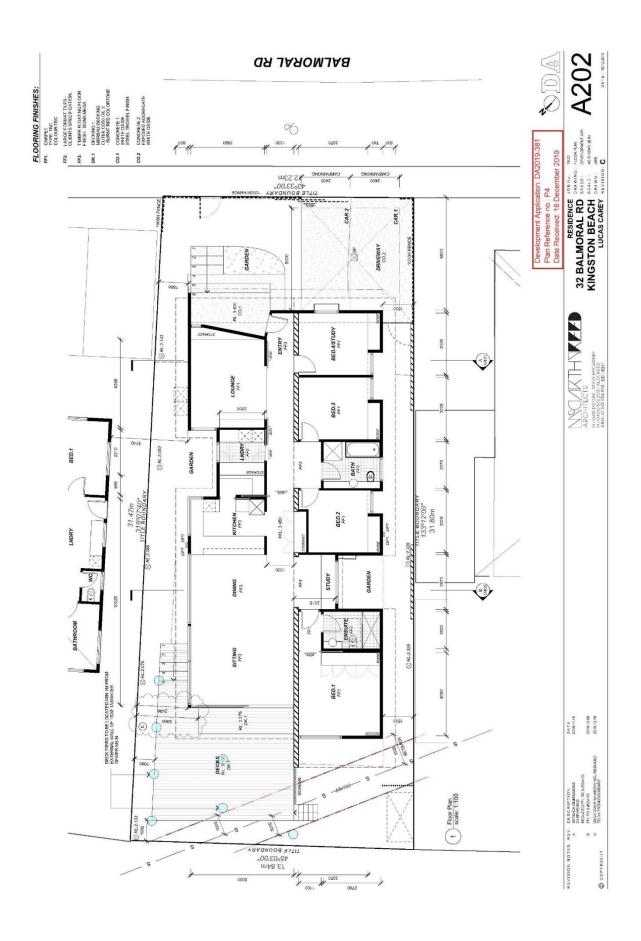
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EXIST	EXISTING FLOOR AREA	70m2
PROP	PROPOSED FLOOR AREA	160m2
ROOF	ROOFED AREA	191.6m2
PLOT	PLOTRATIO	46.5%
DECKING	NG	182.5m2
DRAI	DRAWING REGISTER:	SOVER SHEET
A201	EXISTING / DEMOLITION PLAN	OLITION PLAN
A202	PROPOSEL	PROPOSED FLOOR PLAN
A203	PROPOSE	PROPOSED ROOF PLAN
A301	EXISTING / DEMOLITION ELEVATIONS	N ELEVATIONS
A302	PROPOSEI	PROPOSED ELEVATIONS
A303	PROPOSEI	PROPOSED ELEVATIONS
A401		SECTION A
A402		SECTION B
A501		MATERIALS
-		OLO PER LINGE

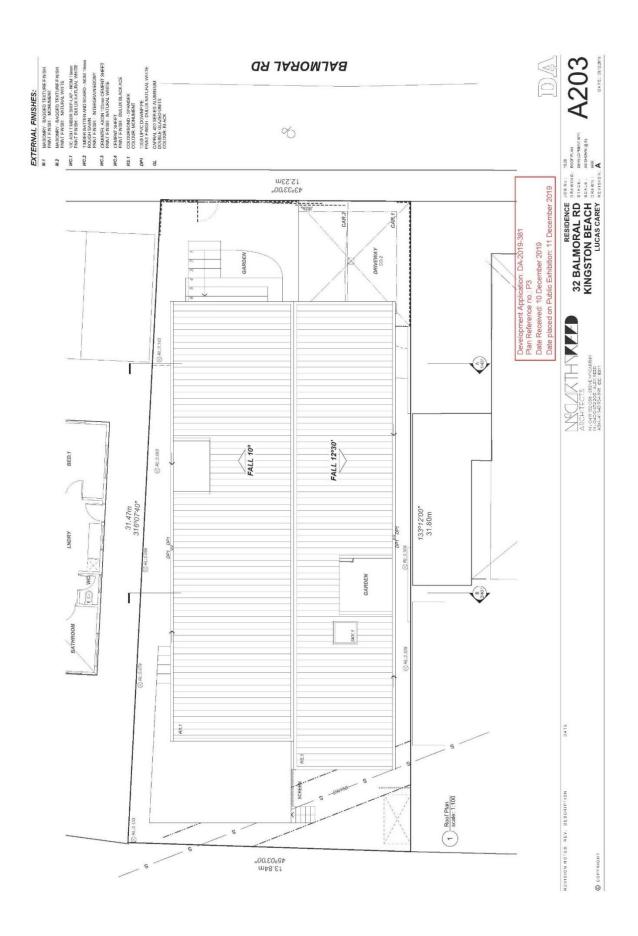


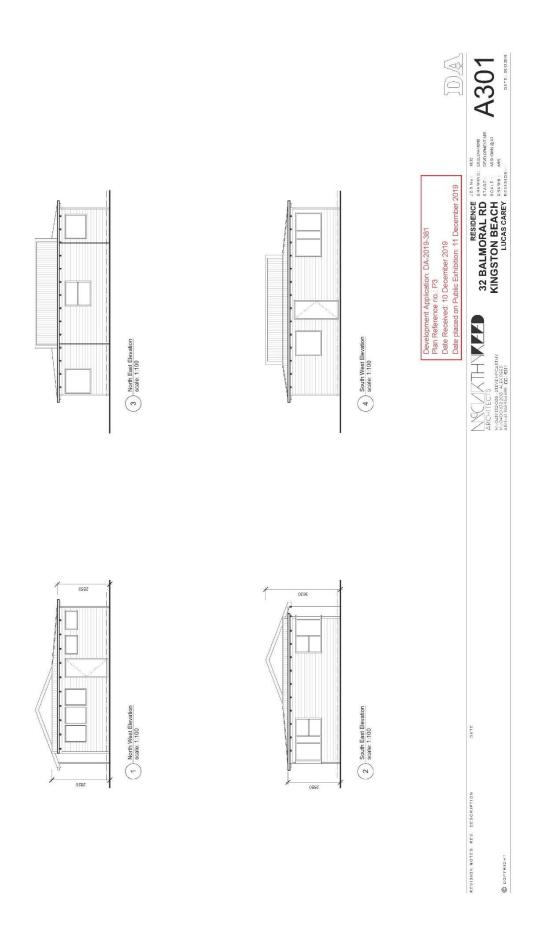


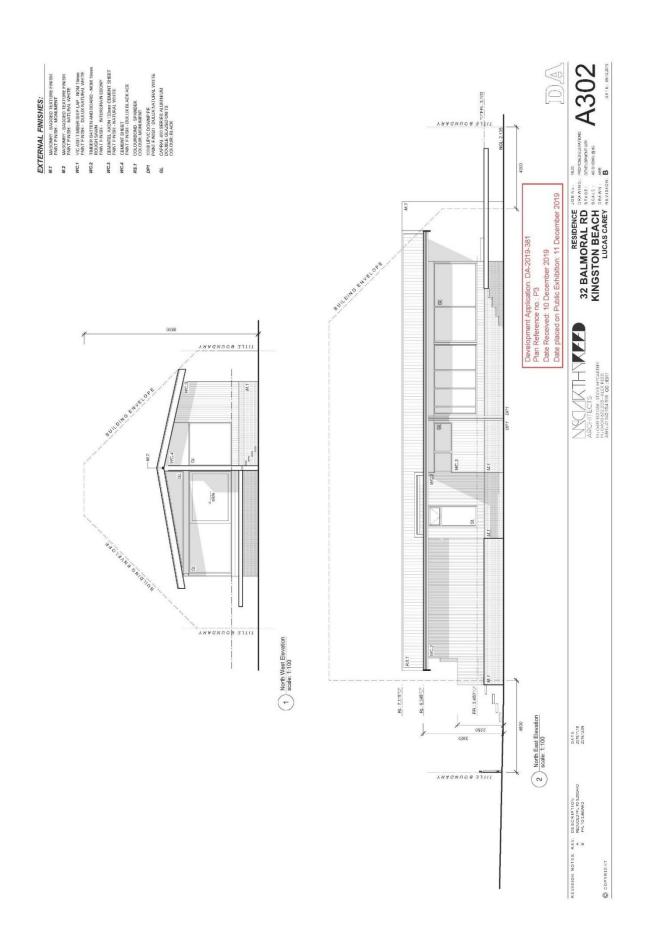
KIN GSTON BEACH

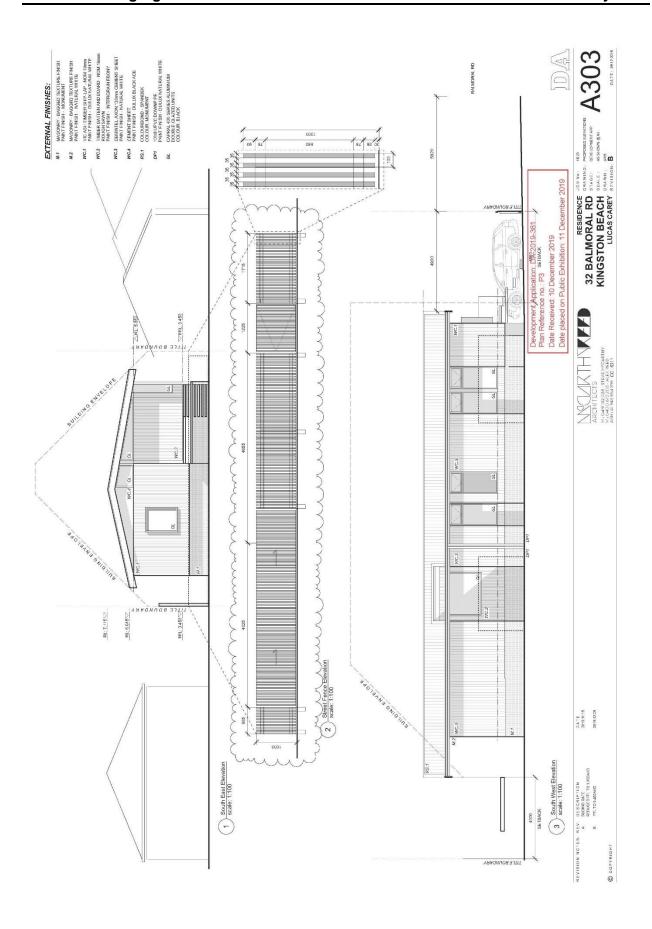


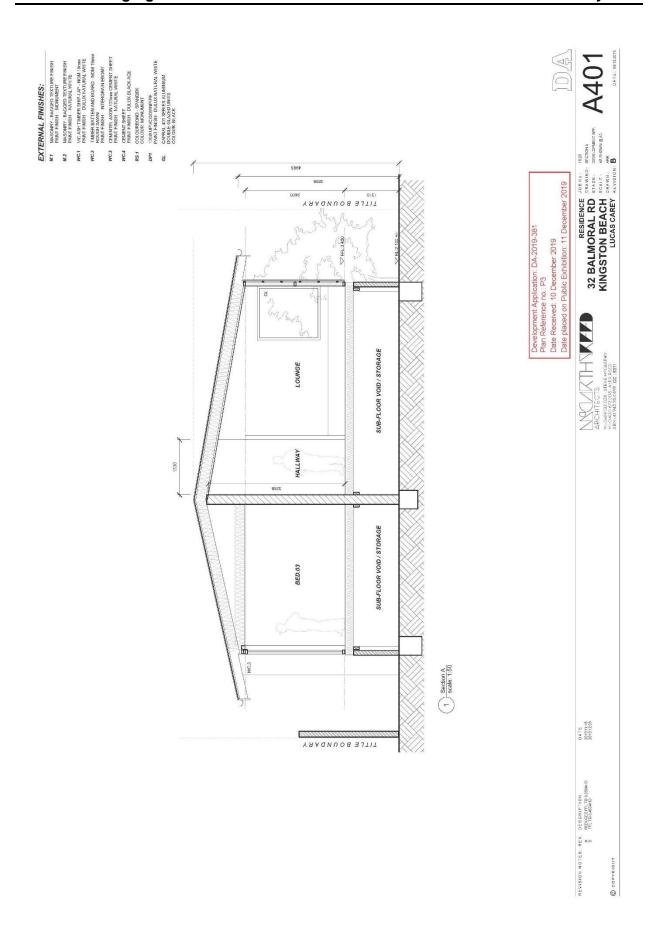


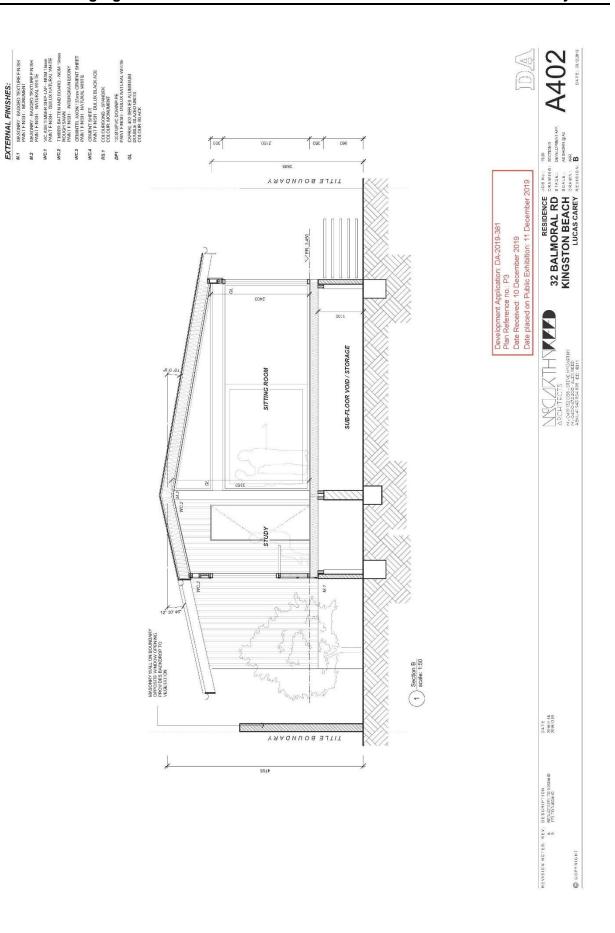






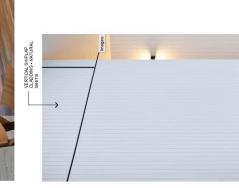














INTERNAL BAGGED MASONRY WALL





32 BALMORAL RD 61762 OFFICE SERVING WITERING STORY OF STATE OFFICE SERVING WITERING STORY OFFICE SERVING & LUCAS CAREY REVISION.

Development Application: DA-2019-381
Plan Reference no.: P3
Date Received: 10 December 2019
Date placed on Public Exhibition: 11 December 2019 ARCHITECTS
N. OBYS 2008 - STRVE MCORPHY
AND OFF 2008 - STRVE MCORPHY
ABILITY 544090 CD: 5831

© COPYRIGHT



13.3 PSA-2019-3 - DRAFT AMENDMENT TO KINGBOROUGH INTERIM PLANNING SCHEME 2015 - AMENDMENT OF THE FORMER KINGSTON HIGH SCHOOL SITE SPECIFIC AREA PLAN AT 'KINGSTON PARK', 42 CHANNEL HIGHWAY, KINGSTON FOR KINGBOROUGH COUNCIL

File Number: PSA-2019-3

Author: Shane Wells, Consultant Planner (Woolcott Surveys)

Authoriser: Tasha Tyler-Moore, Manager Development Services

Application Number: PSA-2019-3

Applicant: Kingborough Council

Proposal in Brief: The Proposed Amendment Seeks to Amend the Former

Kingston High School Site Specific Area Plan by:

 renaming the Kingston High School Site Specific Area Plan to Kingston Park Specific Area Plan;

- rezoning a portion of land from Urban Mixed Use Zone to Inner Residential Zone, Community Purpose Zone And Open Space Zone;
- rezoning a portion of land from Central Business Zone to Inner Residential Zone And Urban Mixed Use Zone;
- rezoning a portion of land from Open Space Zone to Urban Mixed Use Zone and Central Business Zone;
- rezoning a portion of land from Community Purpose Zone to Open Space Zone, Urban Mixed Use Zone And Central Business Zone;
- removing reference to the 'Development Plan by Beca, 2013';
- introducing planning provisions that aim to improve public amenity, housing diversity and environmental outcomes;
- aligning planning provisions within the Kingston Park Specific Area Plan with the requirements of the new State Planning Provisions; and
- amending any reference to the Former Kingston High School Site Specific Area Plan within the Kingborough Interim Planning Scheme 2015 to reflect the proposed renaming of the specific area plan.

No. of Representations: Seven (7)

Recommendation: That Council Resolves that the report be received and that:

- (a) Council note the submissions against the proposal;
- (b) Council note the recommendations submitted by representations;
- (c) The Tasmanian Planning Commission be advised that modifications to draft amendment PSA-2019-3 is recommended; and

(d) Pursuant to section 39(2) of the former provisions of the Land Use Planning and Approvals Act 1993, council forward a copy of this report to the Tasmanian Planning Commission which satisfies the requirements of section 39 of the former provisions of the Land Use Planning and Approvals Act 1993.

1 PURPOSE

1.1 The purpose of this report is to consider any responses that may have been received following the public exhibition of draft amendment PSA-2019-3 to the *Kingborough Interim Planning Scheme 2015* (KIPS2015).

2 BACKGROUND

2.1 Council resolved to initiate the draft amendment to the *Kingborough Interim Planning Scheme 2015* at its Planning Authority meeting on 12 August 2019. The following decision was made:

That:

- (a) Pursuant to section 34(1)(b) of the former provisions of the *Land Use Planning* and *Approvals Act 1993*, Council resolve to initiate Amendment PSA-2019-3 to the *Kingborough Interim Planning Scheme 2015*;
- (b) Pursuant to section 35(1)(a) and section 35(2) of the former provisions of the Land Use Planning and Approvals Act 1993, Council certify that Amendment PSA-2019-3 to the Kingborough Interim Planning Scheme 2015 meets the requirements of section 32 of the former provisions of the Land Use Planning and Approvals Act 1993 and authorise the General Manager to sign the Instrument of Certification;
- (c) Pursuant to section 35(4) of the former provisions of the Land Use Planning and Approvals Act 1993, Council forward a copy of the draft amendment and the Instrument of Certification to the Tasmanian Planning Commissions within 7 days of certification;
- (d) Pursuant to section 56S of the *Water and Sewer Industry Act 2008*, Council refers Amendment PSA-2019-3 to TasWater; and
- (e) Pursuant to section 38 of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council place Amendment PSA-2019-3 to the *Kingborough Interim Planning Scheme 2015* on public exhibition for a period of at least 28 days following certification.
- 2.2 A copy of the certified draft amendment was forwarded to the Tasmanian Planning Commission (TPC) and the draft amendment placed on public exhibition for 28 days from the 21 August 2019 to the 18 September 2019. The draft amendment was reexhibited from 20 November 2019 to 18 December 2019.
- 2.3 During the first public exhibition period two representations were received. During the re-exhibition a further five representations were received. It is noted that the initial two representations were received after the closing date of the advertising, however the TPC has advised that the representations could still be considered and that they would accept the representations when it proceeds to the TPC. TasWater have also provided a formal submission.

3 STATUTORY REQUIREMENTS

Land Use Planning and Approvals Act 1993 (LUPAA)

- 3.1 Section 39(2) of the former provisions of LUPAA requires a planning authority, within 35 days after the public exhibition period has closed, to forward the Commission a report containing:
- a copy of each representation received in relation to the draft amendment;
- a statement of its opinion as the merit of each representation, including, in particular, its views as to:
 - the need for modification of the draft amendment in light of the representation; and
 - the impact of the representation on the draft amendment as a whole; and
- such recommendations in relation to the draft amendment as the authority considers necessary.
 - 3.2 The TPC granted approval for the time stipulated in 39(2)(c) to be extended to allow the report to be sent at a later time.
 - 3.3 Upon consideration of the issues raised, section 39(2)(c) of the former provisions of LUPAA provides Council the opportunity to advise the Commission that it withdraws support of the draft amendment should the Council wish to do so.
 - 3.4 A total of seven representations were received in response to the public exhibition period and this report addresses the merit of the representations and provides recommendations as to the need for any modifications of the draft amendment.

4 DISCUSSION

- 4.1 The draft amendment was placed on public exhibition in accordance with section 38 of the LUPAA and regulations. The advertisement appeared in The Mercury on 21 August 2019 and 24 August 2019 and on 20 November 2019 and 23 November 2019. The period for making representations concerning the amendment closed on 18 September 2019, initially, and on 18 December 2019, secondly.
- 4.2 Council has submitted a draft Local Provisions Schedule (LPS) to the Commission. It is necessary to have regard to the future LPS and State Planning Provisions (SPPs) as this amendment will need to be converted into the LPS. Depending on the extent of any policy changes and a future Ministerial determination, that conversion may occur via translation provisions in LUPAA in which the Specific Area Plan may automatically form part of the LPS and not be subject to representation.
- 4.3 Additionally, the SAP overrides some, but not all, zone Standards. This creates an additional level of complexity as future use and development will have regard to Standards in four different zones, four precincts within the SAP as well as a number of Codes.

Table 1 Kingborough Interim Planning Scheme 2015 – Draft Amendment - PSA-2019-3

S.39 Report Summary

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
1	Request for modifications – height in Central Business Zone Further comments: Request that the Acceptable Solution for height in Central Business Zone be increased to 20m, rather than 18m. Request that the maximum height 25m provided at F3.8.1.1 P2 (g) be removed.	Outside of the SAP, KIPS 2015 provides a 15m height as the Acceptable Solution, with Performance Criteria up to 20m in the Central Business Zone. The current SAP has a 10m Acceptable Solution with Performance Criteria for 20m at the Southern Gateway which adjoins the existing town centre and 15m elsewhere. The proposed SAP increases the Acceptable Solution from 10m to 18m and the Performance Criteria to 25m.	Modifications proposed.
	The representation submits that the request would align the provisions with the future SPPs and provisions in Clarence and Glenorchy. The request notes that the PPs do not provide a maximum height, whilst similar provisions in Clarence and Glenorchy provide a 30m maximum. The representation also notes that other design considerations for height will protect against adverse impact.	It is envisaged that buildings higher than 20m will occur on the site. Page 43 of the initiation report notes that 8 storey buildings with a height of 25.3m are proposed. Also, as noted in the May 2019 review, height is fundamental to project viability. The earlier review of the current SAP by Emma Riley and Associates recommended a consistent height standard for all zones in the SAP with a permitted height of 18m. That review made no comment with respect to the need for an absolute maximum height via Performance Criteria.	
		The rationale for an 18m height standard, and an absolute maximum height, is not explored in detail. There is no clear reason to have a lower height standard for this area relative to equivalent sites elsewhere. The proposed SAP provides a number of criteria to assess any discretion on height, including the relationship between height and views of kunyani/Mt Wellington. On this basis, it is considered that the Acceptable Solution height be modified from 18m to 20m and that clause F3.8.1.1 P2 (g) be removed.	
2	Request for modifications – housing diversity in Central Business Zone Further comments: Request that the housing diversity criteria at F3.8.1.2 A1/P1 be removed.	The proposed housing diversity provisions are intended to deliver an inclusive pattern of residential development in response to narrow outcomes that are commonly brought to market. The residential development that will occur on the site is not typical of new housing construction delivered through	Modifications proposed.

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
	 Request that the provisions for adaptable housing at F3.8.1.2 A2/P2 be removed. 	the municipal area and will deliver greater diversity irrespective of any planning regulation.	
	The representation submits that provisions will constrain the economic viability of the site. The housing diversity criteria are also considered impracticable as they must be applied individually within each zone rather than across the entire site and apply to the aged care facility.	The concerns with the clauses are supported for the reasons offered in the representations. The main concerns are the lack of a Performance Criteria mechanism, the lack of definition of adaptable housing, and the lack of measurable standards in the Acceptable Solution for adaptable housing given the diverse range of solutions that can be explored.	
		The background report provides no discussion on the extent to which adaptable housing principles were to be adopted. Simple adaptable housing solutions provide external ramps instead of stairs, kitchen benchtops and sinks without storage under or additional framework in bathrooms to easily facilitate handles should occupants require that. More costly adaptable housing solutions would provide flexibility to adjust internal walls by limiting load bearing internal walls. Such options are particularly costly where multi-storey structures are proposed. Information on adaptable housing is available at http://www.yourhome.gov.au/housing/liv able-and-adaptable-house. Draft provisions in the Meander Valley LPS include requirements for livable housing, using the model developed by Livable Housing Australia	
		(http://livablehousingaustralia.org.au.) In this approach, the requirement is assessed objectively by way of external certification by qualified assessors.	
		A reasonable response to the matters raised by the representor would be to accept their requestNevertheless, to maintain the policy intent it is recommended that:	
		 A Performance Criteria should be provided at F3.8.1.2 A1/P1 that states: 	
		Housing diversity must be provided for across the Specific Area Plan through variability in the number of bedrooms.	
		 A Performance Criteria should be provided at F3.8.1.2 A2/P2 that states: 	
		Principles for adaptable housing are to be adopted where practicable having	

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
		regard to the type of housing proposed, the economic viability of adaptable housing solutions and the likely requirements of future occupants. • A definition of adaptable housing be included, based on provisions	
		proposed in the draft Meander Valley LPS:	
		housing design that meets the needs of residents during the whole of their life and can be adapted to meet the needs of those with impaired mobility and other special needs, and is certified by LHA Design Guideline Assessors registered with LHA or equivalent professional.	
		The above clauses have been drafted within time constraints. Further refinement and research can be made prior to the TPC hearing process to balance the policy of equitable housing and the market realities and complexities of regulating social policies through land use planning.	
3	Request for modifications – fixed awnings in Central Business Zone Further comments: Request that the requirement for fixed awnings along	Clause F3.8.1.3 provides various design criteria via an Acceptable Solution that has no Performance Criteria. A number of the criteria as drafted incorporate subjective matter that cannot be objectively measured.	Modifications proposed.
	Goshawk Way at F3.8.1.3 A1(g) be removed.	It is considered appropriate to provide a Performance Criteria in response to the request that provides:	
	The representation submits that with no Performance Criteria, the clause limits design responses and is unnecessary given contractual arrangements between the developer and Council.	Building design must contribute positively to the streetscape, having regard to the need for provision of awnings over the public footpath. The above is based on a State Planning Provisions clause.	
4	Request for modifications – height in Urban Mixed Use Zone Further comments:	Similar to the discussion for the Central Business Zone, it is considered that clause F3.8.2.1 (g) be removed.	Modifications proposed.
	 Request that the maximum height of 25m in the Performance Criteria at clause F3.8.2.1 (g) be removed. 	, Cr	
	Similar to the request for the Central Business Zone, the representation notes that the SPPs contain no such limit and the other provisions in the Performance Criteria adequately address the issue.		

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
5	Request for modifications – housing diversity in Urban Mixed Use Zone	The first two points are identical to that discussed previously with respect to the Central Business Zone.	Modifications proposed.
	 Further comments: That the housing diversity criteria at F3.8.2.2 A1/P1 be removed. That the provisions for 	The minimum ceiling height provision is exclusive to the Urban Mixed Use Zone. It is intended to facilitate a building design that can be readily converted from residential to commercial.	
	adaptable housing at F3.8.2.2A2/P2 be removed.That the provision of a	The requirement will increase building height and is further reasons to remove the absolute height limit as previously recommended.	
	minimum ceiling height at F3.8.2.2 A3/P3 be removed.	Floor to ceiling height alone will not ensure flexibility. Windows, doors, internal layout and entry treatments are all important.	
		If the policy is to remain, it is recommended that the Acceptable Solution be replaced with:	
		Ground floor and first floor residential use must be associated with assisted housing, residential support services, respite centre or retirement village use.	
		It is also recommended that a Performance Criteria be introduced that:	
		Ground floor and first floor residential use must be in buildings that are designed to enable future conversion to non-residential use through on or more of the following:	
		(a) Increased floor to finished ceiling height;	
		(b) internal layout; or(c) the size and positioning of windows and doors facing a public place.	
6	Request for modifications – fixed awnings in Urban Mixed Use Zone	This issue is identical to that discussed previously with respect to the Central Business Zone.	Modifications proposed.
	 Further comments: Request that the requirement for fixed awnings along Goshawk Way or Pardalote Parade at F3.8.2.3 A1(g) be removed. 		
7	Request for modifications – height in Inner Residential Zone Further comments:	KIPS 2015 does not include a maximum height in the Performance Criteria where the Inner Residential Zone is used in other locations.	Modification proposed.
	That the maximum height at F3.8.3.2 P4(f) be removed. The representation notes that the SPPs, and a number of neighbouring Councils, do not include a maximum height. The	The proposed Performance Criteria for height require consideration of streetscape, character, good urban design principles, bulk and form and height as viewed from public spaces, but	

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
	representation considers that other provisions in the Performance Criteria adequately address the issue.	have no direct consideration of overshadowing. It is considered reasonable that the provisions for this site align with the SPPs and that no maximum height is prescribed and consideration is given to	
		overshadowing. It is recommended that the Performance Criteria at Clause F3.8.3.2 P4 be replaced with the following: Building height must be consistent with the desired streetscape, urban form and character having regard to: (a) Good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage 1;	
		 (b) Any relevant Desired Future Character Statements; (c) The topography of the site; (d) The bulk and form of the proposed buildings; (e) The apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; (f) Overshadowing of adjoining dwellings and private open space; (g) The purposes of the Specific Area Plan. 	
8	Request for modifications – height in Community Purpose Zone Further comments: • That the maximum height of 15m at F3.8.4.1 P2(c) be removed. The representation notes that the State Planning Provisions, and a number of neighbouring Councils, do not include a maximum height. The representation considers that other provisions in the Performance Criteria adequately address the issue.	KIPS 2015 provides a maximum height of 12m in the Community Purpose Zone. Whilst the SAP does provide increased height, it is not clear as to why the SAP has not been aligned with the State Planning Provisions. Within the development, the Community Purpose Zone plays an important role but represents a small portion of the overall site. It is considered fair and orderly planning to not constrain the height of future development. It is considered that the other provisions in the SAP adequately address any future height discretion given the separation of residential zoning. It is recommended that clause F3.8.4.1(c) be removed.	Modifications proposed.

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
9	Request for modifications – references to external documents Further comments: • That references to the 'urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One' be removed. The representation submits that the documents are not drafted for a Tasmanian context and may not be appropriate.	It is recommended that the request be accepted, and the number of provisions that reference this document be replaced with the following: demonstrated good urban design qualities. The document is listed as an application requirement at clause F3.4.1 (f), and in the purpose statement, and can be incorporated into the assessment as necessary. Other design guidelines could be similarly referenced in this clause.	Modification proposed.
10	Request for modifications – structure of purpose statements Further comments: That clause F3.1.1 (h)(iv) standalone as F3.1.1 (i).	It is recommended that the request be accepted.	Modification proposed.
11	Request for modifications – desired future character statements Further comments: • That implementation strategy (e) be deleted or modified The representation submits that this clause restricts the development of stormwater management strategies.	Stormwater management on the site should have regard to any Council strategy or plan developed for a wider catchment. On-site management may be appropriate but is often less effective and less efficient to maintain on a unit basis relative to Council maintained systems serving a wider area. It is recommended that the clause be modified to: Management of stormwater will further the State Stormwater Strategy 2010 and will have regard to: Any adopted plan or strategy of the Council; Potential harvesting and re-use of runoff; and Potential on-site infiltration, detention and treatment.	Modified proposed.
12	Request for modifications – Use Table for Urban Mixed Use Zone Further comments: Request that ground level residential use be permitted (by removing the use qualification). Request that aged care or assisted housing be a qualified permitted use. Limitation on Service Industry to laundromat is restrictive.	With respect to the residential use class qualifications, any residential use that is not qualified as permitted will be discretionary in the Urban Mixed Use Zone. The provision of aged care and assisted living is a key component of the development. It should be afforded a permitted status in the Urban Mixed Use Zone. The Service Industry use class is defined as: use of land for cleaning, washing, servicing or repairing articles,	Modification proposed.

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
		machinery, household appliances or vehicles. Examples include a car wash, commercial laundry, electrical repairs, motor repairs and panel beating. It is a diverse use class, with some uses taking on an industrial characteristic. The use qualification as proposed is considered reasonable.	
		It is therefore recommended that the use qualification for permitted residential uses state: (a) For a home-based business; (b) Located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; or (c) For assisted housing, residential	
		support services, respite centre or retirement village.	
13	Request for modifications – private open space in Central Business Zone and Urban Mixed Use Zone Further comments: Request that the requirements at clause F3.8.1.6 be removed. The representation submits that these requirements restrict design options and impacts affordability.	The Acceptable Solution requirements are much greater relative to equivalent provisions in the SPPs. For instance, in the SPPs Central Business Zone, the minimum is 8m² with a depth of 1.5m. The proposed SAP requires 8m², 10m² and 12m² for 1, 2 and 3 bedroom units and a minimum dimension of 2m to 2.4m However, the SAP includes a discretionary pathway to consider smaller areas and/or dimensions and provides design flexibility. It is recommended that any reference to vehicle access and parking in the clause is removed.	Modifications proposed
14	Request for modifications – density in the Inner Residential Zone Further comments: Request that the density requirement at clause F3.8.3.1 A1 be amended to 'less than 120m²', rather than 200m² to 400m². The representation submits that a higher density is proposed in some areas of the Inner Residential Zone.	The Acceptable Solution provides a range of 200m² to 400m². A Performance Criteria states that site area may be less than 200m² if this leads to an appropriate range of dwelling types. Given the provisions of the Performance Criteria it is recommended that no change be made to the Acceptable Solution.	No modification.
15	Request for modifications – double crossovers in the Inner Residential Zone Further comments: Request that the requirement for a shared double crossover for lots with a frontage between	The request is considered reasonable. Related, the proposed Specific Area Plan retains Figure 3.2 but does not retain the current written link to that Figure from the current KIPS SAP. It is therefore recommended that F3.8.3.5 A1 (a) include "(refer to Figure	Modification recommended.

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
	8m and 15m at clause F3.8.3.5 A1 (b) be removed, or a Performance Criteria be provided. The representation submits that the requirement is inconsistent with the current designs for the site.	F3.2)" between "6 metres" and ";" and that a Performance Criteria state: Accesses must be located and design to: (a) Comply with Figure F3.2 if for a lot abutting a rear laneway; (b) To not have an unreasonable impact on the streetscape or amenity of adjoining land.	
16	Oppose Inner Residential Zone – additional provisions imposed on adjoining land Further comments: Concern that the new area of Inner Residential Zone will restrict use and development of existing land in the Central Business Zone (CBZ) located to the south of the site along the Channel Highway. This is due to use and development Standards in the CBZ that apply at the boundary with residential areas. Specific issues raised include: (1) That the economic effects of the rezoning on adjoining land has not been considered. (2) Use Standards designed to protect residential amenity regarding noise, hours and external lighting that do not apply if the adjoining land is retained as Urban Mixed Use. (3) Development Standards with respect to lower height, increased setback, external colours and landscaping that do not apply if the adjoining land is retained as Urban Mixed Use. These provisions may preclude north-facing windows in redeveloped CBZ buildings due to the need to avoid overlooking. The new rear setback may create entrapment spaces contrary to the passive surveillance provisions of the planning scheme. These issues are raised in three representations.	The Standards that are raised exist outside the site and the Amendment. The only possible response to the representation that is feasible in the current process is to not proceed with the new area of Inner Residential Zone. Given that a permit is now in place for the Inner Residential Zone, as approved by Council in December 2019, the zoning of the area may be of lesser strategic importance. It is an accepted planning response that zone boundary issues between commercial and residential use are managed by constraining the scarcer commercial land. Residential development adjoining commercial land has a different form and level of amenity. Outlook and solar access may, for instance, be less important than centrality and convenience. Residential design can also respond to existing or potential commercial structures. Thus, the logic of constraining commercial land may not always hold. Use Each Use Standard has a discretionary pathway in KIPS and the SPPs, and the provisions are unlikely to have a significant effect on future use or development. Given the small-scale of the approved residential permit adjoining and the provision of private open space (determined largely by the 6m TasWater easement directly north of the CBZ), there is a potential for loss of amenity and the use standards should be retained. Height The CBZ in KIPS 2015 provides an Acceptable Solution for height of 15m, reducing to 8.5m where within 10m of a residential zone. The Performance Criteria for height within 10m of a residential zone focuses on compatibility with the height of existing buildings in the residential zone. The Performance	No modification

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
		Criteria for height otherwise considers the compatibility with nearby buildings. Thus, lower buildings will exist where the CBZ adjoins a residential zone. In the SPPs, a similar approach is maintained. However, the Performance Criteria for height within 10m of a residential zone requires consideration of a broader range of issues than KIPS 2015. In this, the focus is on consistency with all adjoining buildings and not just those in the residential	
		zone. There is also consideration of residential amenity having regard to overshadowing, overlooking and visual impact of scale, bulk or proportions.	
		The CBZ is south of the Inner Residential Zone. There is no potential for overshadowing. The recently approved residential development within the proposed Inner Residential Zone faces the CBZ with a single storey form, extensive private open space and a large setback. Commercial development could overlook this development and could cause significant visual impact through building scale and bulk. These issues are considered in the Performance Criteria for height and for setback.	
		Separation is achieved due to a 6m wide TasWater easement along the southern boundary of the Inner Residential Zone.	
		Thus, the representors perspective that height in the CBZ should not be limited is of merit. The two possible solutions are (1) not proceeding with the Inner Residential Zone or (2) a separate site specific amendment that varies the CBZ. Option 1 requires a policy change which, although feasible, is not recommended. Option 2 is a separate process.	
		Setback Currently, the CBZ properties have no setback requirement. However, KIPS 2015 provides a setback to a residential zone of 6m of half the wall height, whichever is the greatest. The same provision is maintained in the SPPs. Performance Criteria will consider overlooking and visual bulk.	
		Once the LPS is approved, the current 3m Channel Highway setback will no longer apply and buildings will be encouraged at the frontage, potentially leading to car parking at the rear. The rezoning will restrict development in the CBZ relative to the current situation.	

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
		However, the setback provisions that will apply are not considered unreasonable. Materials and landscaping KIPS 2015 includes design standards that require walls facing residential land to use colours with a light reflectance value of no greater than 40% to which there is no Performance Criteria. This provision is not maintained in the SPPs. KIPS 2015 requires landscaping along a residential boundary with a Performance Criteria. This provision is not maintained in the SPPs. Given these provisions will not apply to the LPS, their effect is temporary and minor.	
17	Request for modifications – reduced car dependency and bicycle infrastructure Further comments: The representation is concerned by a lack of (1) cycleway connections to surrounding areas, (2) bicycle parking and end of trip facilities and (3) flush kerbs with small to nil lip. The representation states that Council should commit to separated cycleways on all new streets, rather than shared trails.	The now approved residential development provides a low speed road environment suitable to multiple users and capable of connection to any Council or State path or trail. There is no requirement in the Car Parking and Access Code to provide bicycle parking for multiple dwellings. The suggestion for a minimum number of bicycle parking spaces is logical given the central location of the site which may attract individuals with no car or wish to have a reduced reliance on cars. However, each unit in the approved residential development includes a double garage which has adequate room for bike storage.	No modification proposed.
18	Request for additional information – traffic noise mitigation Further comments: The Department of State Growth are concerned by the higher density afforded by the Inner Residential Zone and the capability to mitigate noise levels. The Department has therefore requested a TIA and noise report.	Given that a permit has been issued for residential development adjoining the Departments asset, neither a TIA or noise report is considered necessary.	No modification proposed.
18	Request for modifications – including of bicycle parking and end-of-trip facilities. Further comments: The Department of State Growth considers that such facilities are appropriate given the sites proximity to existing trails.	As noted above, such facilities may be appropriate for the site however the approved development of the land does include sufficient room within each building. It should be noted that the planning system has moved to a State-wide framework. The SPPs have no provision for bicycle facilities in multiple dwelling development.	No modification proposed.

NO.	DETAILS	COUNCIL RESPONSE	STATEMENT
19	Request for modifications – maximum car parking numbers Further comments: The Department of State Growth considers that maximum, rather than minimum, car parking numbers may reduce reliance on private vehicles and encourage public transport use.	It should be noted that the planning system has moved to a State-wide framework. The SPPs require at least two parking spaces per multiple dwelling with 2 or more dwellings and requires no provisions for cycling. If the Department is supportive of maximum car parking and minimum bicycle parking facilities, the appropriate avenue to achieve this would be through suitable provisions in the SPPs, particularly for the Inner Residential Zone.	No modification proposed.
20	TasWater Legislative Referral TasWater response of 22 August 2019 states that they have no objection to the amendment and do not wish to participate in any TPC hearing process.	Noted	No modifications proposed.

5 CONCLUSION

- 5.1 The public exhibition period produced seven representations in relation to the draft amendment and a submission from TasWater.
- 5.2 It is considered appropriate that Council, in its capacity as the relevant Planning Authority, continue to support the draft amendment, with modifications detailed in the report.

6 RECOMMENDATION

That Council resolves that:

- (a) Council note the submissions against the proposal;
- (b) Council note the recommendations submitted by representations;
- (c) The Tasmanian Planning Commission be advised that modifications to draft amendment PSA-2019-3 is recommended as outlined in the report; and
- (d) Pursuant to section 39(2) of the former provisions of the *Land Use Planning and Approvals Act 1993*, Council forward a copy of this report to the Tasmanian Planning Commission which satisfies the requirements of section 39 of the former provisions of the Land Use Planning and Approvals Act 1993.

ATTACHMENTS:

Attachment A – Copy of the Submissions

Attachment B – Certification of Initiation

Attachment C – Suggested Modifications to draft Amendment

Attachment A PSA-2019-3

Post-exhibition report - copy of submissions Kingston Park Specific Area Plan



SUBMISSION RE PROPOSED KINGSTON PARK SPECIFIC AREA PLAN KINGBOROUGH INTERIM PLANNING SCHEME 2015 PSA 2019-3

1. INTRODUCTION

This submission is provided in response to the advertised version of the proposed new Kingston Park Specific Area Plan (SAP). It is an internal submission from within Council and is made on the basis that there is an internal separation between the Kingston Park Project team (who are responsible for the delivery of the project) and the Council's Development Services department (who are responsible for the statutory assessment of applications).

In this case, Development Services prepared the final SAP based on what the Strategic Planning Officer (within that department) regarded as being necessary. While this could have been done together with the Kingston Park Project team, there was a deliberate effort made to allow the final SAP to be prepared without any undue influence being imposed by the "developer" arm of the Council.

Now that the draft SAP has been publicly advertised, the following comments are offered from the perspective of the Kingston Park Project. In doing so, it is important to note the critical importance this project plays in the future sustainable development of the Kingston CBD and the municipality more generally. It is therefore very important that the SAP is able to facilitate the appropriate development within this site and be flexible enough so that market demands can be responded to without compromising public amenity and quality design.

The following comments are made in this context.

2. COMMENTS ON THE PROPOSED SAP

Clause F3.8.1.1 Building setbacks and height – for Central Business Zone

A2 – This requires that the "building height must be no more than 18m"

The State Planning Provisions have a maximum height of 20m. Other comparable councils (Glenorchy and Clarence) also have a maximum height of 20m in their existing Interim Planning Schemes. There is no reason why this should be different for this Zone in Kingston. It is therefore recommended that the maximum building height be amended to be 20m.

P2(g) – This requires that the building height "be no more than 25m".

The State Planning Provisions do not have a maximum height limit within its Performance Criteria. Other comparable councils (Glenorchy and Clarence) have a maximum height of 30m in their existing Interim Planning Schemes. There is no reason why this should be different for this Zone in Kingston, plus the other provisions within this Performance Criteria provide ample protection against any adverse impact. It is therefore recommended that (g) be deleted.

Clause F3.8.1.2 Building design - housing diversity

A1 – This requires that all residential components must contain variable bedroom numbers (including some studios with no bedrooms) according to predetermined percentages. There are no performance criteria.

This standard would achieve little in guaranteeing housing diversity and would have a severe impact on the economic viability of any residential development. The residential component within this Central Business Zone will be relatively small and it is inappropriate for this to comply with rigid diversity criteria – particularly when there are a wide range of different residential offerings provided throughout the rest of Kingston Park. Residential development within the small Central Business Zone cannot be considered separately from the rest of the residential components of Kingston Park. It is therefore recommended that this provision be deleted.

A2 – This requires that all residential components provide for "adaptable housing". There are no performance criteria.

Adaptable dwellings is not defined in the SAP but is understood to be that which is specially designed for people with disabilities. Such dwellings would need to satisfy specific performance standards (as included in relevant Australian Standards). While such a requirement is in itself quite admirable it is not appropriate that it be included within a planning scheme. It is unprecedented in Tasmania and there is no reason why Kingston Park should be targeted. The inclusion of such housing should be at the discretion of the developer or the prospective owner. If it was a requirement, there is every likelihood that some of the dwellings provided may not be sold because of their much higher price. It is recommended that this provision be deleted.

Clause F3.8.1.3 Building design – streetscape

A1(g) – This requires that a fixed awning be provided to the building for the full extent of the frontage along Goshawk Way. There are no performance criteria.

This may be desirable in most situations, but this requirement has no discretion and would not be able to accommodate such situations where there is a driveway from the road into a concealed parking station (behind retail frontages for example). It may well be that it is a reasonable requirement but it is imposing a constraint on a building that has not yet been designed. It becomes a question of degree in relation to how much a planning scheme should influence the building design. In the case of Kingston Park, Council

(as the landowner) does have an early influence on the design of buildings (though a requirement in the contract with the developer) and it could be argued that this reduces the need to have so many specific design standards within the planning scheme. In this case, while it is likely that awnings will be usually provided, it is felt that this particular standard goes a little too far and is unnecessary.

Clause F3.8.2.1 Building setbacks and height – for Urban Mixed Use Zone

P2(g) – This requires that the building height "be no more than 25m".

The State Planning Provisions do not have a maximum height limit within its Performance Criteria. Other comparable councils (Hobart) do not have a maximum height in their existing Interim Planning Schemes. There is no reason why this should be different for this Zone in Kingston, plus the other provisions within this Performance Criteria provide ample protection against any adverse impact. It is therefore recommended that (g) be deleted.

Clause F3.8.2.2 Building design – housing diversity

A1 – This requires that all residential components must contain variable bedroom numbers (including some studios with no bedrooms) according to predetermined percentages. There are no performance criteria.

This standard would achieve little in guaranteeing housing diversity and would have a severe impact on the economic viability of any residential development. For example, to say that 10% of all apartments should be studios (no bedroom) is quite impractical. The developer should be able to build what the market wants or needs. There will be a wide range of different residential offerings provided throughout the whole of Kingston Park. Residential development within the Urban Mixed Use Zone cannot be considered separately from the rest of the residential components of Kingston Park. It is therefore recommended that this provision be deleted.

A2 – This requires that all residential components provide for "adaptable housing". There are no performance criteria.

Adaptable dwellings are specially designed for people with disabilities and would need to satisfy specific performance standards (as included in relevant Australian Standards). While such a requirement is in itself quite admirable it is not appropriate that it be included within a planning scheme. It is unprecedented in Tasmania and there is no reason why Kingston Park should be targeted. The inclusion of such housing should be at the discretion of the developer or the prospective owner. If it was a requirement, there is every likelihood that some of the dwellings provided (up to 15%) may not be sold because of their much higher price. It is recommended that this provision be deleted.

Clause F3.8.2.3 Building design – streetscape

A1(g) – This requires that a fixed awning be provided to the building for the full extent of the frontage along Goshawk Way or Pardalote Parade. There are no performance criteria.

This may be desirable in most situations, but this requirement has no discretion and would not be able to accommodate such situations where there is a driveway from the road into a concealed parking station (behind retail frontages for example). It may well be that it is a reasonable requirement but it is imposing a constraint on a building that has not yet been designed. It becomes a question of degree in relation to

how much a planning scheme should influence the building design. In the case of Kingston Park, Council (as the landowner) does have an early influence on the design of buildings (though a requirement in the contract with the developer) and it could be argued that this reduces the need to have so many specific design standards within the planning scheme. In this case, while it is likely that awnings will be usually provided, it is felt that this particular standard goes a little too far and is unnecessary.

Clause F3.8.3.2 Building setbacks and height – for Inner Residential Zone

P4(f) – This requires that the building height "be no more than 12m".

The State Planning Provisions do not have a maximum height limit within its Performance Criteria. Other comparable councils (Hobart, Clarence and Glenorchy) do not have a maximum height in their existing Interim Planning Schemes. There is no reason why this should be different for this Zone in Kingston, plus the other provisions within this Performance Criteria provide ample protection against any adverse impact. It is therefore recommended that (g) be deleted.

Clause F3.8.4.1 Building setbacks and height – for Community Purpose Zone

P2 – This requires that the building height "be no more than 15m".

The State Planning Provisions do not have a maximum height limit within its Performance Criteria. Other comparable councils (Hobart, Clarence and Glenorchy) do not have a maximum height in their existing Interim Planning Schemes. There is no reason why this should be different for this Zone in Kingston, plus the other provisions within this Performance Criteria provide ample protection against any adverse impact. It is therefore recommended that (g) be deleted.

Submission prepared by: Mr Tony Ferrier Deputy General Manager Kingborough Council

KINGSTON PARK - PROPOSED SPECIFIC AREA PLAN AMENDMENTS

TRADERS IN PURPLE COMMENTS 20 September 2019



TRADERS IN PURPLE

Clause Reference	Item	Comment
General (throughout)	References to compliance with 'urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One'	The documents referenced were developed for NSW and WA and the requirements within are not necessarily appropriate for Tasmania / Kingston Park. By citing specific documents there is a risk that the requirements of these documents are applied literally, potentially leading to a detrimental outcome. Recommend reference to specific documents are removed from the draft throughout. If necessary, a requirement could be included for a statement to be provided from the architect demonstrating how good urban design has been achieved for the project.
F3.1.1 (h) (iv)	Separate heading (item (i)) needed for this item as items (v) to (viii) that follow relate specifically to Inner Residential use.	Clarification only
F3.5	Desired Future Character Statements CENTRAL BUSINESS ZONED LAND & URBAN MIXED USE ZONED LAND Implementation Strategy item (e)	Contradictory to the potential regional stormwater strategy currently being worked through. Delete or modify to allow the implementation of the regional stormwater strategy when developed.
F3.6.2	Use Table – Urban Mixed Use Zoned Land	Residential – multiple use dwellings deleted from No Permit Required and added to Permitted but with Qualification: located above ground floor only, precluding the potential introduction of park fronting residences at ground floor. Recommend deletion of this qualification to maximise flexibility and product diversity. Qualification should also include for aged care or assisted housing as this section covers Stage 3 'Service Industry' Qualification 'only if for a laundromat' is unnecessarily limiting
F3.8.1	Development Standards for Central Business Zoned Land	, , , , , , , , , , , , , , , , , , , ,
	Building setbacks and height A2 – Building height 18m / P2 – no more than 25m	Note that future development could be 8 storeys = 25m. Allowable under performance criteria
F3.8.1.2	Building Design – Housing Diversity A1 - Specifies mix of apartment types required (range)	Kingston Park will offer housing choice across the entire development and individual stages should not be constrained by the imposition of a specific product mix that does not reflect the TIP offer or market requirements. Recommend deletion of this newly introduced objective, alternatively the introduction of appropriate Performance Criteria to allow flexibility in the assessment process.
	A2 Adaptable dwellings to be provided.	An adaptable dwelling is a dwelling that is designed so that it can be easily modified in the future to become accessible to both occupants and visitors.

		The requirement for provision of a set percentage of adaptable apartments by individual stage does not take into consideration the proposed aged care facilities provided within the precinct. Recommend deletion of this newly introduced objective, alternatively the introduction of appropriate Performance Criteria to allow flexibility in the assessment process.
F3.8.1.3	Building design – streetscape A1 (b) (iii) Public art requirement (c) Introduce green roofs (where possible) (g) Provide fixed awnings to buildings fronting Goshawk or Pardalote to full extent of street frontage	The following items have been added and whilst in principle they are able to be provided, there will be cost implications, particularly with item (g), which is also unnecessarily prescriptive. Further design development and feedback from prospective retailers is needed before it can be established whether an awning to the full extent of street frontage is desirable. Recommend deletion of this newly introduced objective, alternatively the introduction of appropriate Performance Criteria to allow flexibility in the assessment process.
F3.8.1.6	Private open space residential Minimum size requirements for private open space	Appropriately designed private open space suited to the product type will be included however the inclusion of strict planning assessment criteria including dimensions restricts design options, product diversity and impacts affordability. Recommend deletion of this newly introduced objective.
F3.8.2	Development Standards for Urban Mixed Use Zoned Land	, , ,
F3.8.2.1	A1 - Building setbacks A2 - Building heights	As above Traders in Purple's proposal for the stages in this zoning is 8 storeys. Recommend A2 is amended to 25m consistent with the proposal
F3.8.2.2	Building Design – Housing Diversity A1 Product type A2 Adaptable housing requirements A3 Minimum floor to floor requirements for 'flexibility'	As above A higher floor to ceiling height is not necessarily required to achieve flexibility however it will increase costs, impact overall height and therefore potentially impact yield. Recommend deletion of this requirement, alternatively the inclusion of performance criteria to demonstrate how flexibility can be achieved without increasing floor to ceiling heights across the entire ground and first floors.
F3.8.2.3	Building Design – Streetscape A1 item (g) awnings to Goshawk Way or Pardalote Parade	As above

F3.8.2.7	Private Open Space – residential	
	A1/P1 Ground or podium to have private open space minimum area, sunlight access etc	As above - F3.8.1.6
	A2/P2 minimum requirements for private open space	As above – F3.8.1.6
	AZ/PZ minimum requirements for private open space	AS above = F3.0.1.0
F3.8.3	Development Standards for Inner Residential Zoned Land	
F3.8.3.1	Density	
	A1 Site area 200-400sqm	Some Lots in Stage 2 are less than 200sqm. Recommend amending to 'less than 120sqm'
F3.8.3.5	A1 (b) co-location of driveways	The requirement to have a double cross-over is inconsistent with the current design for
		Stage 2 homes.
		Recommend deletion or the inclusion of performance criteria to allow the current design to
		be assessed on its merits.

KINGSTON PARK - PROPOSED SPECIFIC AREA PLAN AMENDMENTS JMG ENGINEERS & PLANNERS 25 November 2019



25 November 2019

Manager Development Services Kingborough Council Via email: kc@kingborough.tas.gov.au

Attention: Tasha Tyler-Moore

Dear Tasha

REPRESENTATION FOR KINGSTON PARK SPECIFIC AREA PLAN AMENDMENT

This letter is intended as a representation for the Kingston Park Specific Area Plan Amendment. The letter is written on behalf of the landowners of property in the Central Business zone adjoining the site at 42 Channel Highway, Kingston. It is understood that the formal period for public exhibition has passed, however it was considered important to provide comment on the impact of rezoning on the Central Business zone in this area. The proposed rezoning will have a significant impact on future development potential in the Central Business zone adjoining the Inner Residential zone of the Kingston Park SAP.

An amendment to the Kingston Park Specific Area Plan of the Kingborough Interim Planning Scheme 2015 is underway, initiated by the Kingborough Council on 12 August 2019. The proposed amendment includes the rezoning of land from Urban Mixed Use to Inner Residential as demonstrated in the Council Officer's report presented to Council on 12 August 2019 and reproduced below:







Figure 7: proposed resorting which stigras with the Treders in Purgle development

Height and setback of future development on property in the Central Business zone adjoining the proposed Inner Residential zone will be restricted if this area is rezoned Inner Residential. Currently the closest residential zone is opposite the Central Business zone, south of Channel Highway. The rezoning will increase the area of residential zoned land within 50 m of the Central Business zone bringing residential use much closer to adjoining property. The application of the following use standards will be more restrictive as a result of the rezoning in order to protect residential amenity:

- 22.3.1 Hours of Operation
- 22.3.2 Noise
- · 22.3.3 External Lighting
- 22.3.4 Commercial Vehicle Movements

The following development standards will be triggered, restricting development on land in the Central Business zone adjoining the Inner Residential zone:

- 22.4.1 Building Height (A2) Currently, the acceptable solution for building height is 15 m. The amendment will bring a residential zone within 10 m of the affected lots meaning that A2 is triggered. A2 lowers the acceptable building height to 8.5 m within 10 m of the residential zone. There is a performance criteria, however this allows for building height within 10 m of the residential zone that is compatible with the height of existing buildings on adjoining lots in the residential zone. This means that if the residential lots are primarily single storey dwellings, the performance criteria would result in a more restrictive height than the acceptable solution.
- 22.4.2 Setback (A2) There is currently no residential zone within 6 m of the affected titles. The rezoning will result in a reduced building envelope for the affected titles adjoining the Inner Residential zone. The acceptable solution for A2 is that buildings must be setback a minimum of 6 m from the residential zone, or half the height of the wall, if the wall is higher than 12 m. The performance criteria would require that the setback prevents unreasonable adverse impacts on residential amenity through overlooking and loss of privacy, and visual impact from adjoining lots.
- 22.4.3 Design (A2) Currently A2 is not applicable to new buildings in the Central Business zone on the northern façade. The rezoning would require that walls facing north must be coloured using colours with a light reflectance value no greater than 40%. There is no performance criteria.
- 22.4.5 Landscaping (A2) The proposed rezoning will bring the Inner Residential zone to the boundary of the Central Business zone, triggering A2. This clause requires that landscaping be provided for at least 2 m depth along a boundary shared with a residential zone. The performance criterion allows for development to provide landscaping or a building design to avoid unreasonable adverse impact on visual amenity in the residential zone.

It is considered that rezoning the area to Inner Residential will result in land use conflict through the restriction of development introduced through the triggering of additional development standards as a direct result of the rezoning. It is also possible that by restricting development in the Central Business zone south of the SAP, there will be an impact on the economic capacity of the land.

The Council Officer's report states that future potential development would be consistent with the surrounding land use pattern and would not create any potential for conflict with regards to zoning or land use. The discussion of potential land use conflicts in the Officer's report does not consider the additional development controls that are triggered as a result of the rezoning, or the increased restriction of use standards that may occur through the increased density and proximity of residential zoning north of the Central Business zone.

The proposed rezoning is considered to have a negative impact on land within the Central Business zone adjoining the proposed Inner Residential zone under the amended SAP. The amendment will introduce land use conflict between Central Business use and new residential use triggering the restrictive development controls of the Central Business zone that currently do not apply.

Yours sincerely

Signed by:

KINGSTON (CENTRE) PTY LTD

Owner of 6 Summerleas Road

Signed by:

HADISAK PTY LTD

Owner of 58 Channel Hwy

Signed by:

MARK FLORUSSE

TIENEKE MARGURITE FLORUSSE

Owner of 'Cartridge World' 56 Channel Hwy; and

'Channel Pharmacy' 54 Channel Hwy

Signed by:

CHRISTIAN HOMES TASMANIA INC

Owner of 'Channel Medical Centre' 52/Channel Hwy

Signed by:

PMMA PTY LTD

48 Channel Hwy

Signed by:

LUTGERTJE REBECCA VAN TOL.

flowed

46 Channel Hwy

Signed by:

Signed by:

ACN 155 140 159 PTY LTD
'Glendon Southern Brokers'
Unit 2, 44 Channel Hwy

Page 64

KINGSTON PARK - PROPOSED SPECIFIC AREA PLAN AMENDMENTS MR M AND MRS T FLORUSSE 28 November 2019

REPRESENTATION FROM M & T FLORUSSE 54 and 56 CHANNEL HIGHWAY KINGSTON

Changes to F3.0 Former Kingston High School Site Specific Area Plan

PSA-2019-3

Our representation is directed to the Rezoning of the area of land in Kingston Park as detailed in point 2, which backs onto 44 – 58 Channel Highway and with the objective detailed in point 7.

Summary of proposed changes to F3.0 Former Kingston High School Site Specific Area Plan – PSA-2019-3

 Rename the Kinston High School Site Specific Area Plan to Kingston Park Specific Area Plan.

The site is to be, and has begun to be, referred to as Kingston Park rather than the (former) Kingston High School Site. This amendment seeks to rectify this within the Kingborough Interim Planning Scheme 2015 by renaming the specific area plan.

2-5 Rezoning

7.

Existing zone boundaries were determined to coincide with the conceptual outline of the different types of future uses and development described in the 'Development Plan by Beca, 2013'. It was always envisaged that these boundaries would need to change in future in order to coincide with any final development proposal.

This amendment aims to rezone portions of the existing zones to align with the updated vision for Kingston Park, including expected lot boundaries.

S	ummary	Map (red line indicates relevant zone boundary in KIPS 2015)
Un Mii Re Zo an Op Th at alv en de pro ref Th Us Zo us de Go Hig	e land zoned Urban Mixed Use the southeast of the site was vays visaged to contain higher nsities of residential. The oposed zoning flects this. e other proposed Urban Mixed ie ne change will allow mixed	

Introduce planning provisions that aim to improve public amenity, housing diversity and environmental outcomes.

The vision for the Kingston Park development is that it will contribute to the stimulation and

Page | 1

creation of a revitalised central business district and will lead to a viable selfsustaining community. Ultimately the redevelopment is to create an urban centre which is
truly sustainable and forward-looking (page 3 of the Beca Plan).
The proposed planning provisions aim to assist the above vision. In particular, the
provisions encourage multi-purpose measures for future developments within the site.
Examples include introducing housing diversity and adaptability requirements which will
hopefully encourage a diversity of residents, as well as encourage visual interest as
dwellings will by nature need to be different sizes and shapes to meet these
requirements. Additionally, the proposed planning provisions also encourage energy and water
efficiency initiatives, for example green roofs. Green roofs are inherently
multipurpose in that they visually hide rooftop plant and mechanical equipment, reduce
stormwater runoff, reduce energy demand through increased insulation and to increase habitat
corridors

The properties bounding Channel Highway which are zoned Central Business are aging and will be in the foreseeable future redeveloped in accordance with the business use intended. The change of zoning of adjoining land in Kingston Park from Urban Mixed Use to Inner Residential will place significant restraints on Building Heights and Setbacks and Fenestration of any commercial development as follows:

- (i) The setback requirement will create a minimum 7.5 metre dead area at the rear/northern side of any future development along Channel Highway, in conflict with 22.4.4 A1(d) to avoid creating entrapment spaces.
- (ii) Building Height will be limited within 10 metres of the rear boundary, to 8.5 metres or less as deemed appropriate for the proposed residential development on the lower ground to the north. This will also create design and utilization difficulties when combined with a 7.5 metre rear setback.
- (iii) Overshadowing of any Commercial development will not be applicable as the Central Business zone is to the south. However, the consideration for "Residential Privacy" with regard to any north facing windows on any proposed commercial development would be seen to preclude any solar gain and fenestration.
- (iv) There will also be a conflict between the requirements for Commercial Passive Surveillance (22.4.4) with the Inner Residential objective for Privacy.
- (v) The newly imposed requirements for rear setbacks, building height and privacy will substantially reduce the utilization, energy efficiency, security and viability of any proposed commercial development in this section of Channel Highway.
- (vi) In summary the change of zoning in Kingston Park applicable to the land adjoining Channel Highway would be seen as detrimental to the creation of a revitalized central business district in accordance with the objective of the Central Business Zone and point 7 of the proposed changes to Specific Area Plan for the Former Kingston Highschool Site (PSA 2019-3).

22.4.1 Building Height

Objective:

To ensure that <u>building height</u> contributes positively to the <u>streetscape</u> and does not result in unreasonable impact on <u>residential amenity</u> of land in a <u>residential</u> zone.

Acceptable Solutions

Performance Criteria

Al

ъı

Building height must be no more than:

15 m.

Building height must satisfy all of the following:

- be consistent with any Desired (a) Future Character Statements provided for the area;
- (b) be compatible with the scale of nearby buildings;
- (c) be no more than 20 m.

P2

A2

Building height within 10m of a residential zone must be no more than 8.5m.

Building height within 10m of a residential zone must be compatible with the building height of existing buildings on adjoining lots in the residential zone.

22.4.2 Setback

Objective:

To ensure that <u>building setback</u> contributes positively to the <u>streetscape</u> and does not result in unreasonable impact on <u>residential amenity</u> of land in a <u>residential</u> zone.

Acceptable Solutions

Performance Criteria

P1

(d)

Building setback from frontage must satisfy all of the following:

be consistent with any Desired (a) Future Character Statements provided for the area;

Al

<u>Building setback</u> from <u>frontage</u> must be parallel to the <u>frontage</u> and must be no more than:

3 m, if fronting Channel Highway. nil m, if fronting any other street. be compatible with the setback of adjoining buildings, generally maintaining a continuous

 (b) maintaining a continuous building line if evident in the streetscape;

enhance the characteristics of the site, adjoining lots and the streetscape; provide for small variations in

> building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is

created; provide for large variations in

(e) building alignment only where

appropriate to provide for a forecourt for space for public use, such as outdoor dining or landscaping, provided the that no potential concealment or entrapment opportunity is created and the forecourt is afforded very good passive surveillance.

P2

Building setback from a residential zone must be sufficient to prevent unreasonable adverse impacts on residential amenity by:

sunlight to habitable rooms and private open space on adjoining
(a) lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;

overshadowing and reduction of

- (b) overlooking and loss of privacy;
- (c) visual impact when viewed from adjoining lots, taking into account aspect and slope.

A2

<u>Building setback</u> from a <u>residential</u> zone must be no less than:

- (a) 6 m;
- (b) half the height of the wall, whichever is the greater.

22.4.4 Passive Surveillance

Objective:

To ensure that building design provides for the safety of the public.

Acceptable Solutions

A

(a)

<u>Building</u> design must comply with all of the following:

provide the main pedestrian entrance to the <u>building</u> so that it is clearly visible from the road or publicly accessible

areas on the <u>site</u>; for new buildings or alterations to an existing facade provide windows and door openings at

(b) windows and door openings at ground floor level in the front façade which amount to no less than 40 % of the surface area

Performance Criteria

Ρī

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

- provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;
- locate windows to adequately
 (b) overlook the street and adjoining public spaces;
- incorporate shop front windows
 (c) and doors for ground floor shops
 and offices, so that pedestrians can

of the ground floor level facade;

for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a

- (c) of any wall which faces a
 public space or a car park
 which amount to no less than
 30 % of the surface area of the
 ground floor level facade;
 avoid creating entrapment
 spaces around the building site,
- (d) spaces around the <u>outloing site</u>, such as concealed alcoves near public spaces;
- provide external lighting to (e) illuminate car parking areas and pathways;
- provide well-lit public access at (f) the ground floor level from any external car park.

see into the building and vice versa;

- locate external lighting to

 (d) illuminate any entrapment spaces around the building site;
- provide external lighting to (e) illuminate car parking areas and pathways;
- design and locate public access to provide high visibility for users and (f) provide clear sight lines between the entrance and adjacent properties and public spaces;
- (g) provide for sight lines to other buildings and public spaces.

11.4.6 Privacy

Objective:

To reduce the potential for loss of privacy for dwellings.

Acceptable Solutions

A1

A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:

side or rear boundary,
unless the balcony, deck,
roof terrace, parking
space, or carport has a
setback of at least 3 m
from the boundary; and

dwelling on the same
site, unless the balcony,
deck, roof terrace,
parking space, or carport
is at least 6 m:

Performance Criteria

P1

A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining lot or its private open space; or
- (b) another dwelling on the same site or its private open space; or
- (c) an adjoining vacant residential lot.

- from a window or glazed door, to a <u>habitable room</u> of the other <u>dwelling</u> on the same <u>site</u>; or
- from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.

A2

A window or glazed door, to a <u>habitable room</u>, of a <u>dwelling</u>, that has a floor level more than 1 m above the <u>natural ground level</u>, must be in accordance with (a), unless it is in accordance with (b):

- (a) the window or glazed door:
- is to have a <u>setback</u> of at least 3 m from a side or rear boundary;
- if the <u>dwelling</u> is a multiple <u>dwelling</u>, is to be at least 6 m (ii) from a window or glazed door, to a <u>habitable room</u>, of another <u>dwelling</u> on the same <u>site</u>; and
- if the <u>dwelling</u> is a multiple <u>dwelling</u>, is to be at least 6 m from the <u>private open space</u> of another <u>dwelling</u> on the same site.
- (b) the window or glazed door:
- is to be offset, in the horizontal plane, at least 1.5m from the

 (i) edge of a window or glazed door, to a <u>habitable room</u> of another <u>dwelling</u>; or
- is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or
- (iii) is to have a permanently fixed external screen for the full

P2

A window or glazed door, to a habitable room of a dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

- a window or glazed door, to a habitable room of another dwelling; and
- the private open space of another dwelling; and
- (c) an adjoining vacant residential lot.

length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.

A3

(b)

A shared driveway or parking space (excluding a parking space allocated to that <u>dwelling</u>) must be separated from a window, or glazed door, to a <u>habitable room</u> of a multiple <u>dwelling</u> by a horizontal distance of at least:

(a) 2.5m; or

1m if:

it is separated by a screen of at least 1.7m in height; or

the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or

the shared

driveway or
parking space, or
has fixed obscure
glazing extending
to a height of at
least 1.7 m above
the floor level.

P3

A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

KINGSTON PARK - PROPOSED SPECIFIC AREA PLAN AMENDMENTS BICYCLE NETWORK – MS A HETHERINGTON 17 December 2019

Kingston Park Specific Area Plan: PSA-2019-3

Kingborough Council has lost an opportunity with the Kingston Park Specific Area Plan to create active transport links that could be built upon so that Kingston could become an easy town to ride around and reduce the need for car use.

Apart from trying to create a few walking connections, it looks like the Specific Area Plan seeks to continue the car-dominated culture of Kingston.

Separated cycleways

Nowhere in the SAP does it mention cycleway connections that could provide safe journeys for people wanting to get to Kingston Beach, down to Huntingfield, or up to the high school and sports area. These trips are too long for most people to want to walk and without safe, separated cycleways for most people the car becomes the only viable option.

The council has the opportunity with a brownfields site to determine ideal cycling infrastructure that it would like to see replicated in other subdivisions. However, there is nothing here to encourage developers to build cycleways or the council to link and improve paths to provide viable transport corridors.

The SAP should outline the requirement that the developer contribute to the building of separated cycleways down new streets and easy access to those cycleways from apartment, townhouse and stand-alone buildings.

The council should commit to separated cycelways being built on all new streets it creates to provide a viable transport option and to ensure the comfort of people walking and riding. Shared paths only work well when the volume of people using them is low. Once a high number of people start using them, conflict can occur.

Bicycle parking in residential and commercial developments

The Council is seeking to create a new area of medium density housing to take advantage of the retail and transport hub of Kingston, but any developments should put bicycle riding and walking at the centre, not car travel, to demonstrate the worth of being located in a central hub.

There is no requirement for minimum bicycle parking for apartments in planning regulations, but this SAP is an opportunity for the council to introduce them to demonstrate that's what centralised, medium density living is all about.

The SAP should outline at least one bicycle parking place per apartment and those bicycle parks should be at ground level, undercover, secure and close to access doors so riding a bike becomes the easiest and most obvious first choice for transport.

The SAP should also outline that any driveways and access ramps should be flush with the road surface to remove obstacles for people riding.

Kingborough Council has had problems with developers putting in high lip crossovers. The standard IPWEA drawings recommend no lip or at most a 10mm lip. The Specific Area Plan should make it clear to the developer that crossovers should have no lip to promote active transport and safe crossings by people who rely on mobility aids.

Kind Regards, Alison

Alison Hetherington

Public Affairs Manager Tasmania



TAS: 210 Collins St Hobart 7000

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KINGSTON PARK - PROPOSED SPECIFIC AREA PLAN AMENDMENTS HADISAK PTY LTD – MR A DIEDERICKS 17 December 2019

Sir/Madam

I wish to lodge my representation for the above matter.

I am the owner of 58 Channel Highway, one of the properties in the Central Business Zone, neighbouring onto the Former Kingston High school site.

I understand that the proposal is to change the zoning directly behind the our property, and the other properties on the Central business zone, from "Urban" to "Inner City Residential".

I want to object to this, and put forward a sensible alternative solution.

I object on the basis that this amendment will have an unreasonable and unnecessary impact on the use of our property, and the other properties in the central business zone.

From my conversation with Melissa Stevenson a few weeks ago, I understand the change will restrict the future development potential of the properties in the Central Business Zone. Specifically:

- It will increase the setback required from the neighbouring boundary to the Kingston High school site to at least 6 meters
- It will limit the height of new developments in the central business zone within 10 m of the Kingston Highschool site.

This impact is unreasonable and not necessary. It is obviously not good for the property values in the Central business zone, but I also believe it is not good for future development of the Central business zone. Please take a long term view when considering this.

I note one the proposed development plans for the Kingston High School Development that there is a proposed 6-metre easement behind all the Central Business Properties. I understand that this is an easement for services, so there will be no buildings on the Kingston High School site within 6 meters of our property, or the other properties on the Central business zone. I ask that you consider this.

I have no expertise in Town Planning, but I ask that you consider a solution where the 6 meter zone behind our property, and the other properties in the Cental Business zone, earmarked as an easement, to remain zoned Urban or Central business. This should negate most of the adverse impact on our, and our neighbours Central business properties.

Please feel free to contact me to discuss.

Anton Diedericks - Director of Hadisak Pty Ltd - Owner of 58 Channel Highway, Kingston

Anton Diedericks CFP® BEc GradDipFP(FINSIA) Senior Financial Adviser

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KINGSTON PARK - PROPOSED SPECIFIC AREA PLAN AMENDMENTS DEPARTMENT OF STATE GROWTH 18 December 2019

Department of State Growth

4 Salamanca Place, Hobart TAS 7000 GPO Box 536, Hobart TAS 7001 Australia Ph 1800 030 688 Fax (03) 6233 5800 Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.



Mr Gary Arnold General Manager Kingborough Council By email: kc@kingborough.tas.gov.au

Draft Amendment PSA-2019-3: Rezoning and Amendments to Former Kingston High School Site Specific Area Plan

Dear Mr Arnold.

The Department of State Growth (State Growth) has reviewed the draft planning scheme amendment PSA-2019-3 for the Former Kingston High School Site, Kingston and wishes to provide the following comments.

State Roads

The proposed rezoning from Urban Mixed Zone to Inner Residential in the vicinity of the Kingston Bypass significantly increases the potential density of residents living close to the Bypass than would have been allowed under the existing zoning. As part of this site is within 50m of the road boundary, the site would be likely to be impacted by traffic noise. It is unclear whether the site can adequately mitigate noise and this should be proved prior to the rezoning of an area close to a major road which would allow such a high density of housing (it is noted that the Inner Residential zone does not have a prescribed maximum height limit, unlike the Urban Mixed Use zone).

It is therefore recommended that the applicant provide a noise report and a traffic impact assessment (TIA), with the outcomes of the TIA being referred to in the noise report to capture the anticipated traffic growth in the area. The noise report should also note that the Kingston Bypass may be subject to upgrades in future to increase capacity, which would be anticipated to increase noise associated with the corridor.

Passenger Transport / Active Transport

It is recommended that the applicant considers setting planning requirements to provide bicycle parking spaces and end of trip facilities on the site. Bicycle parking spaces should be required for all development types, including for staff within commercial developments. The development site is adjacent to the Principle Cycling Network identified in the Principle Urban Cycling Network Hobart and also the existing arterial cycleway identified in the Hobart Regional Arterial Bicycle Network Plan. It is noted that Kingston Park is adjacent to the Principle Cycling Network identified in the Principle Urban Cycling Network Hobart and adjacent to the existing arterial cycleway identified in the Hobart Regional Arterial Bicycle Network Plan.

From a policy perspective, Kingborough Council may like to consider an Acceptable Solution that sets maximum on-site car parking space numbers (based on development type) to reduce reliance on private vehicle ownership, encourage public transport use and reduce congestion on the road

network. The maximum car parking space numbers could be what is available in the Kingborough Interim Planning Scheme 2015 now as the minimum car parking spaces. The acceptable solution could be based off a number of other jurisdictions' planning controls. For example, the City of Sydney's maximum car parking controls are set out in in Division 1 Car parking ancillary to other development, Part 7 Local provisions – general of Sydney Local Environment Plan 2012.

If you have any queries regarding the matters raised above, please do not hesitate to contact Mia Potter, Planning Officer, Network Planning on (03) 6166 3382 or email Mia.potter@stategrowth.tas.gov.au who can coordinate engagement with relevant State Growth officers.

Yours sincerely

Denise McIntyre

Disconfre

Manager Network Planning

18 December 2019

Post-exhibition report – Certification of initiation Kingston Park Specific Area Plan



Kingborough Interim Planning Scheme 2015

INSTRUMENT OF CERTIFICATION PSA-2019-3

It is hereby certified that draft Amendment PSA-2019-3 to the Kingborougii Interior Planning Sultaine 2015 meets the requirements in section 32 of the former provisions of the Land Use Planning and Approvals Act 1993.

The Common Seal of the Kingborough Council is affixed herete, pursuant to the Council's resolution on 12 August 2019, in the presence of

... Councillor

19/8/2019 Date

F3.0 Kingston Park Specific Area Plan

F3.1 Purpose of Specific Area Plan

- F3.1.1 The purpose of this Specific Area Plan is:
 - (a) To ensure that the use and development of the Kingston Park area takes advantage of its strategic location within central Kingston.
 - (b) To create a dynamic and high-quality built environment that meets the long term needs of the community by:
 - (i) allowing for commercial activity supporting the growth of the Kingston central area;
 - (ii) establishing a hub for community-based facilities and services that will meet the long term needs of the community; and
 - (iii) providing opportunities for different forms of medium to high density residential use and development, broadening housing types available within the Kingston area.
 - (c) To encourage activities that will stimulate more private investment throughout central Kingston.
 - (d) To encourage high levels of connectivity with the established road network and surrounding open spaces network through new development that creates local roads, laneways, sharedways, through-site links and walkways.
 - (e) To promote public spaces that support vibrant and strong street life, high levels of walkability as well as high quality landscaping through water sensitive urban design measures.
 - (f) To achieve a diverse and high quality built form which is consistent with good design principles, such as those found in *The Apartment Design Guide: Tools for improving the design of residential apartment development* and *Design WA Stage One.*
 - (g) To encourage passive surveillance and is consistent with crime prevention through environmental design principles.
 - (h) Within the areas zoned Central Business, Urban Mixed Use and Community Purpose:
 - (i) to provide high levels of visual interest and to reduce wind tunnelling through façade articulation;
 - (ii) to encourage active uses and active frontages at ground level; and
 - (iii) to establish and reinforce a well-defined built edge to roads and

Attachment C Post-exhibition report showing suggested modifications to draft amendment

Kingston Park Specific Area Plan PSA-2019-3 public spaces. <u>(i)</u>Within the areas zoned Inner Residential, to promote the Formatted: Indent: Hanging: 0.01 cm creation of a medium density community with: a lot layout that encourages single dwellings on small lots with narrow frontages and access via rear laneways; (भूं) a compact and visually interesting streetscape with articulation incorporated into front elevations and consistent frontage setbacks defining a strong building line along the road that provides ample room for larger canopy street trees; (ivii) lots that have ample private open space at the rear or front of buildings with minimal side separation; and (iviii) easy accessibility for pedestrians, a well landscaped streetscape and convenient public open spaces.

F3.2 Application of Specific Area Plan

F3.2.1 The specific area plan applies to the area of land designated as Kingston Park Specific Area Plan on the Planning Scheme Maps and Figure F3.1. Normal Zone provisions apply unless otherwise stated within this Specific Area Plan.

F3.3 Definition of Terms

F3.3.1 In this Specific Area Plan, unless the contrary intention appears:

Terms	Definitions	
natural values	means landscape values, being skylines, ridgelines or exposed slopes, individual native trees with a diameter > 25cm and priority vegetation.	
high conservation value trees	means a tree that: (a) is a Eucalyptus globulus or Eucalyptus ovata tree with a diameter equal to or greater than 40cm at 1.4m from natural ground level;	
	(b) is a Eucalyptus viminalis tree with a diameter equal to or greater than 25cm at 1.4m from natural ground level;	
	(c) is a native tree located in either dry forest or a cleared setting with visible hollows and/or a diameter equal to or greater than 70cm at 1.4m	

Page 2 of 64

Attachment C	Post-exhibition report showing suggested modifications to draft amendment	
PSA-2019-3	Kingston Park Specific Area Plan	
	from natural ground level; (d) is a native tree located in wet forest with visible hollows and/or a diameter equal to or greater than 100cm at 1.4m from natural ground level; (e) is of a species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Biodiversity Conservation Act 1999</i> (Commonwealth); and/or, (f) provides potential or significant habitat for a threatened species listed in either of those acts.	
priority vegetation	means native vegetation where any of the following apply: (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002; (b) is a threatened flora species;	
	 (c) it forms a significant habitat for a threatened fauna species; or (d) it has been identified as native vegetation of local importance. 	
tree protection zone (TPZ)	means the combined root area and crown area requiring protection and isolation from disturbance to ensure that the tree remains viable. The radius of the TPZ is calculated by multiplying the diameter of the tree at 1.4 m from natural ground level by 12.	

F3.4 Application Requirements

F3.4.1 In addition to any other application requirements, the planning authority may require any of the following information to determine compliance with development standards:

- (a) a site context and analysis plan;
- (b) photographs, drawings or photomontages necessary to demonstrate the impact of the proposed development on the character values of the wider area, including visual impact of the proposed development on views of kunyani/Mt Wellington and the surrounding vegetated hillsides from the Kingston central area;

Page 3 of 64

Attachment C

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

- (c) a landscape plan;
- (d) the nature and the types of activities that will be carried out;
- (e) the likely impacts, if any, on adjoining land, including noise levels, traffic, hours of delivery and despatch of goods and materials and hours of operation.
- (f) demonstrate compliance with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One:
- (g) information detailing how the development will contribute to the provision of public infrastructure on the site;
- (h) information detailing how the development will minimise a building's environmental impact.

F3.5 Desired Future Character Statements

De	Desired Future Character Statements		Implementation Strategy	
CE	NTRAL BUSINESS ZONED LAND			
(a)	A high degree of ground level activity and integration should occur between land uses and pedestrian environments and this should be supported by attractive public spaces.	(a)	Commercial and retail development should promote a strong integration with existing uses in central Kingston particularly those between the site and John Street.	
attractive and promote an active and engaging interface with the adjoining street or pedestrian promenade.	Design features should enhance the visual appeal of proposed developments. This could include iconic gateway developments on corners and a continuous 2-3 storey built form at the street level in between, with upper levels setback to reduce visual impact.			
		(c)	Building design should introduce lanes, shared ways or through-site links and narrow building frontages to limit the length and size of street blocks.	
		(d)	Applications for new developments containing office premises with a net lettable area of 1,000m ² or more should be submitted with documentation confirming that the building will be capable of supporting a Base Building National	

Page 4 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan PSA-2019-3 Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 4.5 stars, or an equivalent rating using another building performance (e) Stormwater should be managed on-site as much as practical, and consider: harvesting roof run-off for internal use for toilet flushing and clothes washing: maximising the use of permeable surfaces at ground level to enable groundwater recharge, and minimising impervious areas; incorporating on-site infiltration and detention systems such as garden beds, rain gardens, tree pits, infiltration cells and detention (iv) minimising the potential for nutrient run off through appropriate plant species and soil selection in landscaped areas. URBAN MIXED USE ZONED LAND (a) Development should be designed so that (a) Medium to high density residential development is to should occur within it supports neighbourhood interaction, these precincts, especially above the passive recreation and easy access for ground level floor, together with a mix of pedestrians. The incorporation of larger other potential commercial uses, such as canopy trees and other appropriate retail, small office and visitor vegetation is to be encouraged. Provide an active and engaging interface (b) Opportunities for community interaction to public open space areas through should be encouraged by providing building orientation, as well as activated streetscapes that provide high public ground level frontages to buildings. amenity and are well landscaped. (c) Building design should introduce lanes, (c) Optimize the benefits provided by public shared ways or through-site links and open space and available views. narrow building frontages to limit the length and size of street blocks. (d) Building design should seek to minimise a building's environmental impact. (d) Applications for new developments containing office premises with a net lettable area of 1,000m2 or more should be submitted with documentation

Page 5 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan PSA-2019-3 confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 4.5 stars, or an equivalent rating using another building performance Stormwater should be managed on-site as much as practical, and consider: harvesting roof run-off for internal use for toilet flushing and clothes washing: maximising the use of permeable surfaces at ground level to enable groundwater recharge, and minimising impervious areas; incorporating on-site infiltration and detention systems such as garden beds, rain gardens, tree pits, infiltration cells and detention tanks; minimising the potential for nutrient run off through appropriate plant species and soil selection in landscaped areas. COMMUNITY PURPOSE ZONED LAND (a) Provide for a range of complementary (a) Encourage the use and development of services and public facilities that meet the land so that these services and facilities are provided and that built structures and needs of the Kingborough community in relation to health, education, recreation, landscaping is designed to a high arts, culture and social inclusion. standard and is easily accessible. (b) Use and development should integrate (b) Building and public space design should closely with the streetscape and provide provide for articulated setbacks, activated interesting, attractive and vibrant public ground floor frontages, street fumiture and artistic features, views and orientation to capture solar benefits. (c) Provide a safe public environment that encourages pedestrian activity, passive Promote a mix of uses and development surveillance, family activities and a high forms that provide interest, fun and quality of public amenity. enjoyment, and are enable high levels of activity to occur during the day and evening.

Page 6 of 64

Attachment C

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

OPEN SPACE ZONED LAND

- (a) Future use and development should maximise the opportunities for the community to enjoy the public open space within this site.
- (b) The public open space will provide for a diverse range of passive and active recreational experiences, as well as functional event or performance areas able to be used for public entertainment.
- (c) The public open space will constitute the municipality's premier urban park and will provide complementary functions that encourage the continued development of central kingston.
- (a) The public open space precinct is to be developed so that a variety of interconnected, aesthetically pleasing and exciting landscaped spaces create a diverse public realm that will meet the needs of a variety of users and age groups.
- (b) The area is to feature a range of natural features, assist with stormwater management, contain landscaped walkways and amphitheatres that respond to topographic features of the site, as well as featuring children's play and other activity spaces.
- (c) Kingston's further development opportunities will be enhanced as a result of space being available for public events, children's playgrounds, places to relax, park and ride, markets, opportunities to exercise, meet people and carry out other activities.

INNER RESIDENTIAL ZONED LAND

- (a) Medium to high density residential development is to occur within this site.
- (b) Opportunities for community interaction should be encouraged by providing streetscapes that provide high public amenity and are well landscaped.
- (c) Optimise the benefits provided by public open space and available views of kunyani/Mt Wellington and the surrounding vegetated hillsides.
- (a) Promote development which provides small lots suitable for a range of housing types (such as town housing, low rise apartments, aged unit accommodation and home offices) within a pedestrianfriendly neighbourhood.
- (b) Development should be designed so that it supports neighbourhood interaction, passive recreation and easy access for pedestrians. The incorporation of larger canopy trees and other appropriate vegetation is to be encouraged.
- (c) Provide an active and engaging interface to public areas through building orientation, and differing dwelling façades.

Page 7 of 64

Attachment C

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3 F3.6 Use Table

F3.6.1 Central Business Zoned Land

No Permit Required		
Use Class	Qualification	
Utilities	Only if minor utilities	
Permitted		
Use Class	Qualification	
Business and professional services		
Community meeting and entertainment		
Food services	Except if a take away food premises with a drive through facility	
General retail and hire	Except if an adult sex product shop or a supermarket	
Hotel industry	Except if adult entertainment venue	
Passive recreation		
Vehicle parking		
Visitor accommodation	Except if camping and caravan park or overnight camping area	
Discretionary		
Use Class	Qualification	
Educational and occasional care		
Residential	Only if located above ground floor	
Research and development		

Page 8 of 64

rangstorr ark opecine Area rian
Only for public transport facilities
Except if no permit required
'
Qualification

F3.6.2 Urban Mixed Use Zoned Land

No Permit Required	
Use Class	Qualification
Natural and Cultural Values Management	
Passive recreation	
Utilities	Only if minor utilities located underground
Permitted	
Use Class	Qualification
Business and professional services	
Community meeting and entertainment	Only for a public hall or neighbourhood centre
Food Services	
General retail and hire	

Page 9 of 64

-3	Milyston Falk Specific Area Flair
Residential	Only if: (a) for a home-based business; (b) located above ground floor level (excluding pedestrian or vehicular access) or to the rear of a premises; and (c) not listed as no permit required (c)(d) For assisted housing, residential support services, respite centre or retirement village.
Transport depot and distribution	Only for public transport facilities
Visitor accommodation	Only if located above ground floor level (excluding pedestrian or vehicular access)
Utilities	Except if no permit required
Discretionary	
Use Class	Qualification
Community meeting and entertainment	If not permitted.
Educational and occasional care	Except if no permit required
Emergency services	
Food services	Except if permitted
General retail and hire	Except if permitted Except if an adult sex product shop
Hotel industry	If not for adult entertainment venue
Residential	Except if no permit required or permitted
Resource processing	Only if for food or beverage production
Service industry	Only if for a laundromat
Tourist operation	
Transport depot and	Only if public transport facilities

Page 10 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment Kingston Park Specific Area Plan

distribution

Utilities Except if permitted

Vehicle parking

Visitor accommodation Except if camping and caravan park or overnight camping area

Prohibited

Use Class Qualification

All other uses

F3.6.3 Community Purpose Zoned Land

Use Class	Qualification	
Natural and cultural		
values management		
Passive recreation		
Utilities	Only if minor utilities located underground	
Permitted		
Use Class	Qualification	
Business and professional	Only if for:	
services	(a) medical centre;	
	(b) a community-based organisation; or	
	(c) government offices	
Community meeting and entertainment		
Educational and		
occasional care		
Emergency services		

Page 11 of 64

Food services	
General retail and hire	Only if for community market
Hospital services	
Sports and recreation	
Tourist operation	Only if for a visitor centre
Utilities	Except if no permit required
Discretionary	1
Use Class	Qualification
Business and professional services	Except if permitted
General retail and hire	Except if adult sex product shop
Residential	Only if for residential aged care or respite centre or assisted housing
Tourist operation	Except if permitted
Transport depot and distribution	Only for public transport facilities
Vehicle parking	
Prohibited	1
Use Class	Qualification
All other uses	

F3.6.4 Open Space Zoned Land

No Permit Required

Page 12 of 64

-3	Kingston Park Specific Area Plan
Use Class	Qualification
Natural and cultural values management	
Passive recreation	
Utilities	Only if minor utilities and underground
Permitted	
Use Class	Qualification
Community meeting and entertainment	
General retail and hire	Only for community market
Utilities	Except if no permit required
Discretionary	
Use Class	Qualification
Food services	Must have a floor area no greater than 60m² and be related or complementary to a community meeting or entertainment facility
General retail and hire	Except where permitted, and only if related to a public activity within the Open Space
Sports and recreation	
Vehicle parking	Only if associated with an open space use or as part of a developed park and ride facility
Prohibited	1
Use Class	Qualification
All other uses	

F3.6.5 Inner Residential Zoned Land

Page 13 of 64

-3	Kingston Park Specific Area Plan
No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if home-based child care in accordance with a licence under the Child Care Act 2001
Natural and cultural values management	
Passive recreation	
Residential	Only if single dwelling Only if home-based business with no more than 1 non-resident worker/employee, no more than 1 commercial vehicle and a floor area no more than 30m ²
Utilities	Only if for minor utilities
Permitted	
Use Class	Qualification
Residential	Except if No Permit Required Only if for home-based business with no more than 1 non-resident worker/employee, no more than 1 commercial vehicle and a floor area no more than 30m ²
Discretionary	1
Use Class	Qualification
Education and occasional care	Only if for child care centre, day respite facility, employment training centre or kindergarten
Emergency services	
Residential	Except if No Permit Required or Permitted
Sports and recreation	
Utilities	Except if no permit required
Visitor accommodation	

Page 14 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment
PSA-2019-3 Kingston Park Specific Area Plan

Prohibited
Use Class Qualification

All other uses

F3.7 Use Standards

F3.7.1 Use Standards for Central Business Zoned Land and Urban Mixed Use Zoned Land

F3.7.1.1 Non-Residential Use

Objective:

evening.	
Acceptable Solutions	Performance Criteria
A retail use must have a gross floor area not exceeding 350m ² .	The gross floor area must be no more than 500m² and demonstrate that no impact on the viability of adjacent and similar retail uses will result.
Hours of operation (except for office and administrative tasks) must be within: (a) 6.00am to 9.00pm Mondays to Saturdays inclusive; (b) 9.00am to 7.00pm Sundays and Public Holidays; Except for non-residential use that front Goshawk Way or Pardalote	Hours of operation must not have an unreasonable impact upon the surrounding residential amenity through commercial/retail vehicle movements, noise or other emissions that are unreasonable in their timing, duration of extent.
Parade where hours of operation must be within:	
(a) 6.00am to 11.59pm Mondays to Saturdays inclusive;	
(b) 8.00am to 10.00pm Sundays and Public Holidays; and	
(c) have no unreasonable impact	

Page 15 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

upon the residential amenity.

F3.7.2 Use Standards for Open Space Zoned Land

Objective:

F3.7.2.1 Amenity Impacts of Non-Residential Uses

To avoid the commercialisation and p public use and to ensure that non-res impact on adjacent residential amenit	· ·
Acceptable Solutions	Performance Criteria
No acceptable solution.	Food services and general retail and hire uses must complement and enhance the use of the land for open space by providing for facilities and services that primarily serve the needs of open space users.
Hours of operation of a use within 50 metres of the Urban Mixed Use Zone or Inner Residential Zone must be within: (a) 6.00am to 10.00pm Mondays to Saturdays inclusive;	have an unreasonable impact upon the
(b) 8.00am to 9.00pm Sundays and Public Holidays. Noise emissions measured at the	Noise emissions measured at the
Noise emissions measured at the boundary of the nearest residential use within the Urban Mixed Use Zone or Inner Residential Zone must not exceed the following:	boundary of a Mixed Use Zone or Inner Residential Zone must not impact upon
(a) 55 dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;	inner Kesidential Zone.
(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm and 7.00 am;	

Page 16 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

except if otherwise permitted (c) 65dB(A) (LAmax) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, 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.	
Lighting must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.	No performance criteria.

F3.8 Development Standards

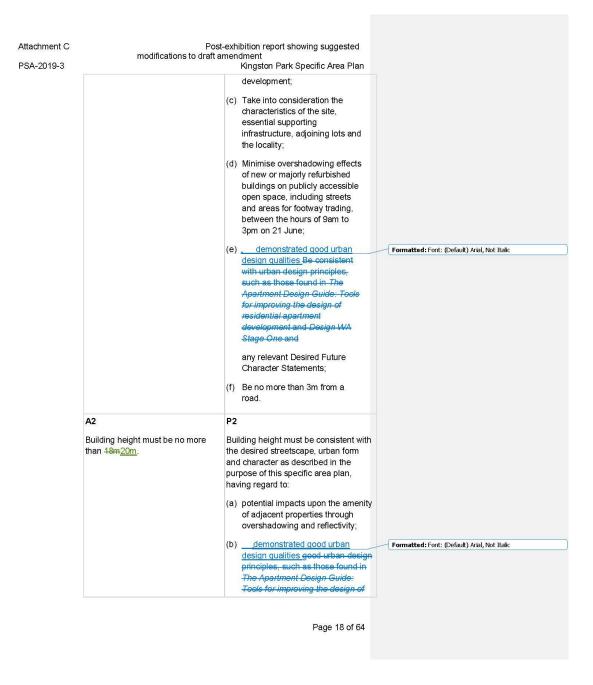
Objective:

F3.8.1 Development Standards for Central Business Zoned Land

F3.8.1.1 Building setbacks and height

To ensure that buildings are construct suited to this central location within K	cted in a compact manner that is best Eingston.
Acceptable Solutions	Performance Criteria
A1	P1
Building setback from frontage must be:	Building setback from frontage must be sufficient to enhance the streetscape,
(a) Between 0-3m for frontages to Goshawk Way.	provide adequate space for landscaping, vehicle access, and parking and satisfy all of the following:
(b) 1m from the frontage to Pardalote Parade.	(a) Maintain visual sight lines for safe pedestrian and traffic
(c) 2m from any connecting road from John Street.	movement; (b) Have sufficient site area and dimensions to accommodate

Page 17 of 64



Post-exhibition report showing suggested modifications to draft amendment Kingston Park Specific Area Plan residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.

(c) the topography of the site;

(d) the bulk and form of the proposed buildings;

(e) the apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; and

(f) the purpose of the Specific Area Plan; and

F3.8.1.2 Building design – housing diversity

To ensure that bu equitable housing		des housing choice and supports
Acceptable Solu	tions	Performance Criteria
A1 Buildings with a recomponent must of apartments with volumbers in accordiollowing rates:	contain a mix of ariable bedroom	P1 Housing diversity must be provided for across the Specific Area Plan throug variability in the number of bedrooms. No performance criteria.
Studio	5-10%	
1 bedroom	10-30%	
2 bedroom	40-75%	
3+ hedroom	10-100%	

Page 19 of 64

Attachment C

PSA-2019-3

modifications to draft amendment

Kingston Park Specific Area Plan A2 Buildings with a residential component must provide for adaptable housing by satisfying all of adaptable housing by satisfying all of the type of housing proposed, the economic viability of adaptable Principles for adaptable housing are to be adopted where practicable having the economic viability of adaptable housing solutions and the likely the following: requirements of future occupants.
No performance criteria. (a) Adaptable dwellings are to be designed as set out in the relevant Australian Standards; (b) Adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes; (c) Adaptable dwellings are to be provided in all new development in accordance with the following Total number of Number of dwellings adaptable dwellings to be provided Between 0 and Between 8 and 1 dwelling Between 15 and 2 dwellings Between 22 and 3 dwellings 15% of total 30 or more dwellings

Post-exhibition report showing suggested

F3.8.1.3 Building design - streetscape

Objective:

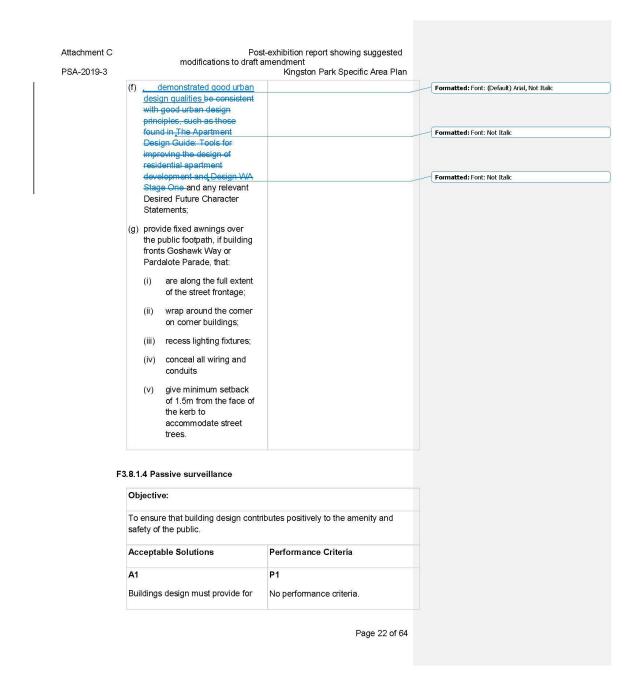
To ensure that building design contributes positively to the streetscape and the amenity and safety of the public.

Page 20 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

Ace	cepta	ble Solutions	Performance Criteria
A 1			P1
pos sati	addr other an in	design must contribute to the streetscape by g all of the following: ess the frontage and any r public space, including ternal car park, by the tation of windows and by c access at ground floor ;	No performance criteria. If (q) is not achievable then Building design must contribute positively to the streetscape, having regard to the need for provision of awnings over the public footpath.
(b)	to the	e a positive contribution e activities of the tscape by:	
	(i)	providing direct public access at the ground floor level;	
	(ii)	avoiding expanses of blank walls facing a road;	
	(iii)	introducing public art to the streetscape, such as murals;	
(c)	of ro infras servi struc them with	nise visual intrusiveness of-top service structure, including ce plants and lift tures, by integrating into the roof design, consideration of proofs where possible;	
(d)	with	ide compatible footpaths adjoining public aths;	
(e)	med misc	en outdoor storage, nanical plant, and ellaneous equipment public view;	

Page 21 of 64



Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

surveillance of public spaces, including the street, services and car parking by satisfying the following:

- (a) locate windows to overlook the street and other public spaces;
- (b) design and locate main entrances to provide high visibility for users;
- (c) provide clear sight lines between a building and adjacent properties and public land;
- (d) locate external lighting to illuminate otherwise shaded or dark locations;
- (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;
- (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;
- (g) provide well-lit car parking areas designed to make use of sight lines to benefit from passive surveillance.

F3.8.1.5 Landscaping

Objective:

To ensure that a safe and attractive landscaping treatment enhances the appearance of the site.

Acceptable Solutions Performance Criteria

Page 23 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment

Kingston Park Specific Area Plan PSA-2019-3 **A**1 Landscaping must be provided, unless the building has nil setback to frontage, to satisfy all of the No performance criteria. following: (a) enhance the appearance of the development; (b) provide a range of plant height and forms to create diversity, interest and amenity, with an emphasis on local, indigenous species; (c) not create concealment or entrapment spaces; demonstrated good urban design qualities be consistent with good urban design Formatted: Font: (Default) Arial, Not Italic principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character

F3.8.1.6 Private open space – residential

Objective:

To provide adequate private open space for the residents of multiple dwellings which is easily accessible from living areas and has access to direct sunlight.

Acceptable Solutions	Performance Criteria
A1	P1
Multiple dwellings wholly above ground floor level must provide private open space for each	Private open space for multiple dwellings wholly above ground floor

Page 24 of 64

Attachment C

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

dwelling that: level must: (a) includes one area as per the (a) be of a size and dimensions to accommodate outdoor dimensions below: recreational space and the Dwelling Minimum Minimum operational needs, such as type area depth clothes drying and storage, to meet the projected requirements Studio & 8m2 of the occupants of the dwelling taking into account: bedroom the useability and 10m² 2m accessibility of the private bedroom open space; and 3+ 12m² the availability and 2.4m bedroom accessibility of public open space or communal open (b) is directly accessible from space; and and adjacent to, a habitable room (other than a bedroom); the orientation of the lot to the street; and (c) does not contain services and fixtures, including but not (iv) the size and type of limited to air-conditioner units dwelling; and and clothes drying, that are (b) include a useable area capable visible from the street: of serving as an extension of the (d) does not have a gradient dwelling for relaxation, dining, steeper than 1 in 10; and entertaining and children's play; (e) is not used for vehicle access (c) be located to take advantage of or parking. direct sunlight; and (d) be clearly defined for private

F3.8.1.7 Subdivision - lot size, area and frontage

Objective:	
	riate area and dimensions to accommodate
development consistent with the	le Zorie Purpose.

Page 25 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

	rangotori i ant opcome / tea i ian
A1	P1
The size of each lot must be no less than 500m², except where the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.	No performance criteria.
A2	P2
The frontage for each lot must be no less than 20m except where the land is to be used for public open space or public utilities.	

F3.8.1.8 Environmental Values

Objective:

To ensure that the design and location of buildings and works avoids, minimises, mitigates and offsets adverse environmental impacts.

Acceptable Solutions	Performance Criteria
A1	P1
The location of buildings and works must comply with the following: (a) be located within a building area, if shown on a sealed plan as approved under this planning scheme; (b) not encroach within the Tree Protection Zone of an individual native tree with a diameter >25cm; and. (c) not require the clearing of any priority vegetation and/or high conservation value trees.	Buildings and works must: (a) be located and designed to avoid, minimise and mitigate impacts on natural values, having regard to: (i) the practical alternatives with respect to the location or design of the development; (ii) minimising and mitigating adverse impacts on natural values; and (b) Offset the loss of native and/or priority vegetation in accordance with Council's Biodiversity Offset Policy (Policy No. 6.10).

Page 26 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

F3.8.2 Development Standards for Urban Mixed Use Zoned Land

F3.8.2.1 Building setbacks and height

Objective:			
To ensure that buildings are construct suited to this central location within K	cted in a compact manner that is best lingston.		
Acceptable Solutions	Performance Criteria		
A1	P1		
Building setback from frontage must be: (a) Between 0-3m for frontages to Goshawk Way. (b) 1m from the frontage to Pardalote Parade. (c) 2m from any connecting road from Goshawk Way.	Building setback from frontage must be sufficient to enhance the streetscape, provide adequate space for landscaping, vehicle access, and parking and satisfy all of the following: (a) maintain visual sight lines for safe pedestrian and traffic movement; (b) have sufficient site area and dimensions to accommodate development; (c) take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality; (d) minimise overshadowing effects of new buildings on publicly accessible open space, including streets and areas for footway trading, between the hours of 9am to 3pm on 21 June; (e) demonstrated good urban design qualitiesbe consistent good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA	Formatted: Font: (Default) Arial, Not Italic	

Page 27 of 64

Attachment C PSA-2019-3	Pos modifications to draft	st-exhibition report showing suggested amendment Kingston Park Specific Area Plan
		Stage One and any relevant Desired Future Character Statements. (f) be no more than 3m from a
		road.
	A2	P2
	Building height must be no more than 18 metres.	Building height must be consistent with the desired streetscape, urban form and character as described in the purpose of this specific area plan, having regard to all of the following:
		potential impacts upon the amenity of adjacent properties through overshadowing and reflectivity;
		(b) demonstrated good urban design qualities good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of recidential apartment development and Design VA Stage One and any relevant Desired Future Character Statements.
		(c) the topography of the site;
		(d) the bulk and form of the proposed buildings;
		(e) the apparent height when viewed from public spaces within the townscape, especially towards kunyani/Mt Wellington and the surrounding vegetated hillsides; and
		(f) the purpose of the Specific Area Plan ; and
		(g) be no more than 25m.

Page 28 of 64

PSA-2019-3

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan F3.8.2.2 Building design – housing diversity Objective: To ensure that building design provides housing choice and supports equitable housing access. Acceptable Solutions Performance Criteria Α1 Buildings with a residential Housing diversity must be provided for Formatted: Font: (Default) Arial, Not Italia component must contain a mix of across the Specific Area Plan through apartments with variable bedroom variability in the number of bedrooms. numbers in accordance with the No performance criteria. following rates: Studio 5-10% 1 bedroom 10-30% 40-75% 2 bedroom 3+ bedroom 10-100% A2 Buildings with a residential Principles for adaptable housing are to component must provide for be adopted where practicable having adaptable housing by satisfying all of regard to the type of housing proposed. the following: the economic viability of adaptable housing solutions and the likely (a) adaptable dwellings are to be requirements of future occupants. designed as set out in the relevant Australian Standards. No performance criteria. (b) adaptable dwellings are to be spread amongst all unit sizes to accommodate various household sizes. (c) adaptable dwellings are to be provided in all new development in accordance with the following

Page 29 of 64

Total number of Number of

Post-exhibition report showing suggested modifications to draft amendment Kingston Park Specific Area Plan

dwe	llings	dwellings to be provided	
Betv 7	ween 0 and	Nil	
Betv 14	ween 8 and	1 dwelling	
Betv 21	ween 15 and	2 dwellings	
Betv 29	ween 22 and	3 dwellings	
30 0	or more	15% of total dwellings	
A3			P3
resident with ass support retireme ground units in use built multiple floor to f least 3.3 3.6m, to	and first floor of a mixed use a ding are to be configuration inished ceiling and or floor to	e associated , residential itte centre or _The design of residential rea or mixed flexible with s and finished j heights of at floor height of	Ground floor and first floor residentia use must be in buildings that are designed to enable future conversion to non-residential use through on or more of the following: (a) Increased floor to finished celling height; (b) internal layout; or (c) the size and positioning of windows and doors facing a public place. No performance criteria.

F3.8.2.3 Building design - streetscape

Objective:	
To ensure that building design corthe amenity and safety of the publi	ntributes positively to the streetscape and ic.
Acceptable Solutions	Performance Criteria
A1	P1
Building design must contribute positively to the streetscape by	If (g) is not achievable then Building design must contribute positively to the

Page 30 of 64

modifications to draft amendment

Kingston Park Specific Area Plan PSA-2019-3 satisfying all of the following: streetscape, having regard to the need for provision of awnings over the public (a) address the frontage and any footpath. No performance criteria. other public space, including an internal car park, by the orientation of windows and by public access at ground floor level; (b) make a positive contribution to the activities of the streetscape by: providing direct public access at the ground floor level; avoiding expanses of blank walls facing a road: introducing public art to (iii) the streetscape, such as murals; (c) minimise visual intrusiveness of roof-top service infrastructure, including service plants and lift structures, by integrating them into the roof design, with consideration of greenroofs where appropriate; (d) provide compatible footpaths with adjoining public footpaths; (e) screen outdoor storage, mechanical plant, and miscellaneous equipment from public view; demonstrated good urban design qualities be consistent with good urban design

principles, such as those found in *The Apartment*

Post-exhibition report showing suggested

Page 31 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.;

- (g) provide fixed awnings over the public footpath, if building fronts Goshawk Way or Pardalote Parade, that:
 - (i) are along the full extent of the street frontage;
 - (ii) wrap around the comer on corner buildings;
 - (iii) recess lighting fixtures;
 - (iv) conceal all wiring and conduits
 - (v) give minimum setback of 1.5m from the face of the kerb to accommodate street trees.

F3.8.2.4 Passive surveillance

Objective: To ensure that building design contributes positively to the amenity and safety of the public. Acceptable Solutions Performance Criteria P1 Buildings design must provide for surveillance of public spaces, including the street, services and car parking by satisfying the following:

Page 32 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

- (a) locate windows to overlook the street and other public spaces;
- (b) design and locate main entrances to provide high visibility for users;
- provide clear sight lines between a building and adjacent properties and public land;
- (d) locate external lighting to illuminate otherwise shaded or dark locations;
- (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;
- (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;
- (g) provide well-lit car parking areas designed to make use of sight lines to benefit from passive surveillance.

F3.8.2.5 Landscaping

Objective:

To ensure that a safe and attractive landscaping treatment enhances the appearance of the site.

Acceptable Solutions	Performance Criteria
A1	P1
Landscaping must be provided, unless the building has nil	No performance criteria.

Page 33 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

setback to frontage, to satisfy all of the following:

- (a) enhance the appearance of the development;
- (b) provide a range of plant height and forms to create diversity, interest and amenity, with an emphasis on local, indigenous species;
- (c) not create concealment or entrapment spaces;
- (d) demonstrated good urban design qualities be consistent with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.

F3.8.2.6 Frontage fences

Objective:

To ensure that the height and design of frontage fences enhance the streetscape and provide adequate privacy for residents, while still allowing for mutual passive surveillance of the road and dwelling.

Acceptable Solutions	Performance Criteria
A1	P1
The maximum height of fences for multiple dwellings and single dwellings at the ground floor on or within 4.5 metres of a frontage must be 1.2 metres.	Fences must be designed to: (a) be no more than 1.6 metres in height; (b) provide for security and privacy
	of residents while allowing for

Page 34 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment

Kingston Park Specific Area Plan PSA-2019-3 mutual passive surveillance of the road; (c) take account of the prevailing height, design and character of neighbouring fences; and (d) provide a minimum 50% transparency above 1.2 metres, unless to attenuate noise from high volume traffic for lots that have frontae to the Southern Outlet; and (e) demonstrated good urban design qualitiesbe consistent with streetscape qualities and urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One.

F3.8.2.7 Private open space - residential

Objective:

To provide adequate private open space for the residents of multiple dwellings and townhouses which is easily accessible from living areas and has access to direct sunlight.

Acceptable Solutions	Performance Criteria
A1	P1
Multiple dwellings and	Private open space for multiple
townhouses located at ground	dwellings and townhouses at the
level or on a podium or similar	ground floor must
structure must provide private open space instead of a balcony that satisfies the following	(a) include a usable area capable of serving as an extension of the dwelling for
(a) has an area of a minimum of 15m²;	relaxation, dining, entertaining and children's

Page 35 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

- (b) has a minimum depth of 3m;
- (c) is directly accessible from and adjacent to a habitable room (other than a bedroom);
 - (b) be located to take advantage of direct sunlight.
- (d) does not have a gradient steeper than 1 in 10; and.
- (e) is not used for vehicle access or parking.

A2

Multiple dwellings wholly above ground floor level must provide private open space for each dwelling that:

(a) includes one area as per the dimensions below:

Dwelling Minimum Minimum type area depth

Studio & 8m² 2m 1 bedroom

2 10m² 2m bedroom

3+ 12m² 2.4m

- (b) is directly accessible from and adjacent to, a habitable room (other than a bedroom);
- does not contain services and fixtures, including but not limited to air-conditioner units and clothes drying, that are visible from the street;
- (d) does not have a gradient steeper than 1 in 10; and

P2

Private open space for multiple dwellings wholly above ground floor level must:

- (a) be of a size and dimensions to accommodate outdoor recreational space and the operational needs, such as clothes drying and storage, to meet the projected requirements of the occupants of the dwelling taking into account:
 - (i) the useability and accessibility of the private open space; and
 - (ii) the availability and accessibility of public open space or communal open space: and
 - (iii) the orientation of the lot to the street; and
 - (iv) the size and type of dwelling; and
- (b) include a useable area capable of serving as an extension of the dwelling for relaxation, dining, entertaining and children's play; and

Page 36 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

- (e) is not used for vehicle access (c) be located to take advantage of or parking. (c) be located to take advantage of direct sunlight; and
 - (d) be clearly defined for private use.

F3.8.2.8 Subdivision - lot size, area and frontage

Objective:

To provide for lots with appropriate area and dimensions to accommodate development consistent with the Zone Purpose.

Acceptable Solutions	Performance Criteria
A1	P1
The size of each lot must be no less than 500m ² , except where the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.	No performance criteria.
A2 The frontage for each lot must be no less than 20m except where the land is to be used for public open space or public utilities.	P2 No performance criteria

F3.8.2.9 Environmental Values

Objective:

To ensure that the design and location of buildings and works avoids, minimises, mitigates and offsets adverse environmental impacts.

Acceptable Solutions	Performance Criteria
A1	P1
The location of buildings and works must comply with the	(a) be located and designed to avoid, minimise and mitigate

Page 37 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

following: (a) be located within a building area, if shown on a sealed plan as approved under this planning scheme; (b) not encroach within the Tree Protection Zone of an individual native tree with a

- individual native tree with a diameter >25cm; and.
- (c) not require the clearing of any priority vegetation.
- impacts on natural values, having regard to: (i) the practical alternatives
- the practical alternatives with respect to the location or design of the development;
- (ii) minimising and mitigating adverse impacts on natural values; and
- (b) Offset the loss of native and/or priority vegetation in accordance with Council's Biodiversity Offset Policy (Policy No. 6.10).

F3.8.3 Development Standards for Inner Residential Zoned Land

F3.8.3.1 Residential density for multiple dwellings

Objective: To provide for inner urban densities that: (a) increase the number and density of dwellings; and (b) provide a range of dwelling types and sizes appropriate to the location; and (c) encourage efficient utilisation of residential land and services in inner urban areas. Acceptable Solutions Performance Criteria

Acceptable Solutions	Performance Criteria
A1	P1
Multiple dwellings must have a site area per dwelling of not less than 200m ² and not more than 400m ² .	Site area per dwelling may be less than 200m ² if the development contributes to a range of dwelling types and sizes appropriate to the locality.

F3.8.3.2 Building setbacks and height

Objective:
To ensure that buildings are constructed in a compact manner that is

Page 38 of 64

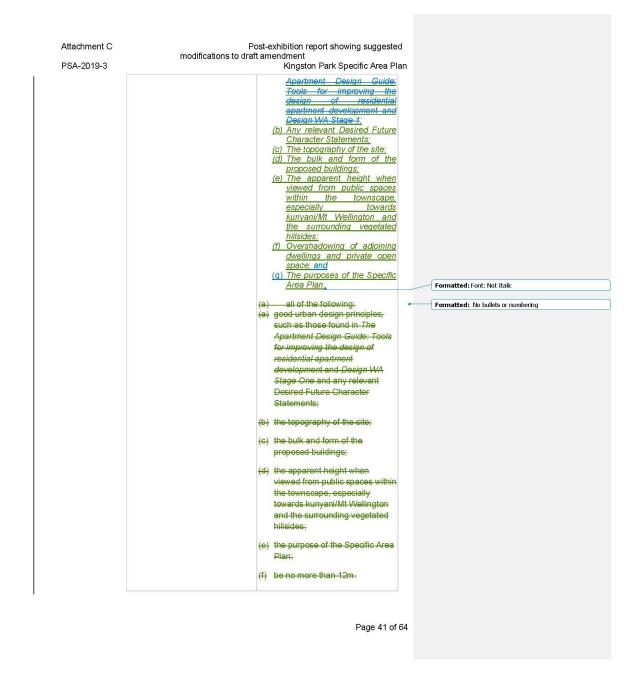
Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

best suited to this central location within Kingston. Acceptable Solutions Performance Criteria P1 A1 Single and multiple dwelling Dwelling setback from a frontage setback from a frontage must: must: (a) be a minimum of 1.8m from (a) provide transitional space the primary frontage, or, a between the road and dwelling maximum of 3m from the allowing mutual passive primary frontage if located on surveillance; and Goshawk Way or Pardalote (b) provide measures to ensure that Parade: noise generated by traffic will not (b) provide an articulation zone adversely impact on residential that allows up to 50% of the amenity. frontage to be set forward by up to 1.5m from the primary (c) not be more than 3.5m. frontage. All other buildings setback, other All other buildings setback, other than dwellings, must satisfy the than dwellings, must satisfy the following: following: (a) be compatible with the (a) be located 0 metres from a relationship of existing buildings frontage; and to the road in terms of setback (b) provide an articulation zone or in response to topography or that allows up to 50% of the other physical constraints of the frontage to be set back by up site and; to 1.5 metres; and (b) demonstrated good urban design qualities be consistent with good urban design principles, such as those found in The Apartment Design Guide. Tools for improving the design of residential apartment development and Design W/A Stage One-and any relevant Desired Future Character Statements. РЗ АЗ

Page 39 of 64

Po modifications to draf	ost-exhibition report showing suggested it amendment Kingston Park Specific Area Plan
A building for a sensitive use must have a setback from a frontage to the Southern Outlet of not less than 50 metres.	A building for a sensitive use must have a setback from the Southern Outlet that is compatible with the streetscape and desired future character and protects the amenity of residents, having regard to all of the following:
	(a) the topography of the site;
	(b) the height bulk and form of existing and proposed buildings on the site and adjacent properties;
	(c) mitigation measures to reduce traffic noise impacts;
	(d) any recommendations from an acoustics engineer or other suitably qualified person;
	(e) any written advice received from the road authority;
	(f) demonstrated good urban design qualitiesgood urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One;
	(g) any relevant Desired Future Character Statements.
A4	P4
Building height must be no more than 10 metres.	Building height must be consistent with the desired streetscape, urban form and character having regard to Building height must be consistent with the desired streetscape, urban form and character having regard to: (a) demonstrated good urban design qualities Good urban
	design principles, such as those found in The

Page 40 of 64



Post-exhibition (Fig. 2) modifications to draft amendment
Kingston Park Specific Area Plan Post-exhibition report showing suggested

PSA-2019-3 F3.8.3.3 Site coverage and private open space

Objective:

To provide for lots with appropriate area and dimensions to accommodate development consistent with the zone purpose. Acceptable Solutions Performance Criteria

A1		P1
Dw	ellings must have:	Private open space for dwellings must:
(a)	a site coverage of not more	must.
	than 65% (excluding eaves up to 0.6m); and	(a) include a usable area capable of serving as an extension of the
(h)	for wellting developes a total	dwelling for relaxation, dining,

b)	for multiple dwellings, a total area of private open space of not less than 45m2		entertaining and children's play; and
	associated with each	(b)	be located to take advantage of
	dwelling.		direct sunlight.

ge of

A2	P1
A single and multiple dwelling must have an area of private	Private open space for a single and multiple dwellings must:
open space that: (a) is in one location and is at	(a) include a usable area capable of serving as an extension of the

is in one location and is a	3
least 20m2; and	dwelling for relaxation, dining, entertaining and children's play;
has a minimum width of 3 metres; and	and

(d) is directly accessible from and adjacent to, a habitable room (other than a bedroom); and	(b) be located to take advantage of direct sunlight.
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(e) does not have a gradient steeper than 1 in 10; and (f) is not used for vehicle access or parking.

F3.8.3.4 Passive surveillance

Page 42 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

Objective:

To ensure that building design contributes positively to public amenity and safety.

Acceptable Solutions	Performance Criteria
A1	P1
Building design must provide fo surveillance of public spaces, including the street, services an car parking by satisfying all of the following:	d
(a) locate windows to overlook the street, laneway and othe public spaces;	er
 (b) design and locate main entrances on a street to provide high visibility for users; 	
 (c) provide clear sight lines between a building and adjacent properties and public land; 	
(d) locate external lighting to illuminate otherwise shaded or dark locations;	
(e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces.	

F3.8.3.5 Vehicular access and driveways

Objective:

To ensure that road accesses and communal driveways provide safe and efficient access for all users, and do not unreasonably detract from the amenity of adjacent dwellings or streetscape.

Page 43 of 64

PSA-2019-3

modifications to draft amendment
Kingston Park Specific Area Plan Acceptable Solutions Performance Criteria A1 Accesses must comply with the Accesses must be located and following design to: (a) Comply with Figure F3.2 if for (a) Lots abutting a rear laneway a lot abutting a rear laneway. Formatted: Font: must be accessed via the (a) to not have an unreasonable rear laneway with a width of impact on the streetscape or no less than 6 metres (refer amenity of adjoining land. No to Figure 3.2); and performance criteria. (b) Lots with a frontage width of greater than 8 metres but less than 15 metres must locate their road access adjacent to the adjoining lot, to allow for a double crossover shared by two properties. A2 Communal driveways for villa An assessment must be provided prepared by a suitably qualified units and townhouses must person that confirms that a include a passing bay which: communal driveway for villa units (a) is a minimum 6 metres long and townhouses is safe, efficient and 5.5 metres wide from the and convenient, that: edge of the pavement if the communal driveway is a (a) avoids conflicts between users single lane and: including vehicles, cyclists and pedestrians; and serves more than 5 car (b) is suitable for the type and parking spaces; or volume of traffic likely to be is more than 30 metres generated; and long; or (c) provides ease of access for all meets a road designed regular users. to carry more than 600 vehicles per day; and (b) tapers to the width of the remaining communal driveway; and (c) is provided at intervals no

Post-exhibition report showing suggested

Page 44 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

greater than 30 metres.	
A3	P3
Dwellings with vehicular access via a communal driveway must be provided with on-site turning to enable vehicles to enter and exit a site in a forward direction.	An assessment prepared by a suitably qualified person must be provided that demonstrates vehicular access to and from villa units and townhouses via a communal driveway is safe, efficient and convenient that:
	(a) avoids potential conflicts betweer users including vehicles, cyclists and pedestrians; and
	(b) avoids unreasonable interference with the flow of traffic on adjoining roads; and
	(c) is suitable for the type and volum of traffic likely to be generated; ar
	(d) provides ease of access for all regular users.
A4	P4
Communal driveways that serve 10 or more dwellings must have a separate pedestrian path with a minimum width of 1.2 metres.	For villa units and townhouses, an assessment prepared by a suitably qualified person must confirm that pedestrian access between roads and individual dwellings is safe and avoids potential conflicts between pedestrians and vehicles.

F3.8.3.6 Landscaping - dwellings

Objective:

To ensure that residential interfaces provide attractive landscaping treatments that complement the character of the surrounding streetscape.

Acceptable Solutions	Performance Criteria

Page 45 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment

Kingston Park Specific Area Plan PSA-2019-3 A1 Landscaping must be provided to No performance criteria. satisfy the following: (a) enhance the appearance of the development; and (b) provide for passive surveillance; and (c) provide a range of plant height and forms to create diversity, interest and amenity; and (d) not create concealed entrapment spaces; and (e) demonstrated good urban design qualitiesbe consistent with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character

F3.8.3.7 Frontage fences

Objective:

To ensure that the height and design of frontage fences enhance the streetscape and provide adequate privacy for residents, while still allowing for mutual passive surveillance of the road and dwelling.

Acceptable Solutions	Performance Criteria	
A1	P1	
The maximum height of fences	Fences must be designed to:	
on or within 4.5 metres of a frontage must be 1.2 metres.	(a) be no more than 1.6 metres in	

Page 46 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment

Kingston Park Specific Area Plan PSA-2019-3 height; (b) provide for security and privacy of residents while allowing for mutual passive surveillance of the road; and (c) take account of the prevailing height, design and character of neighbouring fences; and (d) provide a minimum 50% transparency above 1.2 metres, unless to attenuate noise from high volume traffic; and (e) demonstrated good urban design qualitiesbe consistent with streetscape qualities and urban design principles, such : those found in The Apartment Design Guide: Tools for improving the design of residential apartment Stage One.

F3.8.3.8 Siting and width of garages and carports for dwellings

Objective: To ensure that the location and size of garages or carports for dwellings do not dominate the façade of the dwelling or the streetscape; do not restrict mutual passive surveillance of the road and dwelling; and provides for safe vehicular access to and from the site.

Acceptable Solutions	Performance Criteria
A1	P1
Multiple dwellings with a frontage of 8 metres or greater must have a maximum total width of garage or carport openings facing the primary frontage of 6 metres or	No performance criteria.

Page 47 of 64

Post-exhibition report showing suggested modifications to draft amendment

Kingston Park Specific Area Plan

half the width of the frontage, whichever is the lesser, except for lots with a frontage width of less than 8 metres, where no road access or garage facing the primary road frontage is permitted.

A2

The siting and design of garages No performance criteria. and carports for single and multiple dwellings must:

- (a) not dominate the frontage of the lot through location and visual bulk; and
- (b) retain mutual passive surveillance between the dwelling and road; and
- (c) provide for safe vehicular movements between the road and site; and
- (d) demonstrated good urban design qualitiesbe consistent with good urban design principles, such as those found in The Apartment Dosign Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.

F3.8.3.9 Residential Density for Multiple Dwellings

Objective:

To provide for inner urban densities that increase the density of dwellings and encourage the efficient utilisation of residential land and services in an inner urban area that is consistent with the purpose of

Page 48 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

Acceptable Solutions	Performance Criteria	
, toooptable columns	Torromanos Omoria	
A1	P1	
Multiple dwelling development must have a density of no greater than 1 dwelling per 120m².	Dwelling density can be increased where it can be demonstrated that the development can accommodate	
	(a) the required amount of private open space per dwelling; and	
	(b) a demonstrated ability to meet car parking requirements; and	
	(c) there is negligible impact through overlooking or overshadowing both within and to adjacent sites.	

F3.8.3.10 Subdivision - lot size, area and frontage

Objective:	
To provide for lots with appropriate accommodate development consi	
Acceptable Solutions Performance Criteria	
A1	P1
The minimum lot size per single dwelling must be 150m2.	No performance criteria.
A2	P2
The frontage for each lot must be no less than 6.5 metres.	The frontage of each lot must be sufficient to accommodate development consistent with the Zone Purpose, having regard to good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design WA Stage One</i> and any relevant Desired

Page 49 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

Future Character Statements.

F3.8.3.11 Environmental Values

Objective:

To ensure that the design and location of buildings and works avoids, minimises, mitigates and offsets adverse environmental impacts.

Acceptable Solutions	Performance Criteria
A1	P1
The location of buildings and works must comply with the following: (a) be located within a building area, if shown on a sealed plan as approved under this planning scheme; (b) not encroach within the Tree Protection Zone of an individual native tree with a diameter >25cm; and. (c) not require the clearing of any priority vegetation.	(a) Be located and designed to avoid, minimise and mitigate impacts on natural values, having regard to: (i) the practical alternatives with respect to the location or design of the development; (ii) minimising and mitigating adverse impacts on natural values; and (b) Offset the loss of native and/or priority vegetation in accordance with Council's Biodiversity Offset Policy (Policy No. 6, 10).

F3.8.4 Development Standards for Community Purpose Zoned Land

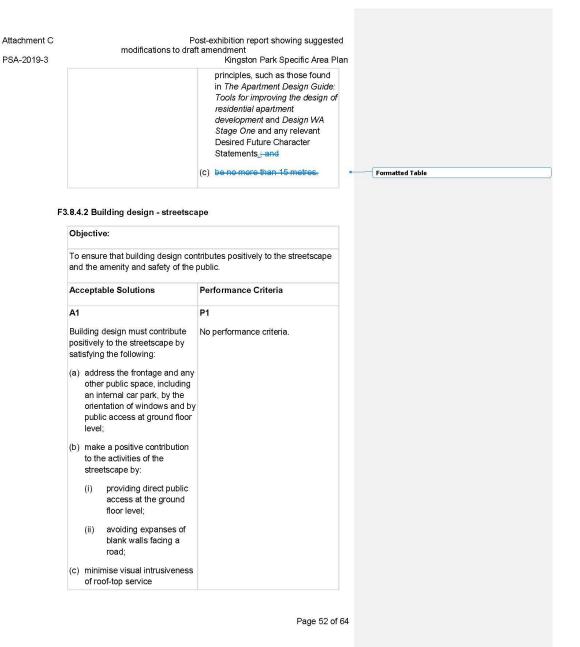
F3.8.4.1 Building setbacks and height

Objective:	
To ensure that buildings are cons best suited to this central location	tructed in a compact manner that is within Kingston
Acceptable Solutions	Performance Criteria
A1	P1
Buildings must have setbacks from frontages that are sufficient	No performance criteria.

Page 50 of 64

	modifications to draf	Kingston Park Specific Area F
prov Iano	nhance the streetscape, vide adequate space for dscaping and vehicle access have regard to the following:	
(a)	actively promote integration with adjacent pedestrian town promenade;	
(b)	maintain visual sight lines for safe traffic and pedestrian movement;	
(c)	must be predominantly glazed and avoid blank walls;	
(d)	take into consideration the characteristics of the site, essential supporting infrastructure, adjoining lots and the locality;	
(e)	ensure residential uses at ground level do not face the frontage; and	
(f)	be consistent with good urban design principles, such as those found in <i>The Apartment Design Guide: Tools for improving the design of residential apartment development</i> and <i>Design WA Stage One</i> and any relevant Desired Future Character Statements.	
A2		P2
	lding height must be no more n 10 metres.	Building height must be no more than 15 metres and must-satisfy the following: (a) minimise impacts upon the amenity of adjacent properties
		through overshadowing and reflectivity; and
		(b) be consistent good urban design

Page 51 of 64



Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

infrastructure, including service plants and lift structures, by integrating them into the roof design, with consideration of greenroofs where appropriate;

- (d) provide compatible footpaths with adjoining public footpaths;
- (e) screen outdoor storage from public view; and
- (f) be consistent with good urban design principles, such as those found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.

F3.8.4.3 Passive surveillance

Objective:

To ensure that building design contributes positively to the amenity and safety of the public.

Acceptable Solutions	Performance Criteria
A1	P1
Buildings design must provide for surveillance of public spaces, including the street, services and car parking by satisfying the following:	No performance criteria.
(a) locate windows to overlook the street and other public spaces;	

Page 53 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

- (b) design and locate main entrances to provide high visibility for users;
- (c) provide clear sight lines between a building and adjacent properties and public land;
- (d) locate external lighting to illuminate otherwise shaded or dark locations;
- (e) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;
- (f) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;
- (g) provide well lit car parking areas designed to make use of sight lines to benefit from passive surveillance.

F3.8.4.4 Landscaping

Objective:

To ensure that a safe and attractive landscaping treatment enhances the appearance of the site.

Acceptable Solutions	Performance Criteria
A1	P1
Landscaping must be provided, unless the building has nil setback to frontage, to satisfy the following:	No performance criteria.
(a) enhance the appearance of	

Page 54 of 64

Post-exhibition report showing suggested modifications to draft amendment
Kingston Park Specific Area Plan

PSA-2019-3

(b) provide a range of plant height and forms to create diversity, interest and amenity;

the development;

- (c) not create concealment or entrapment spaces;
- (d) be consistent with good urban design principles, such as those found in *The Apartment Design Guide: Tools for improving the design of residential apartment development* and *Design WA Stage One* and any relevant Desired Future Character Statements.

F3.8.4.5 Subdivision - lot size, area and frontage

Objective:

To provide for lots with appropriate area and dimensions to accommodate development consistent with the Zone Purpose.

Acceptable Solutions	Performance Criteria
A1	P1
The size of each lot must be no less than 120m2 except where the land is to be used for public open space or public utilities then the size of any new lot is to be designed to suit the proposed purpose and site characteristics.	No performance criteria.
A2	P2
The frontage for each lot must be no less than 5 metres except where the land is to be used for public open space or public	No performance criteria.

Page 55 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment

PSA-2019-3 Kingston Park Specific Area Plan

utilities.

F3.8.5 Development Standards for Open Space Zoned Land

F3.8.5.1 Building setbacks and height

To ensure that building location and height contributes positively to the streetscape.		
Acceptable Solutions	Performance Criteria	
A1	P1	
Buildings must have setbacks that are: (a) no less than 20 metres from the frontage with Goshawk Way and Huon Highway, and	Buildings must have setbacks from frontages that are sufficient to enhance the streetscape, provide adequate space for vehicle access, parking and landscaping having regard to the following:	
(b) no less than 5 metres from the frontage with any other road, except for land used for car parking.	(a) the site's area and dimensions; (b) the characteristics of the site, adjoining lots and the locality; (c) demonstrated good urban design qualitiesbe consistent with good urban design principles, such as these found in The Apartment Design Guide: Tools for improving the design of residential apartment development and Design WA Stage One and any relevant Desired Future Character Statements.	
A2 Building height must be no more than 5 metres.	P2 Building height must satisfy the following: (a) contribute positively to the visual amenity of the area; (b) be compatible with the scale of nearby buildings or vegetation;	

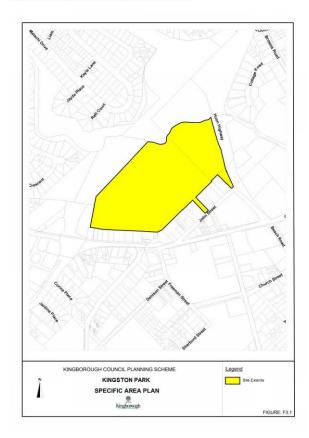
Page 56 of 64



Page 57 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment
PSA-2019-3 Kingston Park Specific Area Plan

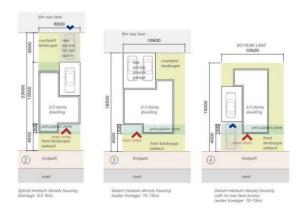
Figure F3.1 Kingston Park Specific Area Plan



Page 58 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment
PSA-2019-3 Kingston Park Specific Area Plan

Figure F3.2 Vehicular access and driveways



15.1.3 Desired Future Character Statements

Des	sired Future Character Statements	lmp	plementation Strategy
KIN	IGSTON		
(a)	The future development of Kingston Park should generate increased community activity and business interest within central Kingston.	(a)	The development model for this site should be exciting, vibrant and futuristic. It should fit within an overall planning framework that provides for an integrated and coordinated mix of uses.

22.1.3 Desired Future Character Statements

Desired Future Character Statements		Implementation Strategy	
KIN	IGSTON	1	
(a)	Central Kingston should be further developed and improved so that it is a pleasant destination, and is characterised by attractive public spaces and a modern	(a) The redevelopment of significant land parcels (such as Kingston Park) and public streetscapes will be based on contemporary urban planning techniques	

Page 59 of 64

Attachment C Post-exhibition report showing suggested modifications to draft amendment

Kingston Park Specific Area Plan PSA-2019-3

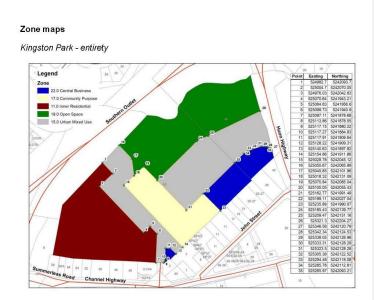
urban design.

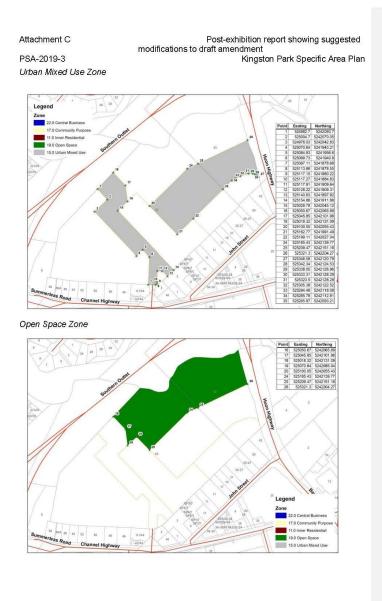
- (c) Car parking needs are to be met in a manner that allows for active streetscape functions, pedestrian safety and convenient locations.
- that meet long term community needs.
- (b) Central Kingston will be developed so that visitors are able to access the area and move about in a safe and efficient manner. (b) Traffic modelling will be required to ensure efficient movement and physical infrastructure will be provided to best meet the needs of vehicles, cyclists and pedestrians.
 - (c) Car parking areas are not to face immediately onto streets within central Kingston and should be designed so that common areas are provided behind, under or above buildings facing the street.

Incorporated Documents

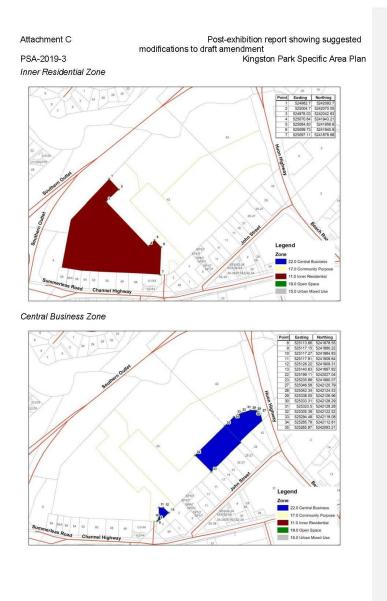
Incorporated Documents				
Document Title	Description	Date		
Margate Marina Master Plan	prepared by Smartgrowth, Integrated Architecture & Urban Design	July, 2004		
Wellington Park Management Plan 2013	published by Wellington Park Management Trust	December, 2013		

Page 60 of 64

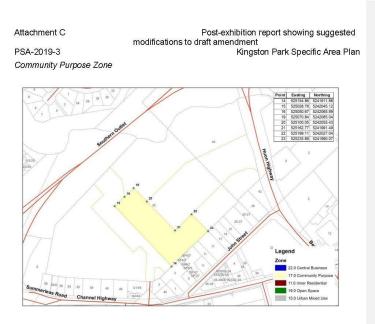




Page 62 of 64



Page 63 of 64



Page 64 of 64

13.4 CONSENT TO LODGEMENT OF APPLICATION FOR A NON HABITABLE BUILDING OUTSIDE THE BUILDING ENVELOPE AT 6 DERWENT AVENUE MARGATE

File Number: 2620238

Author: Vicky Shilvock, Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

1 PURPOSE

- 1.1 The purpose of this report is for Council to consider granting consent, in accordance with the covenant on Sealed Plan No. 143030 to enable the construction of an outbuilding outside the building envelope on Lot 8 of Sealed Plan No. 143030 known as 6 Derwent Avenue, Margate. See Attachment 1.
- 1.2 The landowner proposes to construct an outbuilding (garage) outside the abovementioned building envelope to the west by an additional 6 metres to accommodate a 8m x 15m Colorbond garage for the purposes of residential storage and vehicle parking.

2 BACKGROUND

- 2.1 The subject land forms part of the residential settlement of Margate and was part of a previous residential subdivision which took place in 2005.
- 2.2 The subject site is located between the Channel Highway and Northwest Bay on a flat area of mostly cleared paddocks in a small residential area zoned Rural Living Area A. The Baretta Waste Disposal Site is located to the west within 500 metres of the subject site and to the northeast there is an area of land along Gemalla Road zoned Light Commercial which contains several fish processing facilities. The property adjacent to the west (Lot 9) is a residential lot containing a single dwelling and zoned Rural Living. Directly to the east the land is also zoned Rural Living and contains a commercial essential oil storage facility.
- 2.3 In 2003 under DAS 2003-25 approval was given for the subdivision of ten lots. Lot 8 (1.218ha) and Lot 9 (1.094ha) on SP143030 were created and it was during the course of the assessment that a building envelope through a covenant was placed on the titles to provide a buffer zone between residential land and the activities of the Gemalla Road light industrial zoned area, specifically to address activities associated with the use including noise and odour.
- 2.4 It was also considered that Lots 8 and 9 had poor drainage, were 'low lying' and runoff from the Channel Highway could exacerbate issues of ponding within the northern portion of the lots. By placing a building envelope on the title and creating a drainage easement along the northern boundary concerns over drainage and amenity issues would be addressed. The covenant is as follows:
 - 1. Not without the consent of Kingborough Council to undertake the construction of any building other than within the area on the Plan labelled ABCD and ABCDE on such Lots.
- 2.5 The titles were issued on 21 June 2005. The building areas of the approved lots are shown in Attachment 1.

2.6 A development application for an outbuilding (garage) residential building on Lot 8 was received in November 2019 (DA 2019-617) and Council staff have been working with the Applicant to address the limitations of the site, namely the building envelope restriction on the title. The applicant has submitted this request for consent to building outside the envelope to enable the development application to be progressed.

3 STATUTORY REQUIREMENTS

- 3.1 The Certificate of Title prevents a building from being erected outside the building envelope without the prior consent of the Kingborough Council.
- 3.2 Section 94(5)(b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* provides that:
 - "(5) When a plan has taken effect a person must not –
 - (a); or
 - (b) contravene a restriction on the use of land shown on the plan."

A fine not exceeding 10 penalty units may apply to a contravention of this section

3.3 Therefore prior to Council, as a Planning Authority, processing a development application outside the building envelope, a decision must be made whether to grant consent in accordance with the requirements of the covenant on the title.

4 DISCUSSION

- 4.1 The subdivision that created the subject site was approved under the *Kingborough Planning Scheme 2000* which is a different planning scheme to that which Council currently administers.
- 4.2 Under the Kingborough Interim Planning Scheme 2015 (the Scheme) a proposed residential outbuilding development would have a no permit required use status. However, as the subject site is located within an area which contains several overlays including Bushfire Prone Area and Attenuation Codes, the application for a residential development does not meet the acceptable solutions of the codes of the Scheme. Therefore the application for a residential development is a discretionary application and is subject to advertising.
- 4.3 The covenant restricting the construction of a building outside the building envelope on the title was required by Council at the time of the assessment of the subdivision application under the previous planning scheme and its restriction remains in place.
- 4.4 The subject land is located partially within the specified attenuation distance for both the adjacent Baretta Waste Disposal Site to the west and fish waste plant on Gemalla Road to the north east The planning scheme requires the following attenuation distances:
 - Barretta Waste Disposal Site 500m
 potential odours, noise, dust and vermin.
 - Fish waste plant 100m potential odours and noise.

The building envelope is located on the southern end of the lot and outside of the attenuation distances for the fish waste plant. However, it cannot meet the requirements for separation distances from the Barretta Waste Disposal Site.

- 4.5 The subject lot was purchased with this covenant in place; and in 2009 approval was given (DA2019-369) for the construction of a single storey, three bedroom, three bathroom residential building located mostly within the building envelope, except for a terrace and portion of the dwelling roof. See Attachment 2.
- 4.6 The building envelope size, shape and orientation within the Lot only provides for a single dwelling without any provision for future development of outbuildings or extensions. See Attachment 2.
- 4.7 Building an outbuilding within the limitations of the existing building envelope would result in the outbuilding being within 6 metres of the residential dwelling and trigger the requirement for a Bushfire Attack Level (BAL) assessment, resulting in substantially increased costs to the owner. BAL assessments were not required in 2005 when the title and building envelope covenant was created.
- 4.8 The design and siting of the outbuilding to the west of the dwelling would reduce additional driveway construction costs from Derwent Avenue. Siting the outbuilding to the rear of the lot (north) would move it closer to the fish waste plant and require further site works due to the topography of the site being lower and wetter in winter with several drainage issues.
- 4.9 Siting the proposed outbuilding adjacent to the west of the dwelling ensures that the requirements of the fish waste plant attenuation distances are met and would further mitigate any noise or odour from the adjacent fish waste plant and associated works 200 metres to the northeast.
- 4.10 The proposed location for the outbuilding (to the west of the dwelling) is at the highest elevation of the property and less susceptible to drainage issues.

5 FINANCE

5.1 There are no financial implications for Council.

6 RISK

6.1 There are no likely risks to Council.

7 CONCLUSION

- 7.1 The Council's approval or otherwise is required under the covenant to enable an existing development application to be considered against the provisions of the Scheme. The Council therefore has two choices as follows:
 - (a) Grant consent under the covenant on the title to the residential outbuilding outside the building envelope marked on the Sealed Plan and allow the development application to be assessed on its merits in accordance with the requirements of the Kingborough Interim Planning Scheme 2015.
 - (b) Refuse to grant consent under the covenant on the title to the residential building outside the building envelope marked on the Sealed Plan and thereby restrict the location of a habitable building only as originally intended by the conditions on the subdivision.

8 RECOMMENDATION

That Council:

(a) determine to grant consent under the covenant on Sealed Plan No.143030 to allow a development application, under the provisions of the *Land Use Planning and*

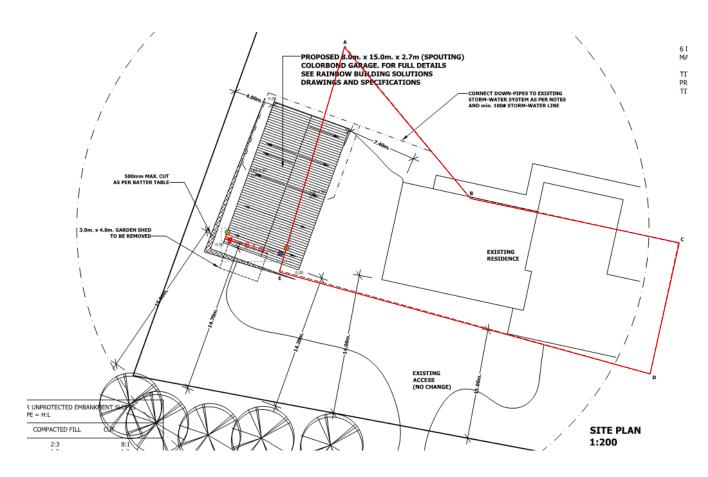
Approvals Act 1993 and the Kingborough Interim Planning Scheme 2015, to be considered for a non-habitable building to be constructed outside the building envelope on Lot 8; generally in accordance with the plan shown in Attachment 2; and

(b) note that this consent does not imply approval for the development which will be subject to an assessment of the application under the above Act and planning scheme.

Registered Number PLAN OF SURVEY OWNER. WESTWOOD PROPERTIES PTY LTD ANNEXURE SHEET FOLIO REFERENCE, CT 140495 / 1 SP 143030 SHEET 1 OF 4 SHEETS SCALE 1: 1250 LENGTH IN METRES THIS ANNEXURE SHEET FORMS PART OF THE ATTACHED INDEX PLAN. THE SLAVEYORS CERTIFICATE EXTENDS TO THE DETAILS ON THIS SHEET SIGNED FOR IDENTIFICATION PURPOSES Wille Mismit.
Registered Land Surveyor 23.5-65 6/12/2004 Date Recorder of Titles Council Delegate (SP 129730) (P 140585) 100 131.53 100'48'20" 71.63 DRAINAGE 100"48"20" 81.30 00* EASEMENT LOT 10 1.241 ha LOT 9 1.084 ha LOT 8 1.218 ha 280'46'40 - 13 / - 41-50 / 6 LOT 7 100 35.12 D 91.12 (3.00) DERWENT LOT 6 (0.55)HIGHWAY LOT 5 (SP 134 200) AVENUE (SP 138716)

Attachment 1: SP143030 showing Lot 8 building envelope

Attachment 2: Lot 8 showing building envelope and proposed outbuilding



PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at

14 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

The following Notices of Motion were submitted by **Cr Cordover**:

14.1 Free Green Waste Weekends

That Council officers will prepare a report outlining options and costs for additional free green waste days or a green waste voucher system.

Background

Only 2% of land within the Kingborough municipality is owned by Council. Private property owners make up the majority share of Council land. The accumulation of combustible organic material on private properties constitutes a bushfire hazard.

At the Tinderbox/Howden bushfire preparedness event on 13 November 2019, and again at the Kingborough Council AGM on 7 December 2019, community members asked about the possibility of implementing additional Council-subsidised free green waste days at our waste management facilities. It was argued that by not having enough free green waste days in the lead up to summer, some residents may not reduce the fuel load on their properties to the extent they otherwise would have if additional free green waste days were made available. If true, this represents an increased bushfire risk in the municipality as fuel loads will be stockpiled on private properties.

Discussion:

Additional free Green Waste days would help provide a financial incentive for community members to reduce fuel load on their properties. The next free green waste weekends are scheduled for Bruny Island Waste Transfer station on 25 and 26 January 2020 and Barretta Waste Management Facility on 25 and 26 April 2020.

If Council were to pay for additional free Green Waste weekends, this subsidy would result in an opportunity cost to other Council budget items. Some community members argue that minimising bushfire risk on private property is a community service which has some quantifiable value that could offset the investment in additional free green waste days.

The disadvantage to free green waste days is that they occur at a fixed and inflexible time. Green waste vouchers, however, would provide flexibility to dispose of large quantities of green waste at a convenient time.

Voucher systems for green waste are currently used in other local government areas around the country. For example, in Nillumbik Shire Council in Victoria, Green Waste vouchers are provided with rates notices. When a ratepayer drops off green waste to their local waste management facility, if they bring their Rates notice with them, an attendant can scan a QR code on the rates notice that is unique to each property so that they can redeem their voucher at any time throughout the year. According to

their website, in Nillumbik Shire, the green waste voucher system contains the following entitlements:

- Property owners of a dwelling receive three vouchers
- Property owners can provide their vouchers to tenants to use
- Property owners who use a contractor can give their vouchers to the contractor to use
- One voucher must be used for one cubic metre of green waste, this is a slightly heaped 6 x 4 sized trailer load. Load size will be assessed by attendant
- Vouchers are only for residential, not commercial green waste
- Vouchers are not redeemable for cash or refund.

Officer's Response:

Council officers can prepare a report on this matter, however the following information is provided to assist with the decision making on the motion:

- Kingborough Council currently undertakes two "free green waste" weekends for residents. The timing of the weekends can vary each year but generally the aim is to target times when the generation of green waste is the highest. Council will also be moving to a fortnightly green waste service on 1 July 2020.
- Cost for Council to provide "free green waste" weekends is approximately \$34K or \$17K per weekend.
- Other nearby Councils offer the following:

Hobart CC

5 Free green waste week-ends per annum: January, February, August, November and December. They also offer to eligible properties a food organics collection service.

o Glenorchy CC

2 Free green waste week-ends per annum: October and December. They also offer to eligible properties a food organics collection service.

Clarence CC

Clarence does not provide free green waste week-ends to residents but they have a kerbside green waste service for all properties.

Huon Valley

- 2 Free green waste week-ends per annum: April and September.
- Vouchers are used by some mainland Councils for green waste, however, this type of blanket coverage can have some significant cost implications. As an

example, for Kingborough Council based on approximately 17,500 properties with \$10 being the charge for disposal of 100kg of green waste, the foregone revenue could be as high as \$175K per annum for one voucher per property.

David Reeve - Executive Manager Engineering Services

14.2 Joining the Cities Power Partnership

That Council supports and authorises the Mayor to sign up to the Cities Power Partnership (CPP).

Background

The Cities Power Partnership is a free national program that exists to celebrate and accelerate the emission reduction/clean energy future. It is a coalition of mayors, councils and communities who are seeking to encourage a sustainable, non-polluting energy future. It is the largest climate action program for local government in the country.

Discussion:

By signing up to be a 'Power Partner', Kingborough Council would be joining Northern Midlands, Glamorgan Spring Bay, Brighton and Huon Valley councils as the fifth municipality in Tasmania to join the Cities Power Partnership as a natural extension to our declaration of a climate and biodiversity emergency.

In Kingborough Council's Climate Change Plan 2019-2024, a key principle is to "Work cooperatively with other Councils and the Tasmanian Government to ensure that roles and responsibilities are appropriate and duplication is minimised" and to "Ensure that Kingborough is well placed to benefit from economic and development opportunities." Joining the Cities Power Partnership will support these key principles and further develop Kingborough's position as a climate leader and inspiration to other councils.

The benefits of joining include resource and knowledge sharing with other partners as well as associated positive public relations opportunities. This knowledge sharing includes support with applications for project funding, third party grants and renewable energy incentives as they become available.

Partner members in this programme have 6 months to select 5 key actions from the partnership pledges ranging from renewable energy, efficiency, transport and advocacy. They must identify a point of contact within the council who will liaise with the Climate Council and work to implement their actions. Pledges are submitted by each partner and profiled online.

For example, Huon Valley Council's 5 key actions are:

- Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support uptake of electric vehicles
- Provide fast-charging infrastructure throughout the city at key locations for electric vehicles
- Adopt best practice energy efficiency measures across all council buildings, and support community facilities to adopt these measures

- roll out energy-efficient lighting (particularly street lighting) across the municipality
- Install renewable energy (solar PV and battery storage) on council buildings for example childcare facilities, libraries, street lighting, recreation centres, sporting grounds, and council offices

Finance:

As this is a free program, there are no immediate impacts on the current operational budget.

Environment:

There are no environmental issues associated with joining this program. Any activities undertaken as part of the program will serve to improve environmental outcomes in the community.

Risk:

There is a potential public relations risk if council is unable or unwilling to participate in developing and implementing 5 key actions. This risk is mitigated by the fact that council is already undertaking a number of activities which could be included as part of the Council's action plan. The Cities Power Partnership website explicitly states that "many trailblazing cities who are already leading will have some of their existing initiatives counted towards their power partnership pledge."

Conclusion:

Kingborough Council already plays a leading role in being a responsible steward for the climate as evidenced by our declaration of a climate and biodiversity emergency, the inclusion of section 1.4 in our Strategic plan 2020-2025 and various policies and initiatives. Signing up to the free Cities Power Partnership is a logical next step in demonstrating to the community that we take climate action seriously and will help provide the knowledge, resources and tools to be more effective than if we were working alone.

Officer's Response:

The Kingborough Climate Change Plan (2019 to 2024) (Plan) was endorsed by Council in March 2019 through the following motion:

"That the Kingborough Council Climate Change Plan (2019 to 2024) be endorsed with resourcing of actions subject to annual budget deliberations."

The emphasis within the plan was in accordance with the climate change approach undertaken by Kingborough for over 10 years targeting the 3 key categories of action that are essential; these being:

- Climate Change Strategic Management;
- Energy and Greenhouse Gas Management; and
- Climate Change Adaptation.

On the Cities Power Partnership website it is indicated that:

"TACKLING CLIMATE CHANGE

Local councils who join the partnership make five action pledges in either renewable energy, efficiency, transport or working in partnership to tackle climate change."

It appears that the emphasis of the program is on climate change mitigation and whilst this is an important component of a climate change response it is not going to lead to the "tackling of climate change" in Kingborough given the dire modelling of potential climate change impacts for key communities; for example at Kingston Beach, Snug and Adventure Bay.

It is highlighted in a report on the current council meeting agenda (Notice of Motion moved at Kingborough Council Annual General Meeting held on 7 December 2019 – climate change resourcing) that due to budget constraints in the 2019/20 financial year a number of actions in the Kingborough Climate Change Plan will not be completed.

As indicated in the Notice of Motion Kingborough has acknowledged that a climate change and diversity emergency currently exists. It is respectfully suggested that adding a layer of administrative requirements by joining the Cities Power Partnership will not meaningfully advance Kingborough's climate change response given existing resourcing availability.

Jon Doole - Manager Environmental Services

15 PETITIONS STILL BEING ACTIONED

The petition headed 'New Hydra-Therapy Swimming Pool Similar to Beach Road Orchard Pool in Margate' will be brought to a future Council meeting.

16 PETITIONS RECEIVED IN THE LAST PERIOD

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

17 OFFICERS REPORTS TO COUNCIL

17.1 KINGSTON PARK PLAYGROUND

File Number: 12.20

Author: Tony Ferrier, Deputy General Manager

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.2 Infrastructure development and service delivery are underpinned

by strategic planning to cater for the needs of a growing

population.

1 PURPOSE

1.1 This report responds to a Motion that was moved and carried at the 7 December 2019 Annual General Meeting of Council.

2 BACKGROUND

- 2.1 At the Annual General Meeting (AGM) of Council held on 7 December 2019, the following motion was moved by Tricia Ramsay and seconded by John McDonald:
 - (i) Future community consultation processes associated with potential new facilities or services be supported by a business case that documents full financial disclosures and impacts.
 - (ii) Information contained in future Draft Budget community consultation include dedicated line items in the financial statements detailing all projects to be funded by loans.
 - (iii) The Community Communications Strategy and the Community Engagement Framework be revised to incorporate values that ensure accountability, honesty and openness when communicating with the public, as well as best practice principles that ensure all consultation is underpinned with ethically motivated content.
 - (iv) Council strictly adheres to provisions in its Long Term Financial Plan, unless it can demonstrate wide-spread community support of at least 55% of municipal ratepayers for a particular project.
- 2.2 The motion was carried 18-6 by those electors present within the public gallery.

3 STATUTORY REQUIREMENTS

3.1 Under Sec.72B(6) of the *Local Government Act 1993* a motion passed at an AGM is to be considered at the next meeting of Council.

4 DISCUSSION

- 4.1 In regard to (i) above, Council consults with the community on many matters that involve the potential provision of new public facilities or services. The information that is provided in each case usually includes the cost (or a preliminary estimate) to construct the facility or provide the service. The detailed information included within a full business case is not normally expected by the community and would be often quite unnecessary. All of the services and facilities provided by Council are for public or community purposes (eg a new public toilet block, or a playground or the introduction of a new green waste collection service) and do not have an economic return that can be measured. Council primarily considers community benefit, together with value for money in determining whether to proceed. This is often a subjective judgement that Council must make within the context of other competing claims.
- 4.2 It is also relevant to note that Council does prepare internal business cases for new projects according to a standard template, as a means of defining their scope and ensuring all potential costs are considered (both up-front and ongoing). This template also considers the implementation process, benefits, risks and governance.
- 4.3 While not referred to in the motion, it is understood that it was initiated by concerns about the funding (extent of borrowings) for the Kingston Park playground. In that regard, it should be noted that this playground is an integral part of the whole Kingston Park project and cannot be separated out as an individual component and assessed on its own from a financial feasibility perspective. The revenue required to fund the construction of this playground is to come from the sale of land from within the Kingston Park precinct. The playground is a critical component within the overall development plan which was assessed as being economically viable and has been adopted by Council.
- 4.4 It is acknowledged that the public should know the financial implications of any new public facility or service. It may well be that many people would like to have the new facility or service but "not if it is going to cost that much". This type of information is already provided by Council. Ultimately though the decision rests with Council as part of the budget management process and the responsibility rests with the elected Council.
- 4.5 In regard to (ii) above, it would be possible to show in each Annual Budget whether a proposed new facility is to be primarily or partly funded by an external loan. All loan revenue is already being reported as part of these Budgets.
- 4.6 In regard to (iii) above, Council is currently revising the Corporate Communications Policy and Strategy to include similar engagement practices and values as proposed in the motion. These values are currently captured across separate documents, however it is agreed that they should be incorporated within the new overarching policy to apply to all communications and engagement. The new Policy and Strategy will be presented to Council in late January.
- 4.7 In regard to (iv) above, Council would very rarely deviate from the Long Term Financial Plan (LTFP). This would only occur following the production of a report to Council that considers all of the relevant factors and it would be a decision to be made by the Council. It is not a matter that requires a plebiscite from the public. Council is elected to make such decisions.

- 4.8 In any case, the suggestion that 55% of all municipal ratepayers be required to support any deviation from the Long Term Financial Plan is unachievable. Kingborough barely gets that number to vote in a Council election. A proposal to deviate from the LTFP is not likely to generate anywhere near that level of public interest.
- 4.9 It should also be noted that the Kingston Park project is accommodated within Council's LTFP. Expenditure on the Kingston Park project is not contrary to the LTFP.

5 FINANCE

5.1 If this motion is fully supported by Council (particularly part (i)), then it will be necessary to produce formal business cases for public scrutiny for every new facility or service that is to be provided. This would be a significant imposition on existing resources and be very costly and inefficient (more staff required and delayed processes). In any case, and as explained above in 4.1 – 4.4, such an activity is not warranted.

6 ENVIRONMENT

6.1 There are no environmental issues to consider in regard to this matter.

7 COMMUNICATION AND CONSULTATION

- 7.1 Council already conducts a great deal of community consultation into new facilities and services (see Council's website for recent examples), and there is evidence of Council responding positively to the views expressed by most people. This public consultation is valuable in informing Council of the public needs and desires. Wherever possible, Council provides financial information in order to ensure that an informed response is obtained. This is in the best interest of both the Council and the community.
- 7.2 Feedback will be provided to the mover of the motion in regard to the decision of Council as a result of this report.

8 RISK

- 8.1 The risks associated with this motion are that, if fully approved as is, Council will incur additional operational costs that would need to be funded either by a reduction in other services or by rate increases. The production, exhibition and explanation of many new business cases would be a costly exercise.
- 8.2 The other component of the motion that has a degree of risk is a requirement to hold a plebiscite for decisions contrary to the Long Term Financial Plan. The risk here is that a reliance on plebiscites erodes the Council's autonomy to make decisions that they were elected to make. Public surveys can help to inform the Council (such as that which related to a loan for the Kingston Park playground), but plebiscites should only be used in very exceptional circumstances.

9 CONCLUSION

9.1 Council is endeavouring to run the most efficient organisation possible, in order that there is no financial waste and the highest level of affordable service is provided to the Kingborough community. Efficient public consultation and financial management processes are core components for any council. Council is very conscious that there is always scope for improvement and this is constantly occurring. The suggestions made within this motion are appreciated and some elements can be accommodated.

10 RECOMMENDATION

That Council:

- (a) note the motion carried at the Council's Annual General Meeting for 2018/19;
- note, in regard to motion (i), that Council does already publicly release 'business case' related information for potential new facilities and services to the extent that is currently necessary;
- (c) note, in regard to motion (ii), that Council will indicate in future annual budgets whether a project is to be primarily or partly funded by an external loan;
- (d) note, in regard to motion (iii), that Council is currently revising the Corporate Communications Policy and Strategy and that relevant engagement practices and values will be incorporated within the new overarching policy to apply to all communications and engagement;
- (e) note, in regard to motion (iv), that Council disagrees with the proposal on the basis that it would be, in almost every case, either unnecessary or unachievable; and
- (f) the mover of the motion be notified of this decision.

17.2 CLIMATE CHANGE RESOURCING

File Number: 12.20, 8.162

Author: Jon Doole, Manager Environmental Services

Authoriser: Tony Ferrier, Deputy General Manager

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected

community.

Strategic Outcome: 1.4 A Council that acknowledges the existence of a climate change

and biodiversity emergency and has in place strategies to

respond.

1 PURPOSE

1.1 This report responds to a Motion that was moved and carried at the 7 December 2019 Annual General Meeting of Council.

2 BACKGROUND

- 2.1 At the Annual General Meeting of Council held on 7 December 2019, the following motion was moved by Sarah Anderson and seconded by Claire Corrigan:
 - There is a commitment of reasonable and adequate funding and resourcing of the Climate Change Plan as a matter of priority for Council in their next budget.

3 STATUTORY REQUIREMENTS

3.1 Under Section 72B(6) of the *Local Government Act 1993* a motion passed at the AGM is to be considered at the next meeting of Council.

4 DISCUSSION

4.1 The Kingborough Climate Change Plan (2019 to 2024) (Plan) was endorsed by Council in March 2019 through the following motion:

"That the Kingborough Council Climate Change Plan (2019 to 2024) be endorsed with resourcing of actions subject to annual budget deliberations."

- 4.2 In the officer report to council that accompanied the Plan it was indicated that:
 - It is estimated for the 2019 / 2020 financial year that a budget of \$126,500 would be adequate to address actions highlighted in the Plan.
 - This comprises of \$65,000 for climate change specific projects and \$61,500 for energy and greenhouse gas emission reduction projects.
- 4.3 After the budget estimates process for the 2019/2020 financial year a total of \$50,500 was allocated to actions in the Plan comprising \$32,000 for climate change specific projects and \$18,500 for energy and greenhouse gas emission reduction projects.

- 4.4 The 60% shortfall in the budget allocated for the 2019/2020 actions has led to limited progress in a number of key areas specified in the plan including:
 - Development of a Climate Change Communications Plan (KCS 1.1.1)
 - Development of a Greenhouse and Energy Policy (KCS 2.3.1)
 - Development of a Zero Net Emissions by 2050 position paper (KCE 3.1.1)
 - No funding contribution to the Regional Climate Change Initiative (RCCI) for southern Tasmanian councils climate change projects (KCE 4.1.2)
 - Development of a Kingborough Council Climate Change Governance position paper (KCS 4.1.1)
 - Completion of a project to evaluate existing coastal protection assets and development of a methodology to prioritise Council coastal works and asset management actions (KCA 1.2.1)
- 4.5 Examples of new actions highlighted in the Plan for implementation during 2020/2021 include:
 - Zero net emissions by 2050 for Kingborough Council; policy in place and tracking of progress being undertaken (KCE 3.2.1)
 - Evaluation of the climate change related provisions of the Tasmanian Planning Scheme with the presentation of a position paper (for staff and Council) as well as guidelines and procedures for council staff (KCS 2.4.1)
 - Kingborough Council Climate Change Governance improvement procedures development and implementation (KCS 4.1.1)
 - Participation in community based waste reduction and minimisation initiatives (KCE 4.3.1)
 - Funding contribution to the Regional Climate Change Initiative (RCCI) for southern Tasmanian councils climate change projects (KCE 4.1.2)
 - Ecosystem impacts climate change research commenced (KCA 3.1.1)
 - Climate Futures for Tasmania data utilisation specific to Kingborough Council programs (eg: asset management) commenced (KCA 4.1.2)
 - Climate change adaptation (coastal inundation) options feasibility evaluation for Kingston Beach completed and community consultation commenced (KCA 1.1.1)
- 4.6 In relation to staff resourcing to manage Kingborough's climate change program it is identified that currently this comprises approximately 30% of the duties undertaken by councils Manager Environmental Services. Increasing staff time available to implement climate change, greenhouse gas reduction and energy initiatives would require the dedication of an officer full time as is the case at Hobart City and Clarence City Councils as well as a number of councils around Australia.
- 4.7 As indicated previously the commitment to actions within the Plan is subject to annual budget deliberations by Council.

5 FINANCE

- 5.1 As previously indicated the budget commitment to climate change related expenditure for the 2019 / 2020 financial year was \$50,500.
- 5.2 It is estimated that progression of actions identified in the Plan for 2020/2021 as well as catching up on those from 2019/2020 would require funding of the order of \$200,000 for the 2020/2021 financial year.
- 5.3 It is estimated that the increase in staff resourcing to one FTE (from the current 0.3) on climate change action would have cost implications of around \$100,000 per annum.

6 ENVIRONMENT

6.1 The Plan contains actions that acknowledge that a focus must be placed on the significant impacts that climate change will have on the natural assets and ecosystems of Kingborough.

7 COMMUNICATION AND CONSULTATION

- 7.1 A key component within the Delivery section of the Plan relates to communications regarding a number of critical aspects of the Kingborough climate change response.
- 7.2 Action KSC 1.1.1 identified the need to develop and implement the Kingborough Climate Change Communications Plan by the end of 2019.

8 RISK

- 8.1 Climate change is listed at risk with a "High" rating in Kingborough's Strategic Risk Register under the Kingborough Risk Management Policy (3.10) 2018 and Risk Management Strategy.
- 8.2 The details of the risk relate to "Failure to plan for, adapt to and manage the impacts of climate change."
- 8.3 Action KCA 4.2.1 of the Plan identifies a need to strengthen climate change provisions within Council's Risk Management Policy and Risk Register during the next review of these documents.

9 CONCLUSION

- 9.1 The Kingborough Council Climate Change Plan was developed to clearly articulate the importance that Council places on a meaningful response to climate change, and to consolidate and communicate the program that has been undertaken for over 10 years.
- 9.2 The Plan identifies how further significant progress can be made during its five year span.
- 9.3 The Plan was endorsed by Council with resourcing of actions subject to annual budget deliberations.

10 RECOMMENDATION

That Council:

- a) notes the motion carried at the Council's Annual General Meeting for 2018 / 2019;
- b) with regards the motion, will commit to the consideration of funding and resourcing of actions identified in the Kingborough Council Climate Change Plan as part of the budget estimates process for the 2020 / 2021 financial year;
- c) notifies the mover of the motion of the decision

17.3 PAID PARKING WITHIN CENTRAL KINGSTON

File Number: 7.8, 28.9, 41.17

Author: Tony Ferrier, Deputy General Manager

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services

Strategic Outcome: 2.1 Service provision meets the current and future requirements of

residents and visitors

1 PURPOSE

1.1 The purpose of this report is to consider a proposal to provide for paid parking within central Kingston.

2 BACKGROUND

2.1 At the 11 November 2019 meeting of Council a report was considered on the Central Kingston Parking Plan. This report provided background on all public parking related matters within central Kingston and the context against which any new paid parking regime might be considered. One of the resolutions from that meeting was to (Minute C720/22-19 refers):

Further develop the proposal to institute paid parking within the new (temporary) Kingston Park parking area and provide a more detailed report on how this will be implemented and communicated publicly.

- 2.2 A new (temporary) parking area is required to ensure that there is a replacement available for when the existing public parking within Kingston Park is removed. In early 2020, the private developer Traders in Purple is to commence the construction of their Stage 1 residential development within the southern part of Kingston Park. This area includes the existing temporary parking on the concrete slab area (just south of the Community Hub).
- 2.3 The removal of this existing parking will result in the loss of about 170 parking spaces, including the parking required to satisfy the planning permit parking condition for the Community Hub (77 parking spaces). This parking must therefore be replaced in order to both comply with that permit condition and to cater for the existing use. It will also be needed to replace the 40 all-day parking spaces within Council's John Street parking area when it is closed to enable the construction of the Pardalote Parade pedestrian corridor between Channel Court and Kingston Park.
- 2.4 This new parking area has now been constructed (as of January 2020) and is located as shown on the plan below within lot "N". It contains 150 parking spaces. In addition to this, there will be other roadside public parking provided within Kingston Park, such as that alongside the future playground (30-35 spaces) to be constructed in the second half of 2020.
- 2.5 When this new parking area is opened to the public, the existing temporary parking on the concrete slab area will be closed and made ready for its removal in order

to enable the future residential development. Prior to it being available for public use, a decision needs to made as to whether fees will be charged for all day parking. If such a new regime is to be implemented then it should begin from day one, rather than after users have got used to free all-day parking within this new facility.



- 2.6 This new parking area has been constructed to only have an asset life of about 4-6 years. It is proposed that, after a few years, this lot "N" is to be then developed by Traders in Purple for a mixed commercial use and will include a new multi-storey parking facility which will include all of the necessary parking to meet the planning permit requirements for their commercial developments, plus a component of public parking that will replace that which is currently provided.
- 2.7 The previous parking report indicated that this public parking component would likely be 50 parking spaces, but this will be reassessed as more information becomes available in the next year or two. The paid parking arrangements within the future multi-storey parking facility are yet to be determined.

3 STATUTORY REQUIREMENTS

3.1 There are no statutory requirements in regard to the proposals within this report.

4 DISCUSSION

4.1 Both the Central Kingston Parking Strategy (2016) and the Central Kingston Parking Plan (2019) recommended that Council consider the introduction of paid parking for long stays within close proximity to the CBD. The consultants that prepared these strategies justified this by saying that there is no such thing as free parking. Parking is expensive to build and maintain and has an opportunity cost

with regard to an alternative use of the space dedicated to it. Free parking penalises people who use public transport and other alternative modes which are more sustainable means of transport. Paid parking allows for the implementation of a user pays mechanism.

- 4.2 There is limited available land within the CBD for Council to provide new parking areas. Therefore there is a need to reduce the demand for long term parking within the Kingston CBD area and encourage alternative forms of transport. Free all day parking should only be available on the fringes of the CBD (eg Denison Street), rather than within the CBD itself. Commuters to Hobart should park in designated park-and-ride facilities (such as at Huntingfield) and any commuter parking within the Kingston CBD should be discouraged.
- 4.3 The reasons for implementing a paid parking regime for the newly constructed parking area within Kingston Park include:
 - Many of the parking spaces will be required to comply with the planning permit condition for the Community Hub (77 spaces). If this all-day parking is free then it will be quickly taken up by commuters and local workers and not be available for users of the Hub during business days. The permit condition is more likely to be met if there are spaces available because of people not wanting to pay. Free short stay use of this parking area is favoured for those people who are using the Hub and the playground.
 - This is part of a deliberate strategy to discourage commuters from parking in the CBD and for more people who work in Kingston to travel in by bus. Free all-day public parking within a CBD is not sustainable. The land is too valuable and should be developed for commercial purposes that increase the viability of all businesses and ensure the necessary local services are provided to the Kingborough community. It is essential in the design of a compact walkable town centre. Paid parking will be used to discourage people from parking here all day. Such free parking needs to be outside of the CBD. This is a view shared within both of the abovementioned parking strategies and by the Department of State Growth.
 - The revenue from the paid parking will assist Council in constructing this temporary parking area. If the fees are to pay for the construction cost, then they will need to total at least \$100,000 per year (which is equivalent to about half the spaces being occupied all day on most normal business days at \$5 per space). This same space will in future be developed by Traders in Purple for commercial purposes, including a multi-storey parking facility. Council will need to invest in this in order that there is an appropriate public parking component. The parking fees in the meantime will ensure that the original funds were not wasted in constructing the temporary parking area.
- 4.4 It is proposed that the first three hours of parking within this new Kingston Park parking area would be free. The process would be as advocated within the Central Kingston Parking Plan (2019). This would entail a pay and display system. Drivers would walk to a ticket machine within the car park and purchase a ticket that would allow them to park all day. Other regional centres (Burnie, Devonport and Launceston) generally charge \$5 for all-day parking under similar circumstances and it is proposed to use similar pay and display meters that those other councils' use (these meters can be removed and used elsewhere if necessary). Council's enforcement regime would be the same as that for other existing timed parking areas in Kingston.

- 4.5 Consideration was given to installing similar parking meters as now in place within central Hobart. This has the advantages in being able to pay by an app on a mobile phone. However this is more expensive to install and it is felt that a cheaper version would be more appropriate for a parking area that is only expected to last a few years before being replaced.
- 4.6 Free parking would still be available for short stays at this parking area such as for shoppers or visitors to such facilities as the Community Hub and playground. There is also ample short stay parking within Channel Court. Retailers and other local businesses will not be disadvantaged by the introduction of paid parking for stays longer than 3 hours.
- 4.7 It is proposed that this arrangement be implemented as soon as possible in order for the new parking area to be opened and the existing area closed. If the new facility is opened without paid parking, there is a concern that commuters and Kingston based workers will park in this area all day and that the introduction of paid parking would then be even more difficult.
- 4.8 It appears that about 200 vehicles are currently parking all day within Kingston Park and the John Street parking area. Of these, it is estimated about a third are commuters (catching the bus into Hobart) and the other two thirds are local workers. Most of the employees at the Kingston Health Centre would park all day here, together with many other Kingston-based office workers and shop assistants.
- 4.9 In the meantime, every effort will need to be made to ensure that there is an adequate park-and-ride facility available at Huntingfield, together with an express bus service to Hobart. This would provide a suitable alternative for commuters so that they feel they no longer have to park within the centre of Kingston all day. It is expected that this should be in place in about one year's time.
- 4.10 This current proposal only applies to this new public parking area that is managed by Council. There are no other paid parking proposals at this stage and all onstreet parking within central Kingston (including Kingston Park) continues to be time limited and free. This is only targeting those that are wanting to park all-day within the CBD itself in a public parking area. An approval of this proposed paid parking regime is now being sought so that the necessary infrastructure can be installed as part of the current construction and that the future operational arrangements may be confirmed.
- 4.11 It is intended that the land parcel on which this parking area is located will be redeveloped by Traders in Purple for a commercial development that will include a public parking component as part of a multi-storey car parking facility. Replacement parking will be needed during this construction period. By then there will be additional on-street car parking within Kingston Park and some very short term alternative parking can also be arranged (eg on a gravel based area on the other side of Goshawk Way).

5 FINANCE

5.1 The consultancy work that has been commissioned to date in preparing the two parking studies for central Kingston has been funded from the Kingston Park project. This was on the basis that the existing temporary parking within Kingston Park would be removed and it is necessary to have strategies in place for their replacement. The cost to construct the new temporary parking area is also funded from the Kingston Park project and will be in the order of \$400K.

- 5.2 The expected revenue from a paid parking regime (over a four year period) is about \$400K. This is based on the assumptions within 4.3 above (third dot point). Revenue from fines is expected to cover all compliance and administration costs.
- 5.3 The existing Kingston Park budget has allocated \$3M as a contribution to the multistorey public parking, which is to replace the just constructed parking area. This is the expected cost to construct a component that is equivalent to 50 car parking spaces. In regard to these 50 spaces, reference is made to the calculations within the parking report referenced in 2.1 above. Additional on-street parking will be provided in the next few years to enable the 150 public spaces in the temporary parking area to be reduced to 50 spaces in the future multi-storey parking facility.

6 ENVIRONMENT

6.1 There are environmental and public safety benefits in encouraging less private vehicle use within the Kingston CBD. Parking strategies need to be applied in a manner that supports a greater use of public transport, car-pooling, bicycle use and walking. Paid parking will assist in encouraging this type of behaviour. All-day parking should not be encouraged within the heart of central Kingston so that pedestrian convenience and amenity is improved.

7 COMMUNICATION AND CONSULTATION

- 7.1 There is a great deal of public sensitivity to parking issues within central Kingston. This particularly relates to all-day parking for those that work in Kingston. Both the Central Kingston Parking Strategy (2016) and the Central Kingston Parking Plan (2019) recommended that Council provide better public information on the availability of parking within Kingston. Although the focus there was on visitors to Kingston, it is also important that good advice is provided to anyone who wants to park all day.
- 7.2 There will need to be more information to encourage a greater patronage of public transport. Before people will change their existing routine, public transport needs to be seen as a more convenient and/or less costly option than driving. This applies to both those that work in Kingston and Hobart commuters that might catch a bus near their home or utilise a park-and-ride facility. Public transport services will need to improve considerably, with Council having an important advocacy role in this regard.
- 7.3 It will be important that there be a greater public understanding of the costs associated with the provision of public parking and Council will need to communicate any decision on a paid parking regime in a way that provides clear and understandable reasons mainly based on information provided within this report. This information should also describe the available options for people who wish to park all day in the vicinity of central Kingston.

8 RISK

8.1 There will always be uncertainties and risks associated with the future management of parking arrangements in Kingston. Circumstances will change over time and Council will need to respond accordingly. There is sufficient short term parking but many people will argue that Council should be providing convenient all-day parking. While free all-day parking should not be located within the CBD, there is a real risk that there will be insufficient free all-day parking on the fringes of the CBD (within what is regarded as a reasonable walking distance).

8.2 There will in future be a reliance on improved bus services into Kingston to enable a reduction in the need for parking. This will be helped by the new bus interchange in Kingston, but strong support is also required from the State Government so that more frequent and extended bus services are provided in order to increase patronage. Without this encouragement, there is a risk that existing habits will not change, traffic congestion will worsen and parking will be inadequate.

9 CONCLUSION

- 9.1 It is proposed that Council introduce a paid parking regime for the new parking area that has just been constructed within Kingston Park. A payment of \$5 would be required for any stay longer than 3 hours. The main reasons for this decision would be:
 - to discourage all-day parking within the central Kingston precinct;
 - to ensure there is sufficient short stay parking at this facility in order to meet the needs of the Community Hub and the new children's playground;
 - to recoup most of the costs to construct the temporary car parking facility;
 - to encourage Hobart commuters to use alternative park-and-ride facilities (such as at Huntingfield); and
 - to encourage Kingston employees to use public transport or, if they live close by, to walk or cycle to work.
- 9.2 There also needs to be an appropriate balance between having too much and too little parking within the central Kingston area. Too much parking will create an unattractive CBD, encourage too much traffic and make bus travel not viable. Too little parking will create conflict in surrounding residential areas and will be an inconvenience for visitors and locally employed persons. There needs to be sufficient parking to meet the essential needs of the area while still encouraging people to use other forms of transport public transport, car-pooling, cycling and walking.
- 9.3 The demand for parking needs to be reduced and a paid parking facility is part of this broader objective. The management of public parking within Kingston needs to be coordinated in conjunction with broader transport and land use objectives including encouraging a shift to walking, cycling and public transport as well as supporting urban design outcomes, including strengthening active, walkable streets and a vibrant public realm.
- 9.4 The provision of adequate parking in such central commercial areas as Kingston is a complex policy area. This proposal for paid parking on a temporary parking area may need to evolve as supply and demand changes, as more information becomes available and as further negotiations progress with the State government (particularly in regard to improved public transport services). Any measures that are taken will need to be well communicated to the public both in terms of why certain decisions have been taken and in regard to what parking is actually available.

10 RECOMMENDATION

That Council:

- (a) endorse the proposal to introduce a new paid parking regime at the new temporary parking area within Kingston Park;
- (b) approve that a payment of \$5 will be required for any parking within this facility for stays longer than three hours;
- (c) require that such paid parking be introduced from when this parking facility is opened to the public; and
- (d) will provide public information on the reasons why this decision has been taken and outline the options for people who wish to park all day in the vicinity of the central Kingston area.

17.4 SPRING FARM PUBLIC OPEN SPACE

File Number: 1558899

Author: Daniel Smee, Executive Manager Governance & Community

Services

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected

community.

Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas

that provide social, recreational and economic opportunities.

1 PURPOSE

1.1 The purpose of this report is to consider a request from the developer for the Spring Farm subdivision (the JAC Group) to construct a walking track along the Whitewater Creek riparian reserve in lieu of making public open space cash contributions.

2 BACKGROUND

- 2.1 The JAC Group has written to Council proposing that they pay for the cost of the construction of a shared use path along the riparian reserve of Whitewater Creek within the Spring Farm subdivision.
- 2.2 The extent of the works would be to the same value as the required public open space contributions. An indicative route for the track is shown in yellow below:



3 STATUTORY REQUIREMENTS

3.1 The expenditure of public open space funds must be for the acquisition or improvement of land for public open space in accordance with Section 117(5) of the Local Government (Building and Miscellaneous Provisions) Act 1993.

4 DISCUSSION

4.1 The proposed track would realise benefits to residents in the Spring Farm subdivision, particularly once connected to the existing Whitewater Creek track (shown in dark blue below) to the north that provides pedestrian/cycling access into Kingston



- 4.2 To facilitate this connection, a track would need to be constructed (shown in red above) through a parcel of land currently owned by the Department of State Growth that is in the process of being transferred to Council.
- 4.3 The cost of constructing this section of track would need to be met by Council, with funding from the City Deal program earmarked for this purpose.
- 4.4 In assessing the merits of the proposal, consideration needs to be given to the proposed construction standards for the track.
- 4.5 The proposal is for an asphalt track that is 2.5m in width. Whilst this width is consistent with that of the current gravel path running along the side of the Southern Outlet to Spring Farm Road, 3.0m is desirable for a shared path in an urban environment.
- 4.6 Of greater concern is the proposed use of asphalt as the construction material, which is undesirable from both an aesthetic and maintenance perspective.
- 4.7 The area is flood prone and considering the recent extensive damage and cost to repair the existing Whitewater Creek Track, a concrete path would be preferred for longevity reasons.

- 4.8 Concrete is also preferable from an accessibility perspective and requires considerably less annual maintenance. To this end, it is considered preferable that Council undertake the works to ensure that the standard of construction is in line with the long term community interest.
- 4.9 This is of course, assuming that Council is in agreement with the funds being spent on this project.
- 4.10 It is conceivable that the construction of a playground in the area may be a higher priority for expenditure of the public open space funds, or indeed there may be other projects within the Municipal Area that are a higher priority.
- 4.11 In this regard, it is noted that the track would be listed as a Priority One project under the criteria set out in Council's Track and Trails Action Plan, as it connects population centres and completes missing links in existing trail networks.
- 4.12 The recommended response to the JAC Group's proposal is therefore not to accept their offer but to require the public open space payments to be paid, with an understanding that Council will use these funds for the construction of the track.

5 FINANCE

- 5.1 The future public open space contributions associated with the Spring Farm development are estimated to be \$353,000.
- 5.2 Whilst the JAC Group has provided a cost estimate from a contractor for the construction of the track upon which they have based their proposal, there has been no independent verification of these costs to date.

6 ENVIRONMENT

6.1 The construction of the track may have environmental impacts that would be assessed as part of the development application process for the track.

7 COMMUNICATION AND CONSULTATION

7.1 Communication has been undertaken with representatives of the JAC Group in relation to this matter.

8 RISK

8.1 The track needs to be constructed to meet the long term needs of the community and there is a risk that this could be compromised if design standards are reduced to meet short term imperatives.

9 CONCLUSION

- 9.1 The JAC Group has proposed the construction of a shared path through the riparian reserve of the Spring Farm subdivision in lieu of making public open space cash contributions.
- 9.2 Whilst the construction of a track through this area that would link to the existing Whitewater Creek track is considered to be a valuable community project, there are concerns relating to design standards and the ongoing maintenance liability for Council.

9.3 For this reason, it is recommended that Council seek the direct payment of the funds and commit to using them on the development of a track, for which the design and construction would be overseen by Council.

10 RECOMMENDATION

That Council:

- Reject the offer from the JAC Group to construct a walking track along the Whitewater Creek riparian reserve in lieu of making public open space cash contributions associated with the Spring Farm subdivision;
- b) Require the direct payment of public open space funds for the subdivision in accordance with Council's Public Open Space Contributions Policy; and
- c) Commit, in principle, the expenditure of these funds to the development of a track within the riparian reserve of the Spring Farm Development, for which the design and construction would be overseen by Council, subject to any required statutory approvals and sourcing of any additional funds required to complete the project.

14.5 CUSTOMER SERVICE CHARTER

File Number: 12.127

Author: Fred Moult, Executive Manager Information Services

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality

customer service, encourages innovation and has high

standards of accountability.

1 PURPOSE

1.1 This report is provided to assist Council in considering the renewal of Policy 1.6 - Customer Service Charter.

2 BACKGROUND

- 2.1 Council adopted a Customer Service Charter in 2005 in accordance with the requirements of the Local Government Act 1993.
- 2.2 As a minimum the Customer Service Charter must specify the principles relating to services provided by Council and the procedure for dealing with associated complaints.
- 2.3 The Customer Service Charter is due for review. The Charter has been updated to reflect: changes in Council operations; updates to related documents/polices and external contacts; and clarification of timings relating to legislative timeframes.

3 STATUTORY REQUIREMENTS

3.1 Council is required to maintain a Customer Service Charter in accordance with Section 339F of the *Local Government Act 1993* and Section 31 of the *Local Government (General) Regulations 2005.*

4 DISCUSSION

- 4.1 While the legislative requirement of a Customer Service Charter places an emphasis on complaints management and reporting, there is also a requirement that the charter specifies the principles relating to service provision.
- 4.2 Council's Customer Service Charter details service delivery expectations, associated time frame targets and service request processes. It also provides a statement of Council's commitment to quality customer service, outlines the rights of our customers, and explains what steps can be taken if a customer is dissatisfied with a Council decision or action.
- 4.3 Aside from a change in format, the most significant updates to the Charter are as follows:

- (a) The Charter has been updated to reflect Council's strategic vision, purpose and value statements and the organisations focus on providing a quality a customer experience.
- (b) Paragraph 4.3.5 has been superseded by paragraphs 5.3.12, 5.3.13 and 5.3.15 providing clarification about how various types of complaints may be dealt with rather that defining what is not a complaint.
- (c) The target time to investigate and take action on a barking dog complaint has been increased from 3 to 5 working days. This change more accurately reflects the actual time required to verify and investigate the complaint prior to taking any further action.
- (d) Clarification of the RTI target timeframe of 10 working days which relates to requests which do not require external referral and extension of the statutory timeframe under the RTI Act 2009
- (e) The target time to process amendments to approved building permit conditions has changed from 20 days to 7 days to reflect the actual processing time required once all information has been provided by the applicant and/or an planning assessment has been completed.
- (f) A number of external agencies have updated their web sites with improved information and on-line services so these links have been added to the Charter.
- 4.4 Staff are currently developing additional service level standards (both response times and infrastructure standards) for all infrastructure asset types and activities. The project is scheduled for completion during the 20/21 financial year.
- 4.5 A review of infrastructure asset service levels is underway which will document current and desired future service levels. This, together with the introduction of integrated work order, maintenance and GIS systems is expected to reduce the incidence of reactive customer service requests and increase targeted maintenance/service activities over time. It is intended that additional key service level targets will be added to Schedule A as they are approved.
- 4.6 Council staff strive to complete service requests within the timeframes stated. There are however, occasions when peak workloads, reduced staffing levels and/or environmental factors may cause these time frames to be exceeded. Where this is likely to occur, Council commits to advising our customers in advance.
- 4.7 A Community Satisfaction Survey was completed in December 2019. The survey outcomes will provide valuable feedback on the level of community satisfaction relating to a broad range of Council Services and Customer experiences benchmarked against the equivalent statewide survey coordinated by the LGAT. The results will contribute to the development an organisation wide Customer Service strategy.

5 FINANCE

- 5.1 There are no direct financial implications associated with the adoption of the Customer Service Charter.
- 5.2 However, any desire to achieve a reduction in existing target timeframes is likely to require the allocation of additional resources and an increase in expenditure where operational efficiencies cannot otherwise be found.

6 COMMUNICATION AND CONSULTATION

- 6.1 Service requests and complaints are monitored and reported by the Customer Services Department.
- 6.2 The Charter is available in both hard copy and on Council's web site.
- 6.3 The numbers and nature of complaints are published in the Annual Report.

7 RISK

- 7.1 Failure of Council to comply with the provisions of the Customer Service Charter or to meet service delivery timeframes increases customer dissatisfaction and is likely to harm Council's overall reputation.
- 7.2 In order to minimise these risks, systems are reviewed and improved upon where possible, and staff training delivered which reinforces Council's customer focussed values.
- 7.3 The risk remains, however, that inadequate funding of infrastructure maintenance programs and/or operational activities is likely to contribute to service standards not being met.

8 CONCLUSION

- 8.1 Council has a statutory obligation to adopt and maintain a Customer Service Charter.
- 8.2 The Customer Service Charter complies with requirements of Section 339F of Local Government Act 1993 and the prescribed matters as outlined in Regulation 31 of the Local Government (General) Regulations 2005.
- 8.3 More importantly the Charter states this Council's commitment to delivering a quality customer experience through a culture of continuous improvement and operational excellence.

9 RECOMMENDATION

That Council:

- (a) adopts the attached Customer Service Charter policy with immediate effect; and
- (b) determines that no charge will apply for the provision of a copy of the Customer Service Charter.

EXISTING POLICY WITH TRACKED CHANGES

	CUSTOMER SERVICE CHARTER	Policy 1.6		
Kingborough		LAST REVIEW REVIEW REF September 2017 2019		
POLICY STATEMENT:	1.1 We are committed to the timely, efficient, and consistent delivery of a range of quality services which places "Our community at the heart of everything we do" and "Makes Kingborough a great place to live".support the Kingborough Council Strategic Plan 2010 2020.			
	1.2 We will ensure that all customer contact is fair, friendly, informative and efficient. We subscribe to are committed to driving a culture of continuous improvement and excellence in service delivery to meet the changing needs of our customers and the community.			
	We strive to provide a <u>positive customer experien</u> attract complaints , however in the instances where will take all possible steps to achieve a resolution.			
OBJECTIVE:	The Customer Service Charter provides a framework for defining service delivery standards, the rights of our customers, and how complaints from customers will be handled.			
SCOPE:	3.1 This policy applies to all service requests, enquiries and complaints made by customers in relation to Council services services.			
PROCEDURE:	4.1 SERVICE STANDARDS			
	4.1.1 When you , as a customer, visit or telephone deal with Council, we will:			
	treat you politely and with respect,			
	 provide prompt, relevant, accurate and profe 	essional advice,		
	 maintain your privacy, 			
	keep you informed if the resolution to your enquiry is being delayed.			
	4.1.2 Where an enquiry is of a complex nature, or a required, customers are requested to make a pr			
	4.1.3 Response Times			
	 Council undertakes a wide variety of activities and time taken to complete. 	es which vary both in complexity		
	 Council's schedule of processing/response most common service requests, with target ti This schedule is included as Appendix A to the 	mes for completion or resolution.		
	4.1.4 Accessibility			
	 We will make our services accessible for o personal contact options with a range of web based payment, service request, applications 	and telephone on-line and voice		

4.2 OUR EXPECTATIONS OF OUR CUSTOMERS

- 4.2.1 To help us to help you, we ask that you:
 - Report any damage to, or failure of, Council's infrastructure or property.
 - · Treat our staff with mutual respect.
 - Provide complete details of your service request or complaint.
 - · Respect the privacy and rights of other people.
 - Phone to mMake an appointment for a complex enquiry or a-need to see a specific Officer.
 - When necessary, contact the Officer nominated on any correspondence.

4.3 CUSTOMER SERVICE PROCESS

- 4.3.1 When a customer contacts Council by phone or in person we aim to resolve your query at the first point of contact.
- 4.3.14.3.2 If a customer dissatisfaction relates When a customer contacts

 Council about a-to-a failure in-of Council's infrastructure or service, such as potholes in a road, or an uneven footpath, or the failure to collect a wheelie bin, this will be treated in the first instance as a Service Request.
- 4.3.24.3.3 A service—Service request—Request may be lodged in person or by mail, telephone, fax, email, internet—on-line and through the National Relay Service. See 4.6 How to Contact Council.
- 4.3.34.3.4 The customer will receive either written or verbal acknowledgmentconfirmation that a Service Request has been lodged.
- 4.3.44.3.5 The Customer Service Unit will allocate a Service Request to the appropriate department or Officer. The unit will monitor the request and strive to ensure that action is taken in accordance with the Service Standard (Appendix A), and this Charter.

4.3.5 A complaint is not:

- A service request (unless the response was outside the Service Standard).
- Verbal advice of unsatisfactory service or performance.
- Disagreement with a policy or the direction of the Council.
- A request for information or an explanation of a policy or procedure.
- A complaint for which statutory review processes exist, such as an appeal against a planning decision for which there are appeal provisions in the Land Use Planning and Approvals Act 1993.
- An expression of dissatisfaction with the behaviour or performance of a Councillor (that mechanism is contained in the Code of Conduct for Councillors).
- A work related grievance of an Officer or contractor.

- 4.3.134.3.6 If a customer is not satisfied with the outcome of a service request, or the matter relates to unsatisfactory conduct of an Officer(s), or a failure to comply with the Service Standard, the matter will be treated as a complaint and dealt with by the General Manager. Complaints are to be lodged in writing (includes email).
- 4.3.154.3.7 Complaints will be investigated and a response provided within 15 working days. Where a complaint involves complex issues, it may not be possible to meet this deadline. In these cases prior to the expiry of the timeframe we will inform the complainant of progress and when a response is likely to be given.
- 4.3.164.3.8 A disagreement with a policy or the direction of the Council may also be directed to the Mayor and/or individual Councillors.
- 4.3.174.3.9 We are accountable for our actions and commit to a range of options for addressing unfair and incorrect decisions, or any unreasonable policy or procedure, or any inappropriate response, action or treatment by an Officer. Appropriate remedies may include:
 - · Admission of fault and apology
 - Explanation
 - · Change of decision
 - Change to policy or procedure
 - Repair / rework / replacement
 - Counselling or disciplining of staff

More than one remedy may be applied if the circumstances justify that course of action.

- 4.3.184.3.10 All complaints received by us will be treated with the utmost seriousness, however if a complaint is found to be malicious or vexatious, or it is a repeated complaint to which a response has previously been given, no further action may be taken on the complaint. The customer will be informed of this decision in writing by the General Manager.
- 4.3.11 While we will accept anonymous complaints, we will generally only act if the matter is considered to be serious and there is sufficient information provided to enable an investigation to be undertaken.
- 4.3.12 Complaints relating to the conduct of a Councillor are handled in accordance with the Code of Conduct for Councillors. A complaint form is available in Council's web site.
- 4.3.194.3.13 Complaints made by a Public Officer or Contractor relating to the conduct of a Council officer or Council are handled in accordance with the Public Interest Disclosures Policy & Procedures.
- 4.3.14 A complaint regarding the failure of Council, a Councillor or the General Manager to comply with the requirements of the *Local Government Act 1993* or any other Act; or a complaint that a Councillor, the General Manager or an

employee of Council may have committed an offence under the *Local Government Act 1993* may be made to the Director of Local Government under section 339E of the *Local Government Act 1993*.

4.3.204.3.15 Complaints for which statutory review processes exist, such as an appeal against a planning decision for which there are appeal provisions in the Land Use Planning and Approvals Act 1993, or decisions made under the Right to Information Act 2009 are dealt with in accordance with the relevant legislation.

4.4 CUSTOMER RIGHTS

- 4.4.1 While we encourage customers to allow us to investigate complaints in the first instance, a customer who remains dissatisfied with the outcome of a review is entitled to seek external review from:
 - The Ombudsman:

NAB House, Level 6 86 Collins Street Hobart

GPO Box 960
Hobart Tas 7001
Ph 1800 001 170 (free call in Tasmania)
Email: ombudsman@ombudsman.tas.gov.au
www. https://www.ombudsman.tas.gov.au/home

The Office of the Anti-Discrimination Commissioner:

Level 1 54 Victoria Street Hobart

GPO Box 197
Hobart Tas 7001
Ph 1300 305 062
Email: office@equalopportunity.tas.gov.au
www. https://equalopportunity.tas.gov.au/home

The Director, Local Government Division:

GPO Box 123 Hobart Tas 7001 Ph 03 6232 7022

Email: Igd@dpac.tas.gov.au

www. http://www.dpac.tas.gov.au/divisions/local_government

A complaint made to the Director under <u>section 339E</u> of the *Local Government Act 1993* is temust be:

- o in writing; and
- identify the complainant and the person against whom the complaint is made; and
- o give particulars of the grounds of the complaint; and
- o be verified by statutory declaration.

4.5 REPORTING

	 4.5.1 We are committed to using requests and complaints data to improve decision-making, business processes and customer service. 4.5.2 The General Manager will ensure that appropriate request and complaint management systems are in place and utilised to enable this to occur. 4.5.3 The number and nature of complaints received will be included in the Annual Report. 		
	4.6 HOW TO CONTACT COUNCIL		
	In person:		
	 Civic Centre, 15 Channel Highway, Kingston Tasmania during the hours offrom 8.30am to 5pm Monday to Friday except public holidays. 		
	 Bruny Island Service Centre, Main Road, Alonnah during the hours offrom 8:30am to 5pm Monday to Friday except public holidays. 		
	Mail: Kingborough Council, Locked Bag 1, Kingston, Tasmania 7050		
	Telephone: (03) 6211 8200 during the hours offrom 8:30am to 5:00pm Monday to Friday. Council provides an After-Hours Emergency Service on the same number.		
	email to <u>kc@kingborough.tas.gov.au</u>		
	Internet: <u>www.kingborough.tas.gov.au</u>		
	Facebook: https://www.facebook.com/KingboroughTas		
	Twitter: https://twitter.com/KingboroughTas		
	Instagram: http://www.instagram.com/kingboroughtas/		
	If you are deaf or have a hearing or speech impairment you can call through to the National Relay Service (NRS):		
	o TTY users can phone 13 36 77 then ask for (03) 6211 8200		
	 Speak & Listen (speech-to-speech) users can phone 1300 555 727 then ask for (03) 6211 8200 		
	o Internet relay users can connect to the National Relay Service website http://relayservice.gov.au/ then ask for (03) 6211 8200		
	4.7 PRIVACY INFORMATION PROTECTION		
	4.7.1 Personal Information provided by a customer to Council is protected in		
	accordance with the requirements of the Personal Information Protection Act		
	2004 and the <u>Right to Information Act 2009</u> .		
COMMUNICATION:	5.1 All staff, Councillors and Customers, members of the public. Available free of charge at the Civic Centre and on Council <u>s</u> Web Site www.kingborough.tas.gov.au		
LEGISLATION:	6.1 <u>Local Government Act 1993 section 339 (F)</u> – Customer Service Charter. 6.2 <u>Local Government (General Regulations) 2005</u> – Regulation 31 - Customer Service		

	Charter.
	6.3 Personal Information Protection Act 2004
	6.26.4 Right to Information Act 2009
RELATED	7.1 Policy 9.14: Employee Code of Conduct
DOCUMENTS:	7.2 Policy 1.8: Code of Conduct for Councillors
	7.3 Policy 9.3: Bullying, Harassment and Discrimination PolicyAnti Discrimination
	7.37.4 Policy 1.4: Public Interest Disclosures Policy & Procedures
AUDIENCE:	8.1 Public document

2 Appendix A – Service Delivery Time Frames

Service	Response/Processing Time (working days)*
Planning	
Process Development and Subdivision Application Assessment	30
Process amendments to approved permit conditions	20
Process Adhesion order application assessment	15
Process Sealed Plan amendments	20
(with hearing)	40
Council sealing of final plans (Subdivision and Strata)	15
Lodge a Part 5 agreement	10
Refunds	
Bank & bond guarantees – (Includes inspection 10 days)	20
Hall booking deposit – (includes inspection)	10
Building	
Grant Building or Demolition Permit	7
Issue Certificate of Completion for Building Work	5
Issue Certificate of Completion for Demolition Work	14
Amendments to approved building permit conditions (Council Certified)	20 7_
including plumbing assessment (Privately Certified with plumbing)	<u>15</u>
(Privately Certified no plumbing)	5
Plumbing Assess plumbing application and issue Certificate of Likely Compliance - Notifiable Plumbing Work	14
Assess plumbing application and issue Plumbing Permit	21
Assessment and issue of amendment to Notifiable Plumbing Work	14
Assessment and issue of amendment to Plumbing Permit	21
Issue Certificate of Completion (for notifiable or permit plumbing work)	5
Plumbing Inspection from time of request	2
Development Engineering	
Perform Subdivision inspection	5
Process Works in Road Reserve application	3
Health	
Process Special Plumbing Permit application	10
Process Temporary food licence application	10
Process Food licence application	10
Investigate a noise complaint	5
Investigate other environmental complaints	5
Urgent environmental health issues are dealt with immediately upon receipt of complaint.	1

Service	Response/Processing Time (working days)*
Natural Resource Management	
Tree removal applications	10
Illegal tree removal	3
Removal of declared weeds - inspection	5
Information Services	
Process a Right to Information request	10
Respond to a Complaint	15
Answer your phone call	1 Minute
Return Phone Calls within	2
Respond to general correspondence	10
Process 337 or 132 Certificates	10
Compliance	
Process Kennel licence application	30
Barking dog complaint (initial inspection)	3
Fire hazard (initial inspection)	-5
Dogs at large	4
Dog attack	2
By-Law Exemption	10
Works	
Potholes in sealed and gravel roads – Inspect, assess and respond to customer. Add to a prioritised repair program based on risk assessment-	15
Replace/repair damaged Street Signs Regulatory e.g. Give Way, Stop Signs, Keep Left	5
Replace/repair damaged Street/Place name Signs	30
Missed Bin pickup	Same day where possible.
*-Processing times may increase where: - Information provided by the customer or agent is incomplete and/or	
incorrect.	
 Inspections show non-compliance and/or the requirement of remedial works 	

<u>Service</u>	Response/Processing Time (working days)*
Natural Resource Management	
Tree removal applications Illegal tree removal Removal of declared weeds - inspection	10 3 5
Information Services Process a Right to Information request (where external referral is not required)	10
Investigate and respond to a Complaint Answer your phone call	15 1 Minute
Return Phone Calls within Respond to general correspondence Process 337 or 132 Certificates	2 10 10
Compliance	
Process Kennel licence application Barking dog complaint (initial inspection) Fire hazard (initial inspection)	3 <u>0</u> <u>5</u> 5
Dogs at large Dog attack By-Law Exemption	1 2 10
Works	10
Potholes in sealed and gravel roads - Inspect, assess and respond to customer. Add to a prioritised repair program based on risk assessment	<u>15</u>
Replace/repair damaged regulatory Street Signs – . e.g. Give-Way, Stop Signs, Keep Left	<u>5</u>
Replace/repair damaged Street/Place name Signs Missed Bin pickup	30 Same day where possible.
* Processing times may increase where: Information provided by the customer or agent is incomplete and/or incorrect. Inspections show non-compliance and/or the requirement of remedial works	

UPDATED POLICY FOR APPROVAL



Policy No: 1.6 Minute No: TBA
Approved by Council: December 2019 ECM File No: 12.127

Next Review Date: **December 2021** Version:

Responsible Officer: Executive Manager Information Services

Customer Service Charter Policy			
POLICY STATEMENT	1.2	We are committed to the timely, efficient, and consistent delivery of quality services which places "Our community at the heart of everything we do" and "Makes Kingborough a great place to live". We will ensure that all customer contact is fair, friendly, informative and efficient. We are committed to driving a culture of continuous improvement and excellence in service delivery to meet the changing needs of our customers and the community. We strive to provide a positive customer experience, however in the instances where customers are dissatisfied, we will take all possible steps to achieve a resolution.	
DEFINITIONS		 Council – Kingborough Council Customer – Ratepayers, individuals, groups or businesses to whom Council provides services. 	
	2.3	Infrastructure — Council owned or leased assets including but not limited to: roads; footpaths; drains; signs; and public facilities.	
	2.4	Service – systems provided, or work undertaken, by Council on behalf of its customers.	
OBJECTIVE	3.1	The Customer Service Charter provides a framework for defining service delivery standards, the rights of our customers, and how complaints from customers will be handled.	
SCOPE	4.1	This policy applies to all service requests, enquiries and complaints made by customers in relation to Council services.	
PROCEDURE	5.1	Service Standards	
(POLICY DETAIL)		5.1.1 When you deal with Council, we will:	
		 treat you politely and with respect, 	
		 provide prompt, relevant, accurate and professional advice, 	
		maintain your privacy,	
		 keep you informed if the resolution to your enquiry is being delayed. 	
		5.1.2 Where an enquiry is of a complex nature, or a meeting with a specific officer is required, customers are requested to make a prior appointment.	
		5.1.3 Response Times	
		 Council undertakes a wide variety of activities which vary both in complexity and time taken to complete. 	

 Council's schedule of processing/response times provides a guide to the most common service requests, with target times for completion or resolution. This schedule is included as Appendix A to this Policy.

5.1.4 Accessibility

 We will make our services accessible for our customers by supplementing personal contact options with a range of online and voice based payment, service request, applications and information services.

5.2 Our Expectations of our Customers

- 5.2.1 To help us to help you, we ask that you:
 - Report any damage to, or failure of, Council's infrastructure or property.
 - Treat our staff with mutual respect.
 - Provide complete details of your service request or complaint.
 - Respect the privacy and rights of other people.
 - Make an appointment for a complex enquiry or need to see a specific Officer.
 - When necessary, contact the Officer nominated on any correspondence.

5.3 Customer Service Process

- 5.3.1 When a customer contacts Council by phone or in person we aim to resolve your query at the first point of contact.
- 5.3.2 When a customer contacts Council about a failure of Council's infrastructure or service, such as potholes in a road, or an uneven footpath, or the failure to collect a wheelie bin, this will be treated in the first instance as a Service Request.
- 5.3.3 A Service Request may be lodged in person or by mail, telephone, fax, email, on-line and through the National Relay Service. See 5.6 How to Contact Council.
- 5.3.4 The customer will receive confirmation that a Service Request has been lodged.
- 5.3.5 The Customer Service Unit will allocate a Service Request to the appropriate department or Officer. The unit will monitor the request and strive to ensure that action is taken in accordance with the Service Standard (Appendix A), and this Charter.
- 5.3.6 If a customer is not satisfied with the outcome of a service request, or the matter relates to unsatisfactory conduct of an Officer(s), or a failure to comply with the Service Standard, the matter will be treated as a complaint and dealt with by the General Manager. Complaints are to be lodged in writing (includes email).
- 5.3.7 Complaints will be investigated and a response provided within 15 working days. Where a complaint involves complex issues, it may not be possible to meet this deadline. In these cases prior to the expiry of the timeframe we will inform the

- complainant of progress and when a response is likely to be given.
- 5.3.8 A disagreement with a policy or the direction of the Council may also be directed to the Mayor and/or individual Councillors.
- 5.3.9 We are accountable for our actions and commit to a range of options for addressing unfair and incorrect decisions, or any unreasonable policy or procedure, or any inappropriate response, action or treatment by an Officer. Appropriate remedies may include:
 - Admission of fault and apology
 - Explanation
 - Change of decision
 - Change to policy or procedure
 - Repair / rework / replacement
 - Counselling or disciplining of staff
- 5.3.10All complaints received by us will be treated with the utmost seriousness, however if a complaint is found to be malicious or vexatious, or it is a repeated complaint to which a response has previously been given, no further action may be taken on the complaint. The customer will be informed of this decision in writing by the General Manager.
- 5.3.11While we will accept anonymous complaints, we will generally only act if the matter is considered to be serious and there is sufficient information provided to enable an investigation to be undertaken.
- 5.3.12Complaints relating to the conduct of a Councillor are handled in accordance with the Code of Conduct for Councillors. A complaint form is available in Council's web site.
- 5.3.13Complaints made by a Public Officer or Contractor relating to the conduct of a Council officer or Council are handled in accordance with the Public Interest Disclosures Policy & Procedures.
- 5.3.14A complaint regarding the failure of Council, a Councillor or the General Manager to comply with the requirements of the Local Government Act 1993 or any other Act; or a complaint that a Councillor, the General Manager or an employee of Council may have committed an offence under the Local Government Act 1993 may be made to the Director of Local Government under section 339E of the Local Government Act 1993.
- 5.3.15Complaints for which statutory review processes exist, such as an appeal against a planning decision for which there are appeal provisions in the Land Use Planning and Approvals Act 1993, or decisions made under the Right to Information Act 2009 are dealt with in accordance with the relevant legislation.

5.4 Customer Rights

5.4.1 While we encourage customers to allow us to investigate complaints in the first instance, a customer who remains dissatisfied with the outcome of a review is entitled to seek external review from: The Ombudsman:

NAB House, Level 6

86 Collins Street

Hobart

GPO Box 960

Hobart Tas 7001

Ph 1800 001 170 (free call in Tasmania)

Email: ombudsman@ombudsman.tas.gov.au

www: https://www.ombudsman.tas.gov.au/home

• The Office of the Anti-Discrimination Commissioner:

Level 1

54 Victoria Street

Hobart

GPO Box 197

Hobart Tas 7001

Ph 1300 305 062

Email: office@equalopportunity.tas.gov.au

www: https://equalopportunity.tas.gov.au/home

• The Director, Local Government Division:

GPO Box 123

Hobart Tas 7001

Ph 03 6232 7022

Email: lgd@dpac.tas.gov.au

www:

http://www.dpac.tas.gov.au/divisions/local government

A complaint made to the Director under section 339E of the Local Government Act 1993 must be:

- in writing; and
- identify the complainant and the person against whom the complaint is made; and
- o give particulars of the grounds of the complaint; and
- be verified by statutory declaration.

5.5 Reporting

- 5.5.1 We are committed to using requests and complaints data to improve decision-making, business processes and customer service.
- 5.5.2 The General Manager will ensure that appropriate request and complaint management systems are in place and utilised to enable this to occur.
- 5.5.3 The number and nature of complaints received will be included in the Annual Report.

	5.6	How To Contact Council
		5.6.1 In person:
		 Civic Centre, 15 Channel Highway, Kingston Tasmania from 8.30am to 5pm Monday to Friday except public holidays.
		 Bruny Island Service Centre, Main Road, Alonnah from 8:30am to 5pm Monday to Friday except public holidays.
		5.6.2 Mail: Kingborough Council, Locked Bag 1, Kingston, Tasmania 7050
		5.6.3 Telephone: (03) 6211 8200 from 8:30am to 5:00pm Monday to Friday. Council provides an After-Hours Emergency Service on the same number.
		5.6.4 email to kc@kingborough.tas.gov.au
		5.6.5 Internet: www.kingborough.tas.gov.au
		5.6.6 Facebook: https://www.facebook.com/KingboroughTas
		5.6.7 Twitter: https://twitter.com/KingboroughTas
		5.6.8 Instagram: http://www.instagram.com/kingboroughtas/
		5.6.9 If you are deaf or have a hearing or speech impairment you can call through to the National Relay Service (NRS):
		• TTY users can phone 13 36 77 then ask for (03) 6211 8200
		 Speak & Listen (speech-to-speech) users can phone 1300 555 727 then ask for (03) 6211 8200
		 Internet relay users can connect to the National Relay Service website http://relayservice.gov.au/ then ask for (03) 6211 8200
	5.7	Privacy Information Protection
		5.7.1 Personal Information provided by a customer to Council is protected in accordance with the requirements of the Personal Information Protection Act 2004 and the Right to Information Act 2009.
GUIDELINES	6	There are no guidelines applicable to this policy.
COMMUNICATION	7.1	All staff, Councillors and Customers, members of the public. Available free of charge at the Civic Centre and on Council's Web Site
LEGISLATION	8.1	Local Government Act 1993 section 339 (F) – Customer Service Charter.
	8.2	Local Government (General Regulations) 2005 — Regulation 31 - Customer Service Charter.
	8.3	Personal Information Protection Act 2004
	8.4	Right to Information Act 2009
RELATED DOCUMENTS	9.1	Policy 9.14: Employee Code of Conduct
	9.2	Policy 1.8: Code of Conduct for Councillors
	9.3	Policy 9.3: Bullying, Harassment and Discrimination Policy
	9.4	Policy 1.4: Public Interest Disclosures Policy & Procedures
AUDIENCE	10	Public document

Appendix A – Service Delivery Time Frames

Service	Response/Processing Time (working days)*
Planning	
Process Development and Subdivision Application Assessment	30
Process amendments to approved permit conditions	20
Process Adhesion order application assessment	15
Process Sealed Plan amendments	20
(with hearing)	40
Council sealing of final plans (Subdivision and Strata)	15
Lodge a Part 5 agreement	10
Refunds	
Bank & bond guarantees – (Includes inspection 10 days)	20
Hall booking deposit – (includes inspection)	10
Building	
Grant Building or Demolition Permit	7
Issue Certificate of Completion for Building Work	5
Issue Certificate of Completion for Demolition Work	14
Amendments to approved building permit conditions	7
Plumbing	
Assess plumbing application and issue Certificate of Likely Compliance – Notifiable Plumbing Work	14
Assess plumbing application and issue Plumbing Permit	21
Assessment and issue of amendment to Notifiable Plumbing Work	14
Assessment and issue of amendment to Plumbing Permit	21
Issue Certificate of Completion (for notifiable or permit plumbing work)	5
Plumbing Inspection from time of request	2
Development Engineering	
Perform Subdivision inspection	5
Process Works in Road Reserve application	3
Health	
Process Special Plumbing Permit application	10
Process Temporary food licence application	10
Process Food licence application	10
Investigate a noise complaint	5
Investigate other environmental complaints	5
Urgent environmental health issues are dealt with immediately upon receipt of complaint.	1

Service	Response/Processing Time (working days)*
Natural Resource Management	
Tree removal applications	10
Illegal tree removal	3
Removal of declared weeds - inspection	5
Information Services	
Process a Right to Information request (where external referral is not required)	10
Investigate and respond to a Complaint	15
Answer your phone call	1 Minute
Return Phone Calls within	2
Respond to general correspondence	10
Process 337 or 132 Certificates	10
Compliance	
Process Kennel licence application	30
Barking dog complaint (initial inspection)	5
Fire hazard (initial inspection)	5
Dogs at large	1
Dog attack	2
By-Law Exemption	10
Works	
Potholes in sealed and gravel roads - Inspect, assess and respond to customer. Add to a prioritised repair program based on risk assessment	15
Replace/repair damaged regulatory Street Signs – . e.g. Give-Way, Stop Signs, Keep Left	5
Replace/repair damaged Street/Place name Signs	30
Missed Bin pickup	Same day where possible.
 * Processing times may increase where: • Information provided by the customer or agent is incomplete and/or incorrect. • Inspections show non-compliance and/or the requirement of remedial works 	

17.6 REVISED FOOTPATH TRADING (ON-STREET DINING AND VENDING) POLICY

File Number: 12.154

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Executive Manager Engineering Services

Strategic Plan Reference

Key Priority Area: 1 Encourage and support a safe, healthy and connected

community.

Strategic Outcome: 1.5 An active and healthy community, with vibrant, clean local areas

that provide social, recreational and economic opportunities.

1 PURPOSE

1.1 The purpose of this report is to present a revised *On-Street Dining and Vending Policy*.

2 BACKGROUND

- 2.1 The *On-Street Dining and Vending Policy* has been reviewed and a revised policy is attached for Council endorsement.
- 2.2 The revised policy aims to provide further clarity around the setbacks required for footpath trading and the conditions that apply under the *Roads*, *Parking and Stormwater By-Law 2011*.

3 STATUTORY REQUIREMENTS

- 3.1 Permits will be issued in accordance with Council's *Roads, Parking and Stormwater By-Law 2011.*
- 3.2 Footpath trading permits are exempt under the *Kingborough Interim Planning Scheme 2015.* Section 5.11.1 outlines exemptions for:

Use and development including outdoor dining facilities, signboards, roadside vendors and stalls which have been granted a licence under the Council's relevant By-Law.

4 DISCUSSION

- 4.1 Officers suggest that the name of the policy be changed from On-Street Dining and Vending to Footpath Trading. The change simplifies the terminology and better incorporates all forms of potential footpath trading which are covered under the policy.
- 4.2 The revised policy incorporates additional information regarding the placement of portable signs on footpaths which will also be covered under the policy.

- 4.3 The revised policy redefines and clarifies the setbacks required to facilitate footpath trading. This ensures unobstructed pedestrian pathways which comply with applicable access requirements.
- 4.4 When the required setbacks are considered, the municipality has limited areas suitable for footpath trading. The two key locations identified for footpath trading are the Kingston Beach foreshore and the new Kingston Community Hub area.
- 4.5 The revised policy includes definitions of key terms that relate to the policy, as well as defining and describing the key footpath zones required for footpath trading.
- 4.6 The revised policy outlines the application requirements for footpath trading and will improve consistency and transparency with the implementation of permits. Officers plan to implement the annual fees at the beginning of the next financial year, after consulting with affected businesses.
- 4.7 Some businesses at Kingston Beach have previously had on-street dining areas approved under a DA process. The aim of this policy is to incorporate these current footpath trading areas under the Footpath Trading permit. This will ensure consistency and enable officers to annually review the applicant's documentation and ensure all provisions of the policy are adhered to on an ongoing basis.

5 FINANCE

- 5.1 The revised policy clarifies the fees that apply to footpath trading. The fees would be charged on an annual basis with all permits expiring on 30 June of each year.
- 5.2 Past DA approvals will not exempt established on-street dining areas from the fees and charges under this policy. The fees will be implemented for all footpath trading in the municipality from financial year 2020-21.
- 5.3 In the 2019-20 Kingborough Council fees and charges an annual fee of \$40 per square metre applies for outdoor dining.
- 5.4 The current outdoor dining fees align with what other Tasmanian Councils are charging for similar permits, as outlined in the below chart. Under the new Footpath Trading Policy the outdoor dining fee would apply across all forms of commercial footpath trading.
- 5.5 Non-commercial roadside vending would be considered under a Hawkers permit with a current fee of \$92.

Council	Permit	Fee
Hobart	Outdoor Dining (varies per location)	\$57 - \$175 p/m2
Launceston	Outdoor Dining (varies per location)	\$22 - \$76 p/m2
	Portable Signage	\$36
Glenorchy	On-street Dining	\$41 p/m2
	Portable Signage	\$27.30
Clarence	On-street Dining	\$41 p/m2
Kingborough	On-street Dining / Footpath Trading	\$40 p/m2

7 ENVIRONMENT

- 7.1 As per the on-street dining conditions in the *Roads, Parking and Stormwater By-Law 2011 Section 19*, footpath trading applicants must ensure that their footpath trading area is clean, tidy and in a sanitary condition at all times.
- 7.2 Outdoor speakers or associated amplification systems must not be installed without approval from the General Manager.

8 COMMUNICATION AND CONSULTATION

- 8.1 The policy will be made publically available on Council's website.
- 8.2 Officer's will advise businesses currently engaged in footpath trading in the municipality that the new policy and subsequent fees will come into effect in the 2020-21 financial year.

9 RISK

- 9.1 The revised policy and associated procedures will improve transparency and reduce the risk of procedural fairness becoming an issue.
- 9.2 A footpath trading permit cannot be issued without the applicant providing a certificate of currency for public liability insurance of a minimum \$10M.
- 9.3 Upon agreeing to the permit conditions, applicants acknowledge that they assume all responsibility for any and all liabilities that arise as a direct result of their footpath trading in the Kingborough municipality.

10 CONCLUSION

10.1 A revised *On-Street Dining and Vending Policy* titled the *Footpath Trading Policy* has been drafted. The revised policy aims to incorporate all potential footpath trading outcomes, with a particular focus on the Kingston Beach and the new Kingston Community Hub areas.

11 RECOMMENDATION

That Council resolve that the attached *Footpath Trading Policy* replace the previous *On-Street Dining and Vending Policy*.

EXISTING POLICY WITH TRACKED CHANGES



 Policy No:
 5.8
 Minute No:
 TBA

 Approved by Council:
 ECM File No:
 12.154

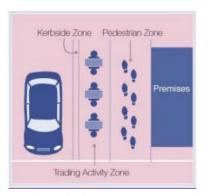
 Next Review Date:
 Version:
 2

Responsible Officer: <u>Executive Manager Engineering Services</u>

On-Street Dining and VendingFootpath Trading Policy

1 POLICY STATEMENT	1.1 This policy outlines the oprovide guidelinesprocess and permit conditions for the establishment of footpath trading (including on street dining, and on street vending and signage) on a Council footpath or road reservation.
2 DEFINITIONS	 "Council" means the Kingborough Council. "Footpath" means the area between a property boundary and the face of the nearest kerbside road, which is provided for use by pedestrians and includes a nature strip and entry areas not in private property. "Footpath trading" means the use of footpaths for commercial activities, including on-street dining, vending and the display of goods and signs. "Pedestrian" means any person traveling along a footpath, whether walking or by using a wheeled recreational vehicle; pram; stroller; trolley; guide dog; or a mobility aid such as wheelchair, motorised scooter, or walking frame. "Authorised officer" means a person authorised under section 20A of the Local Government Act 1993 or a police officer of the Tasmania Police service. "Furniture" includes chairs, tables, barriers, panels and umbrellas, vending equipment, plus any other chattels used in footpath trading. "Street dining" means the consumption of food and/or beverages by customers seated in an area of road external to the business providing and selling food or beverages.
23_OBJECTIVE	3.1 To regulate and eEnsure that on street dining and vendingfootpath trading within the Kingborough municipal area does not interfere with obstruct the use of the footpaths by the general publicpedestrian access and that pedestrian pathways remain accessible for pedestrians of all abilities. 3.2 Ensure that footpath trading permits are issued in and that it operates in accordance with the Roads, Parking and Stormwater By-Law No. 4 of 2011the permit issued by Council. 2.13.3 Encourage footpath trading activities which contribute to the amenity and vibrancy of the local area.
34_SCOPE	3.14.1 This policy aApplies throughout for all footpaths within the Kingborough municipality.
45_PROCEDURE (POLICY DETAIL)	 4.15.1 Method of control- a) Street dining and vending is Footpath trading is to be controlled by the issue of a licence-permit by Council under the conditions of this policy and the provisions of the Roads, Parking and Stormwater By-law No. 4 of 2011. b) Notwithstanding the fact that guidelines can be satisfied, Council is under no obligation to issue a licence-permit for outdoor diningfootpath trading, and each permit licence is issued solely at the General Manager's discretion. 5.2 Licenses will be issued or renewed annually from 1th July each year on receipt of payment of the annual fees as determined by Council from time to time. Footpath zones a) Council has a legal responsibility to ensure a safe and unobstructed pathway for

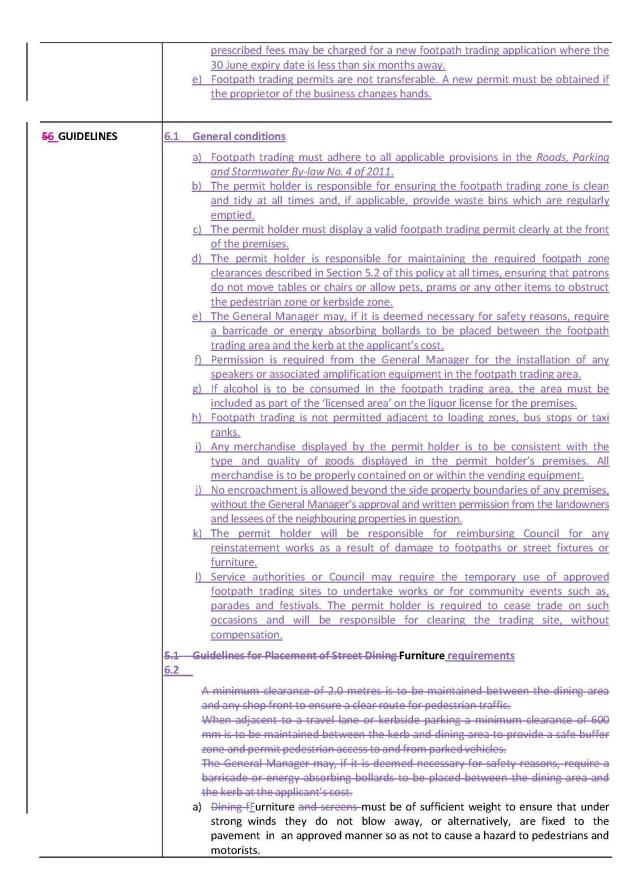
- pedestrians, regardless of their mobility levels.
- b) To simplify the setbacks required for footpath trading it is helpful to consider the footpath in three distinct zones. The size of these zones may vary depending on the width of the footpath, however, there are minimum requirements for both the Pedestrian and Kerbside zones to ensure accessibility for pedestrians and other road users:
 - Pedestrian Zone the section of footpath extending immediately outwards from the storefront or property line with a minimum width of 1.8 metres, to ensure a continuous accessible path of travel, free of obstructions at all times.
 - Kerbside Zone a buffer zone between the trading activity and the kerb. A
 minimum width of 0.6 metres to provide room for pedestrian access to and
 from parked vehicles. This area of the footpath must be kept free of
 obstructions at all times.
 - Trading Zone zone for trading which is the remaining space between pedestrian zone and kerbside zone and (without additional approval) must not extend in width past the premises. This is the only area where the placement of goods, furniture and other items may be authorised.



c) In order to facilitate a consistent unobstructed pathway for pedestrian access, footpaths with a total width less than 2.5 metres will NOT be considered for onstreet dining.

5.3 Application process and requirements

- a) To apply for a footpath trading permit a business owner must submit a completed Footpath Trading Permit Application Form available from the Council Offices and Website.
- b) A footpath trading application must include copies of:
 - a certificate of currency for Public Liability Insurance
 - details of operating and opening times
 - if applicable, a copy of a valid liquor license, which incorporates the proposed footpath trading area
 - a detailed site plan of the proposed footpath trading area with setbacks
 clearly identified and in compliance with the footpath zones described in
 Section 5.2 above. The site plan should detail the locations of all furniture and
 installations.
- c) A per square metre fee applies to footpath trading as outlined in the annual Kingborough Council fees and charges. The applicable fee must be paid in full before a permit is issued.
 - i) The per square metre fee applies to the whole footpath area taken up by trading (the trading zone) as specified in the footpath trading application.
- d) All footpath trading permits will expire annually on 30 June each year, at this time a permit renewal application will need to be submitted. A lesser fee of 50% of the



- b) On days of strong winds, <u>unsecured dining-furniture</u> should not be placed out on the footpath.
 - No furniture is to be placed within 1.0 metre of any Council owned/managed street furniture or street trees.
 - Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
- c) Notwithstanding the above, where clearance specified cannot be achieved, the General Manager may allow the placement of dining furniture if the applicant can demonstrate to the General Manager's satisfaction that it will not cause danger to or obstruction to footpath users.

5.2 Furniture Design Parameters

- c) The sSize, materials and, colours of proposed for tables, chairs, umbrellas, screens, barricades and any other dining furniture or equipment proposed to be used is subject to Council Officer approval. to approval by the General Manager and must be of sufficient weight so as to prevent them blowing away in strong winds. Furniture is to be of good quality and of a safe, durable construction and in keeping with the surrounding streetscape.
- a)d) Furniture shall—must not have any protruding parts which are likely to catch clothing and will not or cause danger to, or obstruction to pedestrians.
 - e) Furniture must be maintained in a good and serviceable condition to the satisfaction of Council Officers.
- Advertising logos or signs other than a logo adopted by the licensee as part of their business promotion are not to be allowedpermitted on any furniture; however advertising logos relating to the activities of the business may be permitted on barricades.
- 5.3 Guidelines for Placement of Vending Equipment
 - a) Street vending is only permitted in a 2.0 metre wide strip parallel to the applicant's shop front.
 - b) A minimum clearance of 2.0 metres is to be maintained between the vending equipment and any shop front to ensure a clear route for pedestrian traffic.
 - c)—No encroachment is allowed beyond the side boundaries of any property.
 - d) No vending is allowed within 1.0 metre of any Council owned/managed street furniture and street tree.
 - e) The licence holder is responsible for maintaining the required clearances at all times.
 - f) Notwithstanding the above, where clearance specified cannot be achieved, the General Manager may allow street vending if the application can demonstrate to the General Manager's satisfaction that it will not cause danger to or obstruction to footpath users.
- 5.4 Guidelines for Vending Equipment and Merchandise
 - a) Vending equipment is to be of good quality and of a safe, durable construction and in keeping with the surrounding streetscape. Equipment also needs to be adequately constructed and secured where appropriate to the satisfaction of the General Manager.
 - g) Merchandise displayed by the license holder is to be consistent with the type and quality of goods displayed in the license holder's premises. All merchandise is to be properly contained on or within the vending equipment. All furniture not approved to be permanently affixed must be cleared from the footpath by the permit holder at the cessation of each day's trading.
 - b) No furniture is to be placed within 1 metre of any Council owned/managed street furniture or street trees.

<u>h)</u>

6.3 Portable signs

This policy also incorporates the placement of portable signs or signboards on

	footpaths. a) Portable signs are only to be placed on the footpath in accordance with the provisions of the Roads, Parking and Stormwater By-Law No. 4 of 2011. b) Portable signs are only to be placed in a location approved by Council Officers. A 1.8m pedestrian zone must be maintained at all times. c) Portable signs must not exceed 600mm in width or 1000mm in height. d) Signs must only be displayed during the normal trading hours of the permit holder's business. e) Signs must feature the business name or service provided by the business to which it relates. e) Inflatable signs; portable electric signs; illuminated, spinning, or flashing signs; flags and banners are prohibited. Signboards on Footpaths d) Signboards are only to be placed on the footpath in accordance with the provisions of the Roads, Parking and Stormwater By-law No. 4 of 2011. e) Operating Hours f) All relevant dining furniture or vending equipment is to be removed at the cessation of each day's trading by the licence holder. g) Health and Other Regulations h) Food businesses applying for a licence must have premises registered by Council under the Food Act 2003. i) Any other permits required by law must be obtained by the licensee, who is also responsible to comply with other Council regulations. j) Application Process k)f) An application is to be submitted in accordance with Clause 17 of the Roads, Parking and Stormwater By-law No. 4 of 2011.	
67_COMMUNICATION	6.17.1 Kingborough residents and relevant ≠business proprietors. 6.27.2 Kingborough Council staff.	
78_LEGISLATION	7.18.1 Permits for on-street diningfootpath trading shall be issued in accordance with the requirements of the Roads, Parking and Stormwater By-law No. 4 of 2011.	
89_RELATED DOCUMENTS	9.1 Local Government Act 1993 9.2 Food Act 2003 9.3 Disability Discrimination Act 1992 8.19.4 Kingborough Footpath Trading Application Form	

UPDATED POLICY FOR APPROVAL



Policy No: 5.8 Minute No:
Approved by Council: - ECM File No: 12.154

Next Review Date: - Version: 2

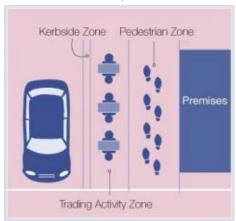
Responsible Officer: Executive Manager Engineering Services

Footpath Trading Policy		
POLICY STATEMENT	1.1 This policy outlines the process and permit conditions for the establishment of footpath trading (including dining, vending and signage) on a Council footpath or road reservation.	
DEFINITIONS	 2.1 In this policy: "Council" means the Kingborough Council. "Footpath" means the area between a property boundary and the face of the nearest kerbside road, which is provided for use by pedestrians and includes a nature strip and entry areas not in private property. "Footpath trading" means the use of footpaths for commercial activities, including on-street dining, vending and the display of goods and signs. "Pedestrian" means any person traveling along a footpath, whether walking or by using a wheeled recreational vehicle; pram; stroller; trolley; guide dog; or a mobility aid such as wheelchair, motorised scooter, or walking frame. "Authorised officer" means a person authorised under section 20A of the Local Government Act 1993 or a police officer of the Tasmania Police service. "Furniture" includes chairs, tables, barriers, panels and umbrellas, vending equipment, plus any other chattels used in footpath trading. "Street dining" means the consumption of food and/or beverages by customers seated in an area of road external to the business providing and selling food or beverages. 	
OBJECTIVE	 3.1 Ensure that footpath trading within the Kingborough municipal area does not obstruct pedestrian access and that pedestrian pathways remain accessible for pedestrians of all abilities. 3.2 Ensure that footpath trading permits are issued in accordance with the Roads, Parking and Stormwater By—Law No. 4 of 2011. 3.3 Encourage footpath trading activities which contribute to the amenity and vibrancy of the local area. 	
SCOPE	4.1 This policy applies for all footpaths within the Kingborough municipality.	
PROCEDURE (POLICY DETAIL)	 5.1 Method of control a) Footpath trading is to be controlled by the issue of a permit by Council under the conditions of this policy and the provisions of the Roads, Parking and Stormwater By-law No. 4 of 2011. 	

 Council is under no obligation to issue a permit for footpath trading, and each permit is issued solely at the General Manager's discretion.

5.2 Footpath zones

- a) Council has a legal responsibility to ensure a safe and unobstructed pathway for pedestrians, regardless of their mobility levels.
- b) To simplify the setbacks required for footpath trading it is helpful to consider the footpath in three distinct zones. The size of these zones may vary depending on the width of the footpath, however, there are minimum requirements for both the Pedestrian and Kerbside zones to ensure accessibility for pedestrians and other road users:
 - Pedestrian Zone the section of footpath extending immediately outwards from the storefront or property line with a minimum width of 1.8 metres, to ensure a continuous accessible path of travel, free of obstructions at all times.
 - Kerbside Zone a buffer zone between the trading activity and the kerb. A minimum width of 0.6 metres to provide room for pedestrian access to and from parked vehicles. This area of the footpath must be kept free of obstructions at all times.
 - Trading Zone zone for trading which is the remaining space between pedestrian zone and kerbside zone and (without additional approval) must not extend in width past the premises. This is the only area where the placement of goods, furniture and other items may be authorised.



c) In order to facilitate a consistent unobstructed pathway for pedestrian access, footpaths with a total width less than 2.5 metres will NOT be considered for on-street dining.

5.3 Application process and requirements

- a) To apply for a footpath trading permit a business owner must submit a completed *Footpath Trading Permit Application Form* available from the Council Offices and Website.
- b) A footpath trading application must include copies of:

- a certificate of currency for Public Liability Insurance
- details of operating and opening times
- if applicable, a copy of a valid liquor license, which incorporates the proposed footpath trading area
- a detailed site plan of the proposed footpath trading area with setbacks clearly identified and in compliance with the footpath zones described in Section 5.2 above. The site plan should detail the locations of all furniture and installations.
- c) A per square metre fee applies to footpath trading as outlined in the annual Kingborough Council fees and charges. The applicable fee must be paid in full before a permit is issued.
 - The per square metre fee applies to the whole footpath area taken up by trading (the trading zone) as specified in the footpath trading application.
- d) All footpath trading permits will expire annually on 30 June each year, at this time a permit renewal application will need to be submitted. A lesser fee of 50% of the prescribed fees may be charged for a new footpath trading application where the 30 June expiry date is less than six months away.
- e) Footpath trading permits are not transferable. A new permit must be obtained if the proprietor of the business changes hands.

GUIDELINES

6.1 **General conditions**

- a) Footpath trading must adhere to all applicable provisions in the Roads, Parking and Stormwater By-law No. 4 of 2011.
- b) The permit holder is responsible for ensuring the footpath trading zone is clean and tidy at all times and, if applicable, provide waste bins which are regularly emptied.
- c) The permit holder must display a valid footpath trading permit clearly at the front of the premises.
- d) The permit holder is responsible for maintaining the required footpath zone clearances described in Section 5.2 of this policy at all times, ensuring that patrons do not move tables or chairs or allow pets, prams or any other items to obstruct the pedestrian zone or kerbside zone.
- e) The General Manager may, if it is deemed necessary for safety reasons, require a barricade or energy absorbing bollards to be placed between the footpath trading area and the kerb at the applicant's cost.
- f) Permission is required from the General Manager for the installation of any speakers or associated amplification equipment in the footpath trading area.
- g) If alcohol is to be consumed in the footpath trading area, the area must be included as part of the 'licensed area' on the liquor license for the premises.
- h) Footpath trading is not permitted adjacent to loading zones, bus stops or taxi ranks.
- i) Any merchandise displayed by the permit holder is to be consistent with the type and quality of goods displayed in the permit holder's premises. All merchandise is to be properly contained on or within the vending equipment.

- j) No encroachment is allowed beyond the side property boundaries of any premises, without the General Manager's approval and written permission from the landowners and lessees of the neighbouring properties in question.
- k) The permit holder will be responsible for reimbursing Council for any reinstatement works as a result of damage to footpaths or street fixtures or furniture.
- Service authorities or Council may require the temporary use of approved footpath trading sites to undertake works or for community events such as, parades and festivals. The permit holder is required to cease trade on such occasions and will be responsible for clearing the trading site, without compensation.

6.2 Furniture requirements

- a) Furniture must be of sufficient weight to ensure that under strong winds they do not blow away, or alternatively, are fixed to the pavement in an approved manner so as not to cause a hazard to pedestrians and motorists.
- b) On days of strong winds, unsecured furniture should not be placed out on the footpath.
- c) The size, materials and colours of proposed furniture or equipment is subject to Council Officer approval. Furniture is to be of good quality and of a safe, durable construction and in keeping with the surrounding streetscape.
- d) Furniture must not have any protruding parts which are likely to catch clothing or cause danger to, or obstruction to pedestrians.
- e) Furniture must be maintained in a good and serviceable condition to the satisfaction of Council Officers.
- f) Advertising logos or signs other than a logo adopted by the licensee as part of their business promotion are not permitted on any furniture; however advertising logos relating to the activities of the business may be permitted on barricades.
- g) All furniture not approved to be permanently affixed must be cleared from the footpath by the permit holder at the cessation of each day's trading.
- h) No furniture is to be placed within 1 metre of any Council owned/managed street furniture or street trees.

6.3 Portable signs

This policy also incorporates the placement of portable signs or signboards on footpaths.

- a) Portable signs are only to be placed on the footpath in accordance with the provisions of the Roads, Parking and Stormwater By-Law No. 4 of 2011.
- b) Portable signs are only to be placed in a location approved by Council Officers. A 1.8m pedestrian zone must be maintained at all times.
- c) Portable signs must not exceed 600mm in width or 1000mm in height.
- d) Signs must only be displayed during the normal trading hours of the permit holder's business.
- e) Signs must feature the business name or service provided by the business to which it relates.

	 f) Inflatable signs; portable electric signs; illuminated, spinning, o flashing signs; flags and banners are prohibited.
COMMUNICATION	 Kingborough residents and relevant business proprietors. Kingborough Council staff.
LEGISLATION	.1 Permits for footpath trading shall be issued in accordance with the requirements of the Roads, Parking and Stormwater By-law No. 4 of 2011.
RELATED DOCUMENTS	 Local Government Act 1993 Food Act 2003 Disability Discrimination Act 1992 Kingborough Footpath Trading Application Form

17.7 AUDIT PANEL CHAIRPERSON

File Number: 12.195

Author: John Breen, Chief Financial Officer

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver Quality Infrastructure and Services

Strategic Outcome: 2.4 The organisation has a corporate culture that embraces quality

customer service, encourages innovation and has high

standards of accountability.

1 PURPOSE

1.1 The purpose of this report is to provide a recommendation on the preferred candidate for the role of Chairperson for the Audit Panel.

2 BACKGROUND

- 2.1 At the Audit Panel meeting in October 2019, Nick Burrows the independent chair of the audit panel, finished his role with the Audit Panel.
- 2.2 The Council on 9 December 2019 approved a replacement independent panel member.
- 2.3 An expression of interest process was conducted among the three independent audit panel members to seek a replacement Chairperson.

3 STATUTORY REQUIREMENTS

3.1 An Audit Panel Is created under Division 4 of the *Local Government Act 1983*. The Audit Panel Charter stipulates that Council must have three independent members of the Audit Panel and that an independent member shall be appointed by Council as Chairperson.

4 DISCUSSION

- 4.1 There was only one applicant for the role as Chairperson of the panel, Paul McTaggart.
- 4.2 Paul has a strong background in finance and risk management and has been a member of the Panel for four years. During that time he has demonstrated a capacity to fulfil the tasks required of Chairperson.

5 FINANCE

5.1 The Chairperson is paid a sitting fee which is allowed for in the annual budget.

6 COMMUNICATION AND CONSULTATION

6.1 The information on the members of the Audit Panel is posted on the Council website.

7 ENVIRONMENT

7.1 There are no environmental implications associated with this matter.

8 RISK

8.1 No risks have been identified in relation to the recruitment process.

9 CONCLUSION

9.1 After going through an appropriate process, the candidate for the role of Chairperson is recommended to Council.

10 RECOMMENDATION

That Paul McTaggart be appointed to the Audit Panel as Chairperson for a period of four years.

18 INFORMATION REPORTS

RECOMMENDATION

That the following information reports be noted:

- 18.1 General Manager's Diary.
- 18.2 Current and Ongoing Minute Resolutions.
- 18.3 Kingborough Waste Services Bi-Monthly Report.
- 18.4 Audit Panel Minutes.
- 18.5 Minutes Kingborough Access Advisory Committee.

18.1 GENERAL MANAGER'S DIARY FOR THE PERIOD 18 NOVEMBER 2019 TO 24 DECEMBER 2019

18 November	Attended Council workshop	
19 November	Attended the Greater Hobart Mayor's Forum	
20 November	Attended LG Mini Challenge Presentations	
25 November	In company with the Mayor, met with Mr Chris Rasmussen to discuss John Street reconstruction	
	Attended Council meeting	
26 November	Met with Mr Andrew Paul	
27 November	Met with Mr Jon Zito to discuss road maintenance	
	In company with Cr Fox, met with Mr & Mrs Heap to discuss drainage matters	
	Met with members of the Kingborough Tigers Football Club	
28 November	In company with the Mayor, attended the Copping Joint Authority AGM and General Meeting	
29 November	In company with the Mayor, attended a Greater Sydney Commission Presentation breakfast workshop	
	Met with Mr Dean Cocker to discuss development matters	
2 December	In company with the Mayor, attended Tasmania Report breakfast	
	Attended Council Workshop	
3 December	In company with the Mayor, met with Mr Emmanuel Kalis to discuss development matters	
6 December	Attended LGAT General Meeting	
9 December	Attended Council meeting	
10 December	Attended workshop hosted by the Co-ordinator General	
11 December	Attended LG Professionals Board Meeting	
16 December	Met with Ms Isobel Vanderkroef to discuss stormwater issues	
	Attended Greater Hobart Act working program meeting	
17 December	In company with the Mayor, attended the Greater Hobart Mayors Forum	
L	1	

18.2 CURRENT AND ONGOING MINUTE RESOLUTIONS

CURRENT	
Resolution Title Meeting Date Minute No. Status Responsible Officer Officers Comments Anticipated Date of Completion	Kingborough Community Hub – Café Lease 11 November 2019 C718/22-19 Completed Executive Manager Governance & Community Services Lease agreement finalised. Completed
Resolution Title Meeting Date Minute No. Status Responsible Officer Officers Comments Anticipated Date of Completion	Twin Ovals Cricket Scoreboard 11 November 2019 C721/22-19 Completed Executive Manager Governance & Community Services KDCC advised of Council decision Completed
Resolution Title Meeting Date Minute No. Status Responsible Officer Officers Comments Anticipated Date of Completion	Kingborough Youth Arts Prize 11 November 2019 C723/22-19 In progress Executive Manager Governance & Community Services Development of showcase activities underway September 2020
Resolution Title Meeting Date Minute No. Status Responsible Officer Officers Comments Anticipated Date of Completion	Halls Track Road 9 December 2019 C793/24-19 In progress Executive Manager Engineering Services Investigation and report to be written March 2020
Resolution Title Meeting Date Minute No. Status Responsible Officer	North Roslyn Avenue 9 December 2019 C795/24-19 In progress Executive Manager Engineering Services

Officers Comments Anticipated Date of Completion	Submission will be provided to DSG on reducing speed limit on NRA and other actions investigated and implemented as stated in report. June 2020
Resolution Title	Bruny Island Boat Club Petition
Meeting Date	9 December 2019
Minute No.	C797/24-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Organisers advised of Council resolution. Lease
	agreement to be negotiated.
Anticipated Date of Completion	March 2020

STILL BEING ACTIONED	
Resolution Title	Silverwater Park
Meeting Date	14 October 2019
Minute No.	C694/20-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Consultation process underway
Anticipated Date of Completion	March 2020
Resolution Title	Recreational Water Quality, Blackmans Bay Beach
Meeting Date	14 October 2019
Minute No.	C696/20-19
Status	In progress
Responsible Officer	Senior Environmental Health Officer
Officers Comments	Monitoring and investigation program continuing.
Anticipated Date of Completion	Review subject to ongoing compliant results.
Resolution Title	Kingston Park Playground Funding
Meeting Date	22 July 2019
Minute No.	C498/15-19
Status	In progress
Responsible Officer	Deputy General Manager
Officers Comments	Loan approval sought from State Government
Anticipated Date of Completion	December 2019
Resolution Title	Safer Routes to School Taroona
Meeting Date	24 June 2019
Minute No.	C427/13-19
Status	Ongoing

Responsible Officer	Executive Manager Engineering Services
Officers Comments	Will undertake additional traffic counts and other
	actions as listed in report
Anticipated Date of Completion	June 2020
Resolution Title	Information & Communications Technology Review
Meeting Date	27 May 2019
Minute No.	C364/10-19
Status	In progress
Responsible Officer	Executive Manager Information Services
Officers Comments	Funding source yet to be determined.
Anticipated Date of Completion	In line with strategic action development but before next budget cycle January 2020.
Resolution Title	Proposed Transfer of Land Owned by UTAS to Council at Taroona Beach
Meeting Date	25 March 2019
Minute No.	C233/6-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Awaiting sub-division by UTAS
Anticipated Date of Completion	February 2020
Resolution Title	Tassal Community Advisory Group
Meeting Date	11 September 2017
Minute No.	C460/20-17
Status	In progress
Responsible Officer	Manager Environmental Services
Officers Comments	Community advisory groups currently exist on the Tasman Peninsula, Esperance area and Spring Bay on the east coast. There is not a current a group in the Channel area, however Tassal have advised that they are considering initiating a group in this region in the future.
Anticipated Date of Completion	Unknown
	<u> </u>

18.3 KINGBOROUGH WASTE SERVICES BI-MONTHLY REPORT

Author: Tony Ferrier, Deputy General Manager

Attached to this information report are the minutes of the Board meeting held on 27 November 2019, the Chairman's report, the financial reports up to the end of October 2019 and the Waste Management Strategy Progress Report.

Finance

The Profit and Loss Statement for the year-to-date period up to 31 October 2019 resulted in an operational surplus of \$21,882. This result is \$30,035 more than the budgeted deficit of \$8,153.

			Surplus/(Deficit)	Actual Result
Month	Income	Expenditure	2019/20	2018/19
July	192,082	180,085	11,997	14,722
August	178,446	209,134	(30,689)	(24,757)
September	188,338	168,314	20,025	13,269
October	219,330	198,781	20,549	22,749
November				
December				
January				
February				
March				
April				
May				
June				
TOTAL	778,196	756,314	21,882	25,983

The year-to-date budget versus actual results comparison is as follows:

Month in 2019/20	Budget	Actual	Variance
July	1,465	11,997	10,532
August	(29,786)	(30,689)	(903)
September	9,304	20,025	10,721
October	10,864	20,549	9,685
November			
December			
January			
February			
March			
April			
May			
June			
TOTAL	(8,153)	21,882	30,035

Variances of note for the 2019/20 year to date include the following (acknowledging it is only four months into the year and most items were close to budget):

Item	Positive Impact	Negative Impact	Comments
Income	\$	\$	
General waste		8,868	Less waste was received than expected.
Green waste	21,172		More green waste received than expected.
Timber		3,989	Less timber received than expected.
Metal sales	19,734		Substantial revenue was obtained due to a large removal of metals in July – noting that no revenue has been budgeted for this year.
Bruny Island disposal charges	6,841		More Bruny waste received than expected.
Expenditure	\$	\$	
Salaries		11,944	Additional (labour hire) staff employed to cover permanent staff taking accumulated leave.
Disposal costs - Copping	3,772		Relatively minor budgetary difference.
Transport costs - Copping		2,457	Relatively minor budgetary difference.
Office expenses	4,598		Lower office expenses than expected this early in the year.

WASTE TRANSFER STATION SITE ACTIVITIES

During this period a new hydraulic ram and power pack was installed on the tandem trailer (following a theft). Increased security measures are being considered. Construction has commenced of a hard stand area at Barretta for processing green waste. Additional 240 litre bins have been purchased for use at Council events.

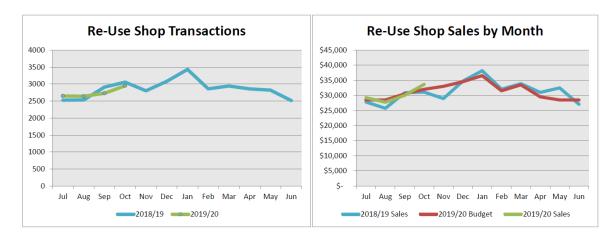
Safety audits were conducted at both the Barretta and Bruny Island waste transfer stations during October. A number of issues were identified that were subsequently remedied – primarily related to keeping certain parts of the sites more clean and tidy and free of obstructions. Chemicals are sometimes left on site and additional bunding will need to be installed and staff trained to understand the potential hazards.

A free green waste disposal weekend was held on 26-27 October with a total of 109.14 tonnes disposed of by the public. The Bruny Island free waste weekend is scheduled for 25-26 January 2020.

There have been no metal collections during the reporting period, though a good price has been obtained for the removal of metals, commencing in December. The CMA Eco-cycle program removed 79kg of fluorescent tubes and globes, 242kg of household batteries and 119kg of X-rays during September. 80kg of mobile phones were recycled through the mobile muster program during October. Drum Muster collections are registered electronically and 50 eligible containers were collected and processed through the scheme during these two months.

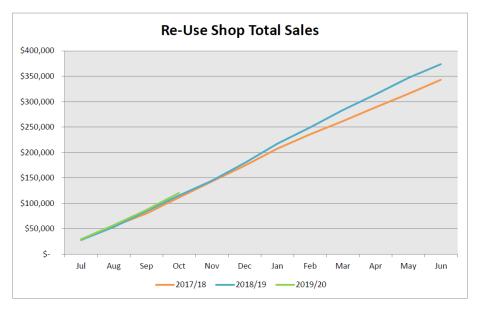
For the Re-use Shop, September resulted in 2,728 transactions, with sales of \$30,034 which is \$466 below budget. August resulted in 2,949 transactions, with sales of \$33,635, which is

\$1,635 above budget. The shop is tracking well and is \$1,132 over budget and there has been an increase of \$5,138 compared to the same period 2018/19.



The above graph highlights the total Re-Use Shop transactions by month for the 2019-20 financial year compared to the same period during 2018-19.

The above graph highlights the Re-Use Shop sales by month for the 2019-20 financial year compared to the same period during 2018-19 year and the 2019-20 Budget.



The above graph highlights the total Re-Use Shop sales for the period ending 31 October 2019 compared to the 2019-20 Budget and the 2018-19 result for the same period. The graph shows a result \$1,132 over budget and increased sales of \$5,138 over the same period in 2018-19.

The following table outlines the waste received up to the end of October 2019 and that which is transported to Copping and other diversions.

Product	Tonnes
General Waste	1733.48
Kerbside Waste	1798.23
Kerbside Recycling	788.82
Recyclables (Sawtooth)	454.06
Shop Receivables	150.35

Green Waste	866.42
Timber waste	34.03
Car Batteries	8.19
X-Ray/Globes/Batteries	0.78
Non Ferrous	8.05
Oil	7.85
Paint	4.94
Tyre/Gas	1.84
E-waste	13.08
TOTAL WASTE RECEIVED (Tonnes)	5,870.11
Product	Tonnes
Transported to Copping	3,313.50
Kerbside Recycling	788.82
Diverted WTS	218.21
Diverted Metal	229.01
Diverted MRF	119.64
Diverted Glass	105.41
Diverted Shop	150.35
Diverted Green Waste	866.42
Diverted Timber Waste	34.03
Diverted Car Batteries	8.19
Diverted X-Ray/Globes/Batteries	0.78
Diverted Non Ferrous	8.05
Diverted Oil	7.85
Diverted Paint	4.94
Diverted Tyres / Gas Bottles	1.84
Diverted E-waste	13.08
Total Diverted	2,556.61
Diverted %	44%

A list of the diversion rates (waste diverted from landfill) now being achieved on a month-to-month basis compared to previous years is as shown in the following table. Note that these figures now include the diversion of green waste and, since mid-October 2018, they also include kerbside recycling volumes – hence the increased diversion percentage compared to previous years.

Month	2019/20	2018/19	2017/18	2016/17	2015/16	2014/15	2013/14
July	41%	33.6%	23.70%	15.16%	17.17%	22.85%	22.04%
August	39%	36.07%	25.92%	19.22%	17.20%	26.35%	23.53%
September	45%	36.03%	22.03%	22.94%	23.01%	23.04%	28.04%
October	46%	45.4%	22.84%	24.73%	19.82%	25.63%	23.85%
November		43.6%	22.62%	21.41%	26.32%	27.69%	25.33%
December		45.46%	21.01%	27.71%	19.87%	20.54%	24.60%
January		44.01%	21.32%	22.01%	24.26%	22.08%	26.29%
February		45.19%	21.49%	24.24%	23.22%	26.11%	30.33%
March		47.37%	19.42%	24.44%	23.62%	25.18%	28.34%
April		43.0%	25.84%	25.63%	21.50%	23.25%	26.36%
May		43.09%	31.12%	19.85%	18.41%	24.05%	25.16%
June		42.25%	23.9%	22.7%	24.97%	17.86%	35.32%
TOTAL		42.56%	24.21%	22.89%	21.73%	23.72%	26.60%

STRATEGIC ACTIVITIES

The Board considered the Service Level report. The kerbside collection program is meeting all KPIs, except for an incomplete progress claim. The mainland public place bin collection program has met all KPIs – except for some missed collections and a failure to provide some collection vehicle and operator records. This had been dealt with in more detail in the preceding Service Level Agreement meeting with the General Manager.

The kerbside collection service will be expanded along Sandfly Road, Margate up to and including Blackwood Grove. It will also be expanded along Leslie Road, Leslie Vale up to and including Penola Drive. These expansions will occur during December.

New public place recycling bins are to be installed at Kingston Beach (stainless steel bins same as at Hobart) in early 2020. A capital budget bid will be required for Council to be able to install these recycling bins at other locations. There have been frequent instances of people dumping household waste at the public place bins, particularly at Kettering and Gordon – resulting in increased collections and costs to KWS. It will be necessary to carry out some checks to ensure all bins are actually emptied as required. It was also noted that the use of fully compostable dog bags will result in additional costs (\$20K) and will be put forward in next year's budget.

An update was also provided on the current situation with the Materials Recycling Facility at Lutana with a new renegotiated figure of \$139/tonne (was \$100/tonne) for recyclables and \$70/tonne for cardboard. This is likely to result in an increased cost of about \$20K on this year's KWS budget.

KWS staff are to investigate the opportunities for recycling bins to be installed on south Bruny. Any new bins would be funded from the State government's grant for Bruny Island that is to address visitor impacts on local infrastructure. KWS will also investigate potential ongoing operational issues and costs, noting that it would be a likely addition to the public place bin contract.

A discussion was also held into Council's use of recycled materials in its day to day operations. It was felt that it would be useful to collate what is currently being done in this regard and to identify what further proactive action could be taken.

Council has decided to commence a kerbside green waste collection service and KWS is preparing the necessary implementation arrangements. A community survey is currently underway (closes 16 December 2019) and responses are being received from those who want to opt out or opt in to the collection service. An update was received on progress so far with this survey. This information is required for inclusion in the tender specifications, with the service to commence in July 2020.

KWS has also been consulting with Hobart, Launceston and Glenorchy councils, plus Mornington Park Waste Transfer Station, in regard to the most efficient means of implementing a kerbside green waste collection service. The consensus is that it should be a two staged approach – initially garden organics only and then food organics later. It is also acknowledged that there are limited disposal options currently available for the collected product. Consequently, a joint Expressions of Interest process (with Hobart and Glenorchy) commenced on 17 August and closed on 18 September 2019 to identify a future FOGO processing facility. A total of 9 service providers responded with different processing methods and these are still being assessed.

KWS provided advice to the General Manager on the issues raised in the State Government's Waste Action Plan and identified those matters that were worth commenting on. The General Manager subsequently made a submission on behalf of Council (submissions closed on 7 October). A report to Council will be prepared that deals with Board membership and remuneration.

COMMUNICATION

Updated information is provided in the Kingborough Chronicle on a monthly basis that provides information on the services provided at Barretta, re-use shop advertisements and any current notifications or changes to operating arrangements. Similar information is provided on Council's Facebook page. The kerbside green waste collections guide was printed and distributed. There have also been a number of website updates (eg Frequently Asked Questions).

Goodlife Permaculture was engaged to run information sessions and workshops on community gardens and home composting – on 29 September, 27 October and 24 November 2019. These home composting workshops were very popular (maximum attendance) and the Home Composting booklet was printed and distributed. Home composting videos for Council's website are being developed and scheduled for January 2020.

The Board considered a report on consultation conducted into the three community gardens within Kingborough – at Kingston, Margate and Taroona. The priority at Margate is to generate greater local community interest and involvement. At Taroona, the priorities include a master plan (extension of site, signage, better access and more landscaping in the surrounds), a new worm farm, an all-weather shelter, electricity supply and assistance with chipping the prunings. At Kingston, the priorities include signage, a rain tank, fencing, more community engagement, electricity supply, seating, shelter, a hot house, driveway sealed, a garden plan (including expansion) and assistance with public liability insurance and completion of meeting room building. The onus will be on each of these local organisations to follow up the issues that they have identified and some requests for Council assistance may be made as a result.

ATTACHMENTS

1. Minutes of the Board meeting held on 31 July 2019

1. Opening

A Meeting of the Directors of Kingborough Waste Services Pty Ltd was held on Wednesday 27 November 2019 at the Council Chambers, Kingston commencing at 9.00a.m.

2. Attendance

- a. Present: Peter Shelley Chairperson/Director; Debra Mackeen Director; Tony
 Ferrier Director; David Reeve Director
- b. Apologies: Dean Street
- c. Non Director Attendees: Stuart Baldwin, Tim Jones

3. Approval of the Agenda

KWS210/50-19

Directors attending were invited to nominate items of General Business for discussion and/or decision and to request changes to the Order of Business for the meeting.

4. Previous Minutes

KWS211/50-19

The Minutes of Board Meeting No. 49 of Tuesday 24 September 2019 were discussed.

The Board resolved that the Minutes of Board Meeting No. 49 of Tuesday 24 September 2019 be confirmed.

5. Declarations of Interest

Pursuant to Clause 22.10 of the Constitution, Directors were invited, where applicable, to declare an interest in any matter listed on the Agenda, nominating the specific item(s) in which the Director declares interest. The following Standing Declarations were noted:

- a) Tony Ferrier, in his position as Deputy General Manager with the Kingborough Council; and
- b) David Reeve, in his position as Executive Manager Engineering Services with the Kingborough Council.

6. Business Arising from the Minutes

(i) The Board Action List was discussed. A draft letter was provided to the General Manager so that comments are made on the State government's Waste Action Plan. Text has been supplied for inclusion in the Council's Annual Report. Clarification was provided on the waste diversion percentages in the Manager's operational report.

7. General Business

7.1 Financial Reports for Kingborough Waste Services Pty Ltd KWS212/50-19

The September and October 2019 Profit and Loss Financial Reports, Balance Sheet and the Budget Forecast were discussed. There is an operational surplus of \$21,882. This is \$20,035 more than the budgeted deficit of \$8,153 for the end of October 2019.

The Board resolved that the Profit and Loss Financial reports for Kingborough Waste Services Pty Ltd for September and October 2019, the Balance Sheet as of 31 October 2019 and the Budget Forecast for the period be received and noted.

7.2 Operational Report KWS213/50-19

The September and October 2019 operational report was presented by the Manager KWS.

It was noted that there have been a number break-ins at Barretta recently, with a hydraulic ram and power pack stolen (now replaced) and other minor thefts. Improved security measures will be put in place. Hazard inspections have been undertaken at Barretta and Bruny. Chemicals are sometimes left on site and additional bunding will need to be installed and staff trained to understand the potential hazards. A good price has been obtained for the removal of metals.

The Board resolved that the September and October 2019 operational report of the Manager Kingborough Waste Services be received and noted.

7.3 Service Level Agreement Report

The October 2019 Service Level Agreement report was presented by the Manager KWS.

It was noted that extensions to the kerbside collections are being organised at Sandfly and Leslie Vale, and a request for another extension at Margate is being investigated. Quotes have been obtained for kerbside bin audits (for 40 waste bins and 40 recycling bins in 5 areas). Although not budgeted, it was agreed that this needs to be done to inform the green waste collection arrangements. An issue on Maranoa Road was discussed where the bins for 27 units are left on the roadside for collection. This is difficult for the contractor and other options will be investigated. The bin strap trial has been deferred until next year.

New public place recycling bins are to be installed at Kingston Beach (stainless steel bins same as at Hobart) in early 2020. A capital budget bid will be required for Council to be able to install these recycling bins at other locations. There have been frequent instances of people dumping household waste at the public place bins, particularly at Kettering and Gordon – resulting in increased collections and costs to KWS. It will be necessary to carry out some checks to ensure all bins are actually emptied as required. It was also noted that the use of fully compostable dog bags will result in additional costs (\$20K) and will be put forward in next year's budget.

The report on community gardens was discussed. The onus will be on each of these local organisations to follow up the issues that they have identified and some requests for Council assistance may be made as a result. It was agreed that a proposal for a small garden at the Barretta waste transfer station should be further investigated (to show how recycled material could be used to create a good quality food garden). The home composting workshops have been very popular.

The Board resolved that the October 2019 Service Level Agreement report of the Manager Kingborough Waste Services be received and noted.

8. Other Business

8.1 Bruny Island South Waste and Recycling Facilities

KWS staff are to investigate the opportunities for recycling bins to be installed on south Bruny. Any new bins would be funded from the State government's grant for Bruny Island that is to address visitor impacts on local infrastructure. KWS will also investigate potential ongoing operational issues and costs, noting that it would be a likely addition to the public place bin contract.

8.2 Green Waste Kerbside Collection Update

A community survey is currently underway (closes 16 December 2019) and responses are being received from those who want to opt out or opt in to the collection service. An update was received on progress so far with this survey. This information is required for inclusion in the tender specifications, with the service to commence in July 2020.

8.3 Council's Use of Recycled Materials

It was agreed that Council should be maximizing the use of recycled materials in as many of its operations as possible. It is proposed to compile a register of all existing activity and to determine what other proactive measures could be taken in future.

8.4 Other Matters

Further consideration of a visit to Barretta by the councillors has been deferred until later in 2020, bearing in mind the current KWS workload. An update was provided on the increased rates to accept recyclables at Lutana with a new renegotiated figure of \$139/tonne (was \$100/tonne) and \$70/tonne for cardboard. This is likely to result in an increased cost of about \$20K on this year's KWS budget. The contract with Council to manage the Bruny waste transfer station will expire in January 2020 and a report to Council will be required. A report to Council will be prepared that deals with Board membership (with Peter's term expiring in 4 months) and remuneration (with the increased responsibilities of KWS).

9. Date and Place of Next Meeting

The next KWS Board meeting is scheduled for Wednesday 29 January 2019 at 9.30a.m.

10. Closure

There being no further business, the Chair declared the meeting closed at 10.43a.m.

2. Chairman's report

Kingborough Waste Services Pty Ltd

Chairman's Report No 50 Issued 3rd December 2019

Board Meeting, 27th November 2019

The KWS Board held a scheduled board meeting on Wednesday 27th November 2019 at the Council Chambers, Kingston. KWS attendees were Peter Shelley in his capacity as the Chairman/Director; Debra Mackeen, Director, Tony Ferrier, Director, David Reeve, Director, Stuart Baldwin (Manager of KWS), and Tim Jones (Manage-Finance, Kingborough Council).

Principle Matters

The principle matters discussed/addressed by the Board at the meeting were as follows:

- ➤ Confirmed the minutes of the previous meeting held on the 24th September 2019.
- ➤ The Board reviewed the financial reports for KWS for September and October 2019. The combined results for September and October were positive and yielded a profit of \$40.5k some \$20.5k higher than forecast. KWS now has a YTD surplus of \$21.9k as opposed to a forecast loss of \$8.1k Increased revenues of Green Waste and Metal sales were the major contributing factors whilst expenses for the two months were very much in line with forecast. An excellent result.
- ➤ The Board reviewed the Operational Report for September and October 2019. The Board were advised that there had been a number of minor break-ins at Barretta during the period under review. There was however one major incident that resulted in a hydraulic ram and power pack being stolen from a compactor trailer parked on site. Improved security is being investigated by KWS management. Hazard inspections have been completed at Barretta and Bruny with minor breaches being corrected by KWS management. Staff training on the handling of chemicals will be undertaken to improve this area of operation.
- Provided The Board reviewed and noted the September and October 2019 Service Level Agreement report from the Manager KWS. It was noted that the kerbside collections are being increased in the Sandfly and Leslie Vale areas. An extension of the collection area for Margate is also being investigated. Kerbside bin audits of 40 each waste and recycling bins will be undertaken in five different areas of collection to provide KWS management with up to date information prior to the commencement of green waste collection arrangements. The bin strap trial is being deferred until early 2020.

 New public place recycling bins (stainless steel) are to be installed at Kingston Beach with a capital budget to be considered for the installation of further bins in other locations throughout Kingborough,
- A discussion on Community Gardens was held following KWS management involvement in recent community garden and home composting activities. It was agreed that KWS management would evaluate the potential for a small community food garden to be developed at Barretta from recycled materials.

- ➤ Bruny Island Waste and Recycling Facilities. This matter was discussed in detail KWS staff are investigating the opportunities for recycling bins to be installed on South Bruny with potential funds contributed by the State government's grants for Bruny Island to address visual impacts on local infrastructure. This investigation will address issues of costs, operational matters and location noting that any such installation would be in addition to the present public place bin contract.
- > KWS are presently conducting a community survey in relation to the July 2020 introduction of Green Waste Collection. This survey will identify those who wish to opt in or out of this proposed service. This information will be included in the tender specifications being called for this Green Waste Collection program.
- ➤ KWS Board discussed the usage by Council of recycled materials in its operations. It was agreed that such use should be maximised and that a register of existing activity be compiled to determine what further and proactive measures could be taken to enhance such use of recycled materials.
- ➤ The Board discussed a proposed visit to Barretta by Councillors. It was agreed that such visit be deferred until later in 2020. The Board were advised of the new cost structures with KWS recyclables by the new owners of the Lutana operation. Increases in these costs will have a potential negative impact of \$20k on the KWS 2019/20 forecasts.
- ➤ The KWS Board also discussed the impending expiration (January 2020) of the contract with Council for the Bruny Island Waste Transfer Station operation by KWS. This matter to be discussed with Council.
- A report to Council is to be prepared in relation to the forthcoming (April 2020) expiration of the term of appointment for the Chair/Director position of Mr. PC Shelley.
- ➤ The next Board Meeting of KWS will be on Wednesday 29 January 2020 at the Civic Centre commencing at 9:00am

PC Shelley, Chair, 3rd December 2019.

3. Financial reports up to the end of June 2019

Profit & Loss For the period ending September 2019

		SEE	TEMBER 20	19	YTD	September 1	9	Annual
		Actual	Budget	Var	Actual	Budget	Var	Budget
	USER CHARGES	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		•••	, 101441			- mager
	General Waste	54,042	55,000	(958)	155,457	165,000	(9,543)	708,000
	Tyres / Gas Bottles	923	600	323	2,290	1,800	490	7,200
	Green Waste	21,178	13,500	7,678	53,514	40,500	13,014	162,000
_	Timber	843	1,900	(1,057)	2,864	5,700	(2,836)	22,800
R	Metal	1,524	1,600	(76)	4,666	4,800	(134)	19,200
_	110.00	78,510	72,600	5,910	218,790	217,800	990	919,200
Ε	RECYCLING SALES	,	,	0,010	,	,		0.10,200
٠,	Tip Shop Sales	30.032	30,500	(468)	86,991	87,500	(509)	375,000
V	Non Ferrous Metal Sales	3,055	2,500	555	8,034	7,500	534	30,000
_	Metal Sales	0	0	0	19,734	0	19,734	0
Ε	Recycling Sales	0	0	0	687	0	687	0
Ν	, ,	33,086	33,000	86	115.445	95,000	20,445	405,000
IN	COUNCIL RECHARGES	,	,			,	,	,
U	Kerbside Collection Charges	47,039	47,000	39	135,219	137,900	(2,681)	584,050
U	Bruny Island Disposal Charges	8,565	8,500	65	25,915	22,500	3,415	127,500
Ε	Bruny Island Operational Revenue	14,079	14,079	0	42,238	42,237	1	168,950
	Free G/Waste - Foregone Revenue	0	0	0	0	0	0	34,000
	Waste Management	6,750	6,777	(27)	20,250	20,331	(81)	81,324
	•	76,433	76,356	77	223,622	222,968	654	995,824
	SUNDRY CHARGES	309	150	159	1,009	450	559	1,800
	TOTAL REVENUE	188,338	182,106	6,232	558,866	536,218	22,648	2,321,824
	EMPLOYEE COSTS							
	Salaries	77,901	77,849	(52)	244,401	238,476	(5,925)	954,792
	Sundry Staff Expenses	131	425	294	823	1,275	452	5,100
	Staff Training	221	550	329	1,361	1,650	289	7,100
	Protective Clothing	83	100	17	538	300	(238)	9,000
		78,336	78,924	588	247,123	241,701	(5,422)	975,992
	DISPOSAL COSTS							
	Disposal Costs - Copping	22,925	24,500	1,575	69,088	72,300	3,212	308,000
	Transport Costs - Copping	14,777	15,500	723	48,362	45,900	(2,462)	196,400
	Disposal Costs - Glass/Bottles	378	550	172	1,442	1,650	208	6,600
	Disposal Costs - Tyres/Gas Bottles	0	625	625	0	1,875	1,875	7,500
	Disposal Costs - Concrete/Cleanfill	0	750	750	0	750	750	1,500
Ε	Disposal Costs - Metal	0	0	0	0	0	0	0
Χ	Disposal Costs - Hazardous Waste	1,223	1,000	(223)	2,122	3,000	878	12,000
^		39,304	42,925	3,621	121,013	125,475	4,462	532,000
Ρ	GREEN WASTE COSTS							
1	Green Waste Mulching	13,000	13,000	0	39,000	39,000	0	156,000
Е	Timber Mulching	1,600	1,600	0	4,800	4,800	0	19,200
		14,600	14,600	0	43,800	43,800	0	175,200
Ν	HIRE & MAINTENANCE							
	Barretta Bin Hire and Movement	5,062	5,730	668	14,831	17,190	2,359	68,760
S	Bruny Bin Movement & Sundry	6,221	7,240	1,019	20,970	19,920	(1,050)	103,680
	Plant Hire (Council)	6,250	6,250	0	18,750	18,750	0	75,000
Ε	Plant Hire External	1,367	1,580	213	4,094	4,740	646	18,960
	Maintenance	3,266	700	(2,566)	6,661	4,100	(2,561)	17,900
S	MV/Plant Fuel & Registration	1,232	1,100	(132)	3,720	3,300	(420)	15,200
	OTHER EVERNOES	23,398	22,600	(798)	69,025	68,000	(1,025)	299,500
	OTHER EXPENSES	2.500	4.205	700	47.020	20.205	2.740	50,000
	Office Expenses	3,589	4,295	706	17,639	20,385	2,746	59,990
	Advertising	95	500	405	284	1,500	1,216	6,000
	Insurance - Public Liability	0	0	0	13,864	12,800	(1,064)	12,800
	Insurance - Workers Comp		0	0	18,046	15,500	(2,546)	15,500
	Board Expenses	1,375	1,375	0	3,250	3,325	75	13,300
	Corporate Services Overhead	6,867	6,833	(34)	20,601	20,499	(102)	82,030
	Waste Management Activities	750 0	750 0	0	2,250	2,250	(638)	48,500 0
	Doubtful Debts Expense	12,676	13,753	1,077	638 76,572	76,259	(638) (313)	238,120
	TOTAL EXPENSES	168,314	172,802	4,488	557,533	555,235	(2,298)	2,220,812
	. C.ALDII DIOLO	. 50,514	112,002	7,700	001,000	000,200	(2,230)	2,220,012
	NET PROFIT/(LOSS)	20,025	9,304	10,721	1,333	(19,017)	20,350	101,012
			2,007	, 1	.,000	(10,011)	_0,000	.01,012

Profit & Loss For the period ending October 2019

	İ	00	TOBER 201	9	YT	D October 19	9	Annual
		Actual	Budget	Var	Actual	Budget	Var	Budget
	USER CHARGES							
	General Waste	58,675	58,000	675	214,132	223,000	(8,868)	708,000
	Tyres / Gas Bottles	667	600	67	2,957	2,400	557	7,200
	Green Waste	21,658	13,500	8,158	75,172	54,000	21,172	162,000
R	Timber	747	1,900	(1,153)	3,611	7,600	(3,989)	22,800
1 \	Metal	2,052	1,600	452	6,718	6,400	318	19,200
Ε	RECYCLING SALES	83,800	75,600	8,200	302,589	293,400	9,189	919,200
	Tip Shop Sales	33,633	32,000	1,633	120,624	119,500	1,124	375,000
V	Non Ferrous Metal Sales	1,255	2,500	(1,245)	9,289	10,000	(711)	30,000
_	Metal Sales	0	2,000	(1,240)	19,734	0	19,734	0
Ε	Recycling Sales	282	0	282	969	0	969	0
N	, ,	35,170	34,500	670	150,616	129,500	21,116	405,000
IN	COUNCIL RECHARGES							
U	Kerbside Collection Charges	52,196	51,250	946	187,414	189,150	(1,736)	584,050
	Bruny Island Disposal Charges	13,426	10,000	3,426	39,341	32,500	6,841	127,500
Ε	Bruny Island Operational Revenue	14,079	14,079	0	56,317	56,316	1	168,950
_	Free G/Waste - Foregone Revenue	13,738	17,000	(3,262)	13,738	17,000	(3,262)	34,000
	Waste Management	6,750	6,777	(27)	27,000	27,108	(108)	81,324
	CUNDRY CHARGES	100,188	99,106	1,082	323,810	322,074	1,736	995,824
	SUNDRY CHARGES TOTAL REVENUE	172 219,330	150 209,356	9,974	1,181 778,196	745.574	581 32,622	1,800 2,321,824
	TOTAL REVENUE	213,000	203,030	3,374	770,130	140,014	02,022	2,021,024
	EMPLOYEE COSTS							
	Salaries	86,333	80,314	(6,019)	330,734	318,790	(11,944)	954,792
	Sundry Staff Expenses	122	425	303	945	1,700	755	5,100
	Staff Training	151	550	399	1,512	2,200	688	7,100
	Protective Clothing	397	100	(297)	935	400	(535)	9,000
		87,003	81,389	(5,614)	334,126	323,090	(11,036)	975,992
	DISPOSAL COSTS	00.000	07.050	500	05.770	00.550	0.770	000 000
	Disposal Costs - Copping	26,690	27,250	560 5	95,778	99,550	3,772	308,000
	Transport Costs - Copping	17,295	17,300 550	57	65,657	63,200	(2,457)	196,400
	Disposal Costs - Glass/Bottles Disposal Costs - Tyres/Gas Bottles	493 1,275	625	(650)	1,935 1,275	2,200 2,500	265 1,225	6,600 7,500
	Disposal Costs - Tyles/Gas Bottles Disposal Costs - Concrete/Cleanfill	0	023	(030)	0	750	750	1,500
Е	Disposal Costs - Metal	0	0	0	0	0	0	0
	Disposal Costs - Hazardous Waste	0	1,000	1,000	2,122	4,000	1,878	12,000
Χ	•	45,753	46,725	972	166,766	172,200	5,434	532,000
D	GREEN WASTE COSTS							
Р	Green Waste Mulching	10,000	13,000	3,000	49,000	52,000	3,000	156,000
Ε	Timber Mulching	1,600	1,600	0	6,400	6,400	0	19,200
		11,600	14,600	3,000	55,400	58,400	3,000	175,200
N	HIRE & MAINTENANCE	5.044	F 700	546	00.045	00.000	0.075	CO 7CO
	Barretta Bin Hire and Movement Bruny Bin Movement & Sundry	5,214	5,730	516	20,045	22,920	2,875 (3,143)	68,760 103,680
S	Plant Hire (Council)	10,333 6,250	8,240 6,250	(2,093)	31,303 25,000	28,160 25.000	(3,143)	75,000
_	Plant Hire External	1,367	1,580	213	5,461	6,320	859	18,960
Ε	Maintenance	420	700	280	7,081	4,800	(2,281)	17,900
S	MV/Plant Fuel & Registration	678	1,100	422	4,398	4,400	2	15,200
0	ŭ	24,262	23,600	(662)	93,288	91,600	(1,688)	299,500
	OTHER EXPENSES							
	Office Expenses	2,792	4,645	1,853	20,432	25,030	4,598	59,990
	Advertising	378	500	122	662	2,000	1,338	6,000
	Insurance - Public Liability	0	0	0	13,864	12,800	(1,064)	12,800
	Insurance - Workers Comp	1 075	1.050	0	18,046	15,500	(2,546)	15,500
	Board Expenses	1,875 6,867	1,950	75	5,125	5,275	150	13,300
	Corporate Services Overhead Waste Management Activities	6,867 18,250	6,833 18,250	(34)	27,468 20,500	27,332 20,500	(136) 0	82,030 48,500
	Doubtful Debts Expense	10,250	10,230	0	638	20,500	(638)	40,500 N
		30,163	32,178	2,015	106,734	108,437	1,703	238,120
	TOTAL EXPENSES	198,781	198,492	(289)	756,314	753,727	(2,587)	2,220,812
	NET PROFIT//LOSS)	00.546	10.004	0.005	04.000	(0.450)	20.005	101.015
	NET PROFIT/(LOSS)	20,549	10,864	9,685	21,882	(8,153)	30,035	101,012

Balance Sheet as at October 2019

Assets General Cheque Account Cash on Hand Sundry Debtors Less Provision for Doubtful Debts Accrued Revenue GST Receivable GST Clearing Workers Comp Recovery Suspense Account	CURRENT MONTH 799,158 2,700 113,593 (5,946) 0 9,758 0 0	JUNE 2019 808,533 2,700 76,353 (5,839) 0 0 (386) 0
Total Assets	919,263	881,361
Liabilities Trade Creditors GST Collected Accrued Expenses Payroll Liabilities Annual Leave Liability Long Service Leave Liability Kingborough Council Loan Total Liabilities	106,738 21,923 175,188 10,376 77,019 26,476 0 417,720	117,761 0 180,710 9,946 70,806 22,476 0 401,699
Net Assets	501,543	479,662
Equity Retained Earnings Current Earnings Total Equity	479,662 21,882 501,543	258,364 221,298 479,662

Forecast Report for the period ending October 2019

		_			_				_												_				_
VAR		(8,868)	292	21,172	(3,989)	318	9,189	1,124	(711)	19,734	696	21,116	(1,736)	6,841	_	(3,262)	(108)	1,736	581	32,622	(11,944)	755	889	(535)	(11.036)
ANNUAL	BUDGET	708,000	7,200	162,000	22,800	19,200	919,200	375,000	30,000	0	0	405,000	584,050	127,500	168,950	34,000	81,324	995,824	1,800	2,321,824	954,792	5,100	7,100	6,000	975.992
FORECAST		699,132	7,757	183,172	18,811	19,518	928,389	376,124	29,289	19,734	696	426,116	582,314	134,341	168,951	30,738	81,216	997,560	2,381	2,354,446	966,736	4,345	6,412	9,535	987.028
	JUN	55,000	009	13,500	1,900	1,600	72,600	28,500	2,500	0	0	31,000	45,450	6,500	14,081	0	6,777	72,808	150	176,558	77,847	425	800	4,000	83.072
•	MAY	55,000	900	13,500	1,900	1,600	72,600	28,500	2,500	0	0	31,000	45,450	8,500	14,079	0	6,777	74,806	150	178,556	80,312	425	929	100	81.387
•	APR	55,000	900	13,500	1,900	1,600	72,600	29,500	2,500	0	0	32,000	47,750	10,000	14,079	17,000	6,777	92,606	150	200,356	77,849	425	929	100	78.924
•	MAR	29,000	009	13,500	1,900	1,600	76,600	33,500	2,500	0	0	36,000	51,750	12,000	14,079	0	6,777	84,606	120	197,356	80,312	425	220	100	81.387
•	FEB	58,000	900	13,500	1,900	1,600	75,600	31,500	2,500	0	0	34,000	48,750	13,000	14,079	0	6,777	82,606	120	192,356	75,348	425	220	100	76.423
	JAN	70,000	900	13,500	1,900	1,600	87,600	36,500	2,500	0	0	39,000	53,250	18,000	14,079	0	6,777	92,106	150	218,856	80,313	425	220	4,000	85.288
١	DEC	70,000	900	13,500	1,900	1,600	87,600	34,500	2,500	0	0	37,000	51,250	15,000	14,079	0	6,777	87,106	120	211,856	86,174	425	800	100	87 499
•	NOV	63,000	900	13,500	1,900	1,600	80,600	33,000	2,500	0	0	35,500	51,250	12,000	14,079	0	6,777	84,106	120	200,356	77,847	425	220	100	78 922
Д	BUDGET	223,000	2,400	54,000	7,600	6,400	293,400	119,500	10,000	0	0	129,500	189,150	32,500	56,316	17,000	27,108	322,074	009	745,574	318,790	1,700	2,200	400	323.090
₽,	ACTUAL	214,132	2,957	75,172	3,611	6,718	302,589	120,624	9,289	19,734	696	150,616	187,414	39,341	56,317	13,738	27,000	323,810	1,181	778,196	330,734	945	1,512	935	334.126
	OCT	58,675	299	21,658	747	2,062	83,800	33,633	1,255	0	282	35,170	52,196	13,426	14,079	13,738	6,750	100,188	172	219,330	86,333	122	151	397	87.003
JAL	SEP	54,042	923	21,178	843	1,524	78,510	30,032	3,055	0	0	33,086	47,039	8,565	14,079	0	6,750	76,433	309	188,338	17,901	131	221	83	78.336
ACTUAL	AUG	50,590	648	16,984	1,082	1,852	71,155	27,723	2,176	3,383	317	33,599	44,448	8,064	14,079	0	6,750	73,341	320	178,446	81,285	535	180	455	82.455
	JUL	50,825	719	15,352	939	1,290	69,125	29,237	2,803	16,352	370	48,760	43,732	9,286	14,079	0	6,750	73,848	349	192,082	85,216	157	096	0	86.332

		ACTUAL	UAL		ATD.	0									FORECAST	ANNUAL	VAR
	TOC	AUG	SEP	100	ACTUAL	BUDGET	NOV	DEC	JAN	FEB	MAR	APR	MAY	NOC		BUDGET	
DISPOSAL COSTS																	
Disposal Costs - Copping	22,740	23,422	22,925	26,690	95,778	99,550	27,250	27,250	27,750	25,900	27,250	25,250	23,900	23,900	304,228	308,000	3,772
Transport Costs - Copping	18,407	15,178	14,777	17,295	65,667	63,200	17,300	17,300	17,600	17,300	17,300	16,000	15,200	15,200	198,857	196,400	(2,457)
Disposal Costs - Glass/Bottles	809	455	378	493	1,935	2,200	920	929	920	220	220	220	220	220	6,335	6,600	265
Disposal Costs - Tyres/Gas Bottles	0	0	0	1,275	1,275	2,500	625	625	625	625	625	625	625	625	6,275	7,500	1,225
Disposal Costs - Concrete/Cleanfill	0	0	0	0	0	750	0	0	0	0	0	750	0	0	750	1,500	750
Disposal Costs - Metal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disposal Costs - Hazardous Waste	868	0	1,223	0	2,122	4,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	10,122	12,000	1,878
	42,654	39,056	39,304	45,753	166,766	172,200	46,725	46,725	47,525	45,375	46,725	44,175	41,275	41,275	526,566	532,000	5,434
GREEN WASTE COSTS																	
Green Waste Mulching	13,000	13,000	13,000	10,000	49,000	52,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000	13,000	153,000	156,000	3,000
Timber Mulching	1,600	1,600	1,600	1,600	6,400	6,400	1,600	1,600	1,600	1,600	1,600	1,600	1,600	1,600	19,200	19,200	0
	14,600	14,600	14,600	11,600	55,400	58,400	14,600	14,600	14,600	14,600	14,600	14,600	14,600	14,600	172,200	175,200	3,000
HIRE & MAINTENANCE																	
Barretta Bin Hire and Movement	5,011	4,758	5,062	5,214	20,045	22,920	5,730	5,730	5,730	5,730	5,730	5,730	5,730	5,730	65,885	68,760	2,875
Bruny Bin Movern Movement & Sundry	7,304	7,445	6,221	10,333	31,303	28,160	9,540	11,540	13,440	10,140	9,540	8,240	7,240	5,840	106,823	103,680	(3,143)
Plant Hire(Council)	6,250	6,250	6,250	6,250	25,000	25,000	6,250	6,250	6,250	6,250	6,250	6,250	6,250	6,250	75,000	75,000	0
Plant Hire External	1,359	1,367	1,367	1,367	5,461	6,320	1,580	1,580	1,580	1,580	1,580	1,580	1,580	1,580	18,101	18,960	829
Maintenance	2,503	891	3,266	450	7,081	4,800	200	200	200	200	200	200	200	10,200	22,181	19,900	(2,281)
MV/Plant Fuel	759	1,729	1,232	879	4,398	4,400	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	13,198	13,200	2
	23,188	22,440	23,398	24,262	93,288	91,600	24,900	26,900	28,800	25,500	24,900	23,600	22,600	30,700	301,188	299,500	(1,688)
OTHER EXPENSES																	
Office Expenses	3,356	10,694	3,589	2,792	20,432	25,030	4,295	4,295	4,295	4,295	4,745	4,445	4,295	4,295	55,392	29,990	4,598
Advertising	98	98	98	378	662	2,000	200	200	200	200	200	200	200	200	4,662	6,000	1,338
Insurance - Public Liability	0	13,864	0	0	13,864	12,800	0	0	0	0	0	0	0	0	13,864	12,800	(1,064)
Insurance - Workers Comp	0	18,046	0	0	18,046	15,500	0	0	0	0	0	0	0	0	18,046	15,500	(2,546)
Board Expenses	1,875	0	1,375	1,875	5,125	5,275	0	1,375	1,950	0	1,375	1,950	0	1,375	13,150	13,300	150
Corporate Services Overhead	6,867	6,867	6,867	6,867	27,468	27,332	6,833	6,833	6,833	6,833	6,833	6,833	6,833	6,867	82,166	82,030	(136)
Waste Management Activities	750	750	750	18,250	20,500	20,500	750	750	15,750	750	750	750	7,750	750	48,500	48,500	0
Doubtful Debts Expense	370	269	0	0	638	0	0	0	0	0	0	0	0	0	638	0	(638)
	13,312	50,584	12,676	30,163	106,734	108,437	12,378	13,753	29,328	12,378	14,203	14,478	19,378	13,787	236,417	238,120	1,703
TOTAL EXPENSES	180,085	209,134	168,314	198,781	756,314	753,727	177,525	189,477	205,541	174,276	181,815	175,777	179,240	183,434	2,223,399	2,220,812	(2,587)
•																	
NET PROFIT/(LOSS)	11,997	(30,689)	20,025	20,549	21,882	(8,153)	22,831	22,379	13,315	18,080	15,541	24,579	(684)	(6,876)	131,047	101,012	30,035

4. Waste Management Strategy Progress Report

Progress of the 2019/2020 strategic initiatives for the period

Goal	Project Description	Comment	Progress
1. Increased waste avoidance	and reduction		
Implement food waste avoidance program and target specific sections of the community	Kerbside FOGO service.	Ongoing, continuing to investigate a proposed kerbside garden organics service which is the first part of a two stage process of a FOGO service.	
Support and promote community gardens and at home composting.	Community Gardens and Home Composting.	Goodlife Permaculture has been engaged to run information sessions and workshops on community gardens and home composting. A Home Composting guide has been developed and printed with workshops scheduled for 29 September, 27 October and 24 November 2019 Consultation has been undertaken with the Taroona, Kingston and Margate Community Gardens with the consultation outcomes area attached following this report. Home composting videos for the Council website are being developed and scheduled for January 2020.	
2.Increased recycling rates			
A Introduce new kerbside services: • Fortnightly 240l comingled recycling bin; and • Fortnightly GO bin.	Kerbside FOGO service.	Ongoing, continuing to investigate a proposed kerbside GO service.	
	Expanding the kerbside collection service.	The kerbside collection service will be expanded along Sandfly Road, Margate up to and including Blackwood Grove during December. The kerbside collection service will be expanded along Leslie Road, Leslie Vale up to and including Penola Drive during December.	

Collaborate with neighbouring councils seeking to establish regional organics processing solutions.	Regional Organics Processing Facility.	In discussions with neighbouring Councils on a potential "Expression of Interest" for a regional organics processing facility. The EOI was advertised on 17 August with a closing date of 18 September 2019. Nine submissions were made from potential service providers with a number of differing processing methods.	
Review viability of implementing kerbside FOGO collections.	Advertising and media releases.	Website, Newspaper, social media and mail out to affected property owners.	
Expand participation in product stewardship (takeback) schemes at Council facilities.	Stewardship Programs.	Ongoing consultation with service providers to expand the range and number of locations for stewardship schemes	
3.Best practice and resource	recovery infrastructure		
Review viable options for Barretta transfer station to accommodate new kerbside services and best practice recommendation (including tip shop services). Upgrade transfer stations to support best practice recommendations.	Barretta Review.	Ongoing reviews and benchmarking to ensure best practise outcomes. Construction of a hardstand area for the kerbside GO service has commenced at Barretta.	
Perform public place litter and recycling bin stations audits across municipality and review against best practice.	Public Place bin audits.	Ongoing, quotes have been requested for auditing of public place bins in conjunction with current service providers.	
Install additional stations and/or upgrade existing bin installations at priority sites.	Public place bins are being upgraded to 240 litre capacity as identified.	Number of customer service complaints.	

	Installation of public place recycling bins.	Increased recycling rates.	
4.Efficient and sustainable go	vernance		
Adopt KPI's and targets for the operation and management of Council transfer stations.	Transfer station KPI's	Developed as part of the Council user agreement.	
Implement Kingborough Council policy and procedures for setting waste gate fees aligned with the user pays principle.	Fees and charges.	Set as part of the budget process.	
Implement waste data management system, to: record and report performance; inform decision making and provide greater transparency to the community.	Data management system	Ongoing as new contracts commence. Waste data has been expanded to include public place bin data for the mainland and Bruny Island public place bin servicing	
5.Effective community engage	ement		
Roll out ongoing and periodic measurement of community satisfaction with waste services.	Waste services survey	Ongoing, surveys, social media	

Develop a waste avoidance and new/expanded services education program.	Kerbside collection calendar.	Kerbside collection calendar was delivered with the 2019-20 rates notices.	
	A draft concept garden plan has been developed for Barretta to promote home composting. The plan is attached following this report.	Construction of the concept garden.	
Expand participation in product stewardship (takeback) schemes at council facilities.	Advertising and media releases.	Website, Newspaper and social media.	
Investigate the causes and effects of illegal dumping and littering across the municipality.	Illegal dumping.	Consultation with the Council compliance unit to address illegal dumping at the Gordon camping ground.	
Expand and improve recycling at Council run or supported events.	Event recycling.	Ongoing, continue to support and promote the Waste Wise Policy at Council run events. Purchase of 240 litre bin lids for general waste, recycling and organics collection at Council events.	

18.4 AUDIT PANEL MINUTES



AUDIT PANEL MINUTES

6 December 2019

MINUTES of the Kingborough Council Audit Panel held at the Kingborough Civic Centre, Kingston on Friday, 18 October 2019 at 9.00 am.

PRESENT:

		PRESENT	APOLOGY
Chair (Acting)	Mr P McTaggart	Y	
	Mr J Hills	Y	
	Cr F Fox	Y	
	Cr C Street	Y	
Observer			

IN ATTENDANCE

Chief Financial Officer
Finance Manager
wlf accounting & advisory

Mr J Breen Mr T Jones Ms A Leis & Ms A Merridew

WELCOME:

The Chair welcomed Panel Members and Council Officer.

APOLOGIES

Nil.

ADOPTION OF THE AGENDA

The agenda as provided was accepted.

DECLARATIONS OF INTEREST

Nil.

CONFIRMATION OF MINUTES

The Panel endorsed the minutes of the Kingborough Council Audit Panel meeting of 18 October 2019 as a true and correct record.

BUSINESS ARISING FROM THE MINUTES

Nil.

ACTION LIST

Action List

The CFO indicated that the close out report on the FMIS would be coming to the February 2020 Panel meeting to allow for the majority of projects to be completed.

The presentation on the WH&S system was deferred to February 2020, as the staff were unavailable to attend the meeting.

The JMAPP risk maturity assessment is being reviewed based on additional information provided by Council to the consultant.

All other action items were included in the Agenda.

INTERNAL AUDIT

Ms A Leis & Ms A Merridew from wlf Accounting and Advisory joined the meeting.

Internal Audit Report - Compliance Framework

Ms Leis spoke to the report and indicated that Kingborough's compliance business model is sector leading and provides cost effective compliance and enforcement functions. They also found that the process maturity was "Established" and with some minor improvements could reach the target level.

Ms Merridew indicated that the audit findings highlighted one high risk, three medium risk and one low risk issue as follows;

- High Risk Ensure the Legislative Compliance Template is complete by identifying all applicable legal obligations and having them signed-off by relevant Managers.
- Medium Risk Council should define the required level of detail in the Template.
- Medium Risk Identify and document cases of non-compliance with the use of a breach register.
- Medium Risk Review the scope of the enforcement functions undertaken by the Compliance Unit to determine whether they should take on additional activities undertaken by other departments.
- Low Risk Ensure the Template is up to date by monitoring changes to relevant legislation.

The Audit Panel noted the report and were happy with the management actions to address the findings.

Internal Audit Status Report

Ms Leis indicated that project 1 on compliance was finished and the second project on facilities and property management was underway. The third project on risk culture would commence in the new year, followed by the final project on recommendations follow-up.

Internal Audit Recommendations Tracker

The Panel reviewed the remaining action items under the internal audit recommendation tracker. It recommended that the proposed risk workshop could be combined with a compliance review to gain feedback from Councillors on their compliance priorities.

EXTERNAL AUDIT

TAO Report Tracker

The Panel noted the three new items added to the report tracker as a result of the interim external audit. One item is completed, while options are being investigated to finalise the other two.

KEY MATTERS – COUNCIL MEETINGS OVERVIEW

The Chief Financial Officer provided an update on the following:

• Hobart City Deal – waiting on clarity around funding for projects.

RISK MANAGEMENT & BUSINESS CONTINUITY UPDATE

Risk Register

The Panel noted the detailed risk review on Infrastructure Management. Discussion was held on the effectiveness of controls as the unmitigated risk does not change from High after the mitigating controls are in place. It was agreed that the controls are partially effective, but not substantially effective.

Business Continuity Plan

The CFO indicated that the draft business continuity plan (BCP) was under review with the next step to be a review by the management team to ensure the document is up to date. Once that is completed the final step will be to test the plan by doing a desk top exercise. It is planned that both these activities take place in early 2020.

Disaster Recovery Plan

The Kingborough Council ICT Disaster Recovery Plan (DRP) was discussed by the Panel. It was recognised that there would be some duplication with the BCP as there is a need for both documents to stand alone. The CFO indicated that in the last week, Council had cut over to its disaster recovery site at the Community Hub building to test the DRP.

There is further work required to complete the DRP and this will be undertaken in 2020.

FMIS Project Status Update

The CFO gave an update on the outstanding projects with two projects in development and three projects in testing phase. Most projects will be finalised in the early part of 2020.

It was noted that a project close-out report be provided to the February 2002 meeting.

IT Security Breaches

It was reported that there were Nil security breaches in November 2019.

REGULATORY/GOVERNANCE UPDATES:

TAO – Accounting & Auditing Development Newsletter Nil.

Audit Panel Performance Survey

Performance Survey Action List

The Panel reviewed the six areas for improvement that were identified in the survey. They were happy with the actions identified and the timeframes for completion.

NON-STANDING ITEMS

Capital Works in Progress Management

The Panel noted that no work had been undertaken in the first five months of 2019/20 due to the desire to get the external audit and the loading of the building revaluation and componentisation completed.

Work will commence in December to ensure the WIP is up to date by June 2020.

Legal Claims

The Panel noted the report on legal claims detailing the current planning and insurance claims. It was requested that high level information of WH&S claims be included in future reports.

Financial Report to October 2019

The October 2019 financial report was noted.

STANDING ITEMS

Annual Work Plan and Timetable

It was decided that Audit Panel meetings would commence at 8am in 2020.

The CFO is to update the work program with proposed dates and circulate it to Members for feedback.

Upcoming Education Events

Nil

OTHER BUSINESS

The Panel requested a copy of the new Strategic Plan and once completed a copy of the Corporate Plan.

The Panel was advised that once Council had signed-off on the new independent panel member, an expression of interest would be undertaken amongst the three independent members to appoint a Chairperson.

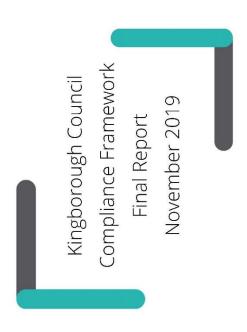
ACTION SHEET

Item	Responsibility	Due Date
FMIS Project – a close-out report to be prepared in 2019.	CFO	Feb 2020
WH&S System – The Panel requested the Exec Manager present to the next meeting.	Exec Manager Org Development	Feb 2020
ICT Review – bring a copy to the Panel once it is completed.	CFO	May 2020
JMAPP Risk Maturity Assessment – Bring a revised report to the next meeting.	CFO	Feb 2020
Risk Management – Organise a risk workshop in early 2020.	GM	Mar 2020
Strategic & Corporate Plan – provide a copy to the Panel once completed.	CFO	May 2020
Legal Claims – include WH&S information in the legal claims report	CFO	Dec 2020
Kingston Park – provide a briefing at the next Panel meeting.	CFO	Feb 2020

CLOSURE

There being no further business the Chair declared the meeting closed at 10.48 pm.
Confirmed as a true and correct record:
Chair, Audit Panel





content

2	3	4	4	9	6	10	16	26	77
Executive Summary	.cope	3 Summary of Findings	3.1 Process Maturity Assessment	Major Findings and Recommendations	6	Recommendations	Assessment of Compliance and Enforcement in relation to Dog Control and Trees on Private Property	What we did	Dick Dation Critical
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Page | 1

1 Executive Summary

Our Focus

including bylaw and statutory enforcement functions to ensure compliance We performed an assessment of the Council's compliance framework, and enforcement operations are in line with best practice.

We focused on assessing the processes in place for maintaining Council's compliance and enforcement framework, specifically:

- Governance around the Legislative Compliance Template including how it is prepared, maintained and monitored; and
- in relation to Council's enforcement functions, we selected two (2) regulations Completeness of the Legislative Compliance Template at a high level. and assessed:
- Processes in relation to Council's compliance and enforcement obligations; Appropriateness of roles and responsibilities for compliance/ enforcement;
- How legislative requirements have been interpreted through a review of processes, policies, procedures; and
- · Based on the findings above, the adequacy of the reporting detailed in the Legislative Compliance Template.

What is Working Well

We found the following elements are working well:

- Council has developed a Legislative Compliance Template and reporting against the Template is occurring.
- Council's Compliance Unit comprises qualified Investigators who are trained in Council's enforcement framework and who perform investigation and enforcement functions for internal clients within Council business units who provide relevant subject matter expertise. This business model is sectorleading and provides cost-effective compliance and enforcement functions for business units that the Compliance Unit currently services.

Findings

(ey Message

relating to the completeness of the We identified one (1) high-risk issue Template Compliance Legislative (Template)

We found three (3) medium risks:

Medium

- There is a need to clarify the level of detail required in the Template;
 - Processes for noting non-compliance by Differences in the level of compliance undertaken between different areas Council are person-dependent; and enforcement activity and
- We made one (1) low risk observations for improvement, relating to processes to improvement, relating to processes maintain currency of the Template. within Council. Low

Our Recommendations

We have made five (5) recommendations, including to:

 Perform a cross-departmental risk assessment and 9 exercise completeness of the Template; mapping compliance

ensure

- Investigate options to develop and implement a breach register that can be reported to and monitored by the Executive; and
 - Review the scope of the compliance and enforcement functions to be performed by the Compliance Unit.



Page | 2

Compliance Framework - DRAFT Report v.1 for management comment Kingborough Council October 2019

2 Context, Background and Scope

Context and Background

obligations by Department and responsible managers. Managers are asked to review and sign-off annually that they are compliant with the relevant legislation or if not, detail Council maintains a Legislative Compliance Template which details key compliance the implications for non-compliance. The compliance checklist goes to the Audit Panel in August of each year.

Government Act 1993. In addition, most of Council's operations are regulated or guided The principal legislation establishing the powers and functions of councils is the Local by a range of related legislation, regulations, by-laws and policies.

Assessed the governance around the Legislative Compliance Template including

how it is prepared, maintained and monitored; and

Specifically, the scope of this project was to assess the processes in place for maintaining

operations are in line with best practice.

the Council's compliance and enforcement framework. Specifically, we:

The scope of this review was to assess the Council's compliance framework including bylaw and statutory enforcement functions to ensure compliance and enforcement

Scope

In relation to our assessment of the enforcement functions of Council we selected

two (2) regulations and perform the following:

Assessed the Legislative Compliance Template at a high level for completeness.

Assessed the processes in place for in relation to Council's compliance and

responsibilities

and

roles

of

Assessed the appropriateness

compliance/enforcement; enforcement obligations;

The Council's by-laws provide a framework for management and regulate actions as an organization. The by-laws consist of the following:

- Health and Environmental
- Marine Facilities
- Parks Recreation and Natural Areas
- Roads Parking and Stormwater

Kingborough Council has a Compliance Unit which is responsible for a range of compliance functions, including the following:

Assessed how legislative requirements have been interpreted through a review of

processes, policies, procedures; and

Legislative Compliance Template.

Based on the findings above, assess the adequacy of the reporting detailed in the

- Management of infringement notices;
- Provision of internal legal advice;
- Provision of internal investigative framework and function; and
- Oversight and issuance of enforcement notices/commencing proceedings.

The Unit is made up of approximately seven (7) FTE which consists of the following:

- Unit coordinator x 1 FTE
- General Investigators x 2 FTE Administration x 1.8 FTE
- Parking Investigators x 1.6 FTE
 - Planning Investigator x 1 FTE

The Unit is responsible for administering and enforcing a range of by-laws and legislation and will act on notifications received from Departments across the Council as well as direct notifications from the community.

Compliance Framework – DRAFT Report v.1 for management comment Kingborough Council October 2019

Page | 3



3 Summary of Findings

3.1 Process Maturity Assessment

Based on our review of the processes, systems and documentation we have assessed the maturity of the internal audit reporting process as follows:

Leading Advanced Established Previous Developing Basic

Our Key Observations

We made the following observations during our review:

Based on our key observations, we have made several recommendations which could assist Council to reach

How You Could Reach Your Target

Perform a cross-departmental risk assessment and compliance mapping exercise to identify all

the target indicated, including recommendations to:

applicable legal obligations, assess inherent risk, define the required level of detail in the Template;

document ownership, controls and gaps,

Investigate options to develop and implement a breach register that can be reported to and enforcement functions to be performed by the Compliance Unit, in particular, whether its scope

Determine the scope of the compliance and

monitored by the Executive;

Review the prioritisation framework to ensure it is

includes additional activities currently undertaken

by other Council business units; and

- 'Compliance' in Council's context has both internal and external components. The internal component relates to Council's processes to ensure that Council complies with its own legal and other obligations. The external component relates to compliance and enforcement activities performed by Council to ensure that others within the Kingborough municipal area comply with applicable laws.
- the Template and reporting process places Kingborough ahead of many other Tasmanian councils in terms of its approach to compliance. We identified opportunities to enable Council to continue to develop its approach to to develop a Legislative Compliance Template and reporting against the Template is occurring. The existence of <u>Internal compliance:</u> Council has performed an information-gathering exercise with each department manager managing its own compliance obligations.
- business model to compliance and enforcement functions for other areas within Council, where there are <u>External compliance:</u> Council's Compliance Unit comprises qualified Investigators who are trained in Council's enforcement framework and who perform investigation and enforcement functions for internal clients within Council business units who provide relevant subject matter expertise. This business model is sector-leading and enables Council to perform cost-effective compliance and enforcement activities for the areas of Council that the Compliance Unit currently services. The next phase of maturity is for Council to determine whether to apply this currently differences in the level of compliance and enforcement being undertaken.



Compliance Framework - DRAFT Report v.1 for management comment Kingborough Council October 2019

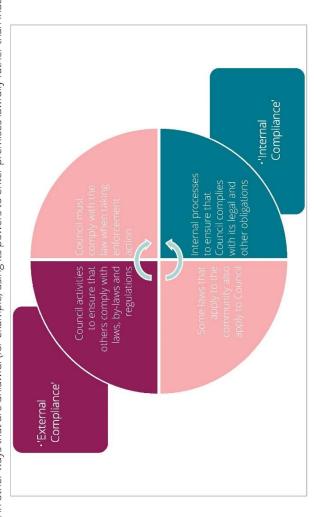
Page | 4

3.2 Terminology – 'Compliance'

Council has two different types of compliance responsibilities that intersect with each other, illustrated in the diagram below. The two areas are:

- External Compliance' Compliance and enforcement activities performed by Council to ensure that others within the Kingborough municipal area comply with applicable laws, regulations and by-laws for which Council has responsibility; and
- 'Internal Compliance' Internal processes within Council to ensure that Council complies with its own legal and other obligations.

The two areas intersect in two key ways. Firstly, some of the laws that Council is responsible for enforcing also apply to Council, for example, Council capital works conducted under a planning permit. Secondly, when taking enforcement action, Council needs to ensure that its officers do not exceed their legal power or act in other ways that are unlawful (for example, using its powers to enter premises lawfully rather than inadvertently trespassing).



Kingborough Council Compliance Framework – DRAFT Report v.1 for management comment October 2019

Page | 5

3.3 Major Findings and Recommendations

The following table summarises the findings of this internal audit with management response. Further detail in relation to these findings in included in section 4.1 below. The findings in this report are rated in accordance with the risk criteria outlined in the appendices.

Major	Major Findings and Recommendations			
Ref	Description of Issue	Recommendation	Management Action and Responsibility	IA Risk Rating
1.1.1	Completeness of the Legislative Compliance Template - Council has performed an information-gathering exercise with each department manager to develop the Template. We identified some gaps in terms of compliance obligations that apply to Council but are not listed, including in relation to human resources, payroll, fines and penalties, environmental laws, and emergency management. A more detailed list is in the Appendix. Some obligations identified in the Legislative Compliance Template are relevant to multiple departments. There may be opportunities to develop cross-departmental approaches to managing these obligations.	The next step in developing the Template is to perform a cross-departmental risk assessment and compliance mapping exercise to identify all applicable legal obligations, assess the inherent risk, and document ownership, controls and gaps in relation to key obligations.	Chief Financial Officer: At our next MANEX meeting, a review of the Legislative Compliance Template will be undertaken to allow input from all Departments. December 2019	H ^{jg} H
4.1.2	Preparation of the Legislative Compliance Template – There is a lack of clarity about the level of detail that managers are required to provide when identifying Council's compliance obligations and documenting different types of controls. Inherent risk is not documented.	As part of the risk assessment process recommended in 4.2.1, we recommend that Council defines the required level of detail in the Legislative Compliance Template and amends the Template to include inherent risk and to distinguish between process, quality and detective controls.	Chief Financial Officer: At the same MANEX meeting, we will have discussions on detail required and defining controls into various categories. December 2019	Medium



Page | 6

	IA Risk Rating	Medium	Medium
	Management Action and Responsibility	Chief Financial Officer: A system-based application will be investigated to record compliance breaches and an agenda item will be added to the MANEX meeting to encourage discussion on breaches. March 2020	Executive: This recommendation will be discussed by the Executive to determine a high-level position on the scope of the Compliance Unit, taking into account resourcing constraints. December 2020
	Recommendation	We recommend that Council investigates options to develop and implement a breach register that can be reported to and monitored by the Executive.	We recommend that Council determines the scope of the compliance and enforcement functions to be performed by the Compliance Unit, in particular, whether its scope includes additional activities currently undertaken by other Council business units. Once the scope of the Compliance Unit has been determined, we recommend that Council: • develops processes for other Council business units to refer matters to the Compliance Unit for enforcement action (if applicable); and • reviews the prioritisation framework to ensure it is aligned with Council's strategic priorities and risk appetite.
Major Findings and Recommendations	Description of Issue	Identifying and documenting non-compliance – The process for noting non-compliance by Council with its legal obligations is currently person-dependent. Best practice frameworks include a centralised breach register supported by a culture of compliance, disclosure and continuous improvement.	Scope of enforcement functions undertaken by the Compliance Unit - The Compliance Unit comprises qualified Investigators who are trained in Council's enforcement framework and who perform investigation and enforcement functions for internal clients within Council business units who provide relevant subject matter expertise. This business model is sector-leading and enables Council to perform cost-effective compliance and enforcement activities for the areas of Council that the Compliance Unit currently services. The next phase of maturity is for Council to determine whether to apply this business model to compliance and enforcement functions for other areas within Council, where there are currently differences in the level of compliance and enforcement being undertaken.
Major	Ref	4.1.3	4.1.4

Page | 7

Low Its to approach views that there Council. Certain	Management Action and Responsibility Chief Financial Officer: We will look into subscribing to authorised websites to receive information on appropriate legislation changes. Jan 2020 Jan 2020 smework function within der roles: E Compliance Unit;	nendations Recommendation Management Action and Responsibility In Risk Rating lative Compliance Template – articularly in relation to changes to maintain the Legislative Compliance or an about legal obligations. We recommend that Council considers or being fine that there around ownership, roles, and responsibilities for the full compliance function are performed by several individuals as part of their broader roles: all Officer – maintains Legislative Compliance Template and Risk Management Framework and oversees the Compliance Unit; Imanagement Action and the interrelated risk function within Council. Certain and compliance Emplate and Risk Management Framework.	Pescription of Issue Pescription of Issue	Ref Ref A.1.5
, and aspects of act on legal	og Control Act 2000, parking by-laws ness units to obtain, understand and	nd enforcement function for certain laws (D . Council's solicitors on behalf of other busir	• Compliance Coordinator – owns the compliance and enforcement function for certain laws (Dog Control Act 2000, parking by-laws, and aspects of Planning and Building compliance) and liaises with Council's solicitors on behalf of other business units to obtain, understand and act on legal	
	amework; e Compliance Unit;	pliance Template and Risk Management Fra Iaintains policy framework and oversees the	 Chief Financial Officer – maintains Legislative Compliance Template and Risk Management Framework; Executive Manager Governance & Community – maintains policy framework and oversees the Compliance Unit; 	
nts to approach views that there Council. Certain	ction and tone about how Council wa ities. We also noted through the inter d the interrelated risk function within der roles:	Council, we noted that there is no clear direccompliance and external enforcement activibilities for the full compliance function and by several individuals as part of their broad	Through our review of the structure for compliance within compliance across all Council functions, including internal is some lack of clarity around ownership, roles, and respor aspects of the risk and compliance function are performe.	
			Observations	Minor (
Low	Chief Financial Officer: We will look into subscribing to authorised websites to receive information on appropriate legislation changes. Jan 2020	We recommend that Council considers whether the current process for maintaining the Legislative Compliance Template is the most efficient and effective approach.	Maintaining the Legislative Compliance Template – Council does not have formal processes to identify legislative changes, particularly in relation to changes to Commonwealth laws. Council is reliant on departmental managers to maintain currency of knowledge about legal obligations.	4.1.5
IA Risk Rating	Management Action and Responsibility	Recommendation	Description of Issue	Ref
				Major F





Other business units implicitly own the compliance and enforcement function for laws that are within their area of responsibility and for which

calculate amounts. This results in substantial time taken by Compliance Unit administrative personnel to manually reformat data outputs, enter data For some business processes, the Pathways database is unable to automatically generate reports in appropriate formats and cannot automatically

There is an opportunity to clarify ownership, roles and responsibilities for the risk and compliance function.

the Compliance Unit does not currently have responsibility

advice in relation to compliance and enforcement; and

Council may wish to consider whether it is more cost-effective to maintain current manual processes or to invest in available system upgrades.

received, cross-check data entry, and manually calculate and enter amounts.

4.1.6



4 Appendices

Kingborough Council Compliance Framework – DRAFT Report v.1 for management comment October 2019

Page | 9

Page 246

4.1 Detailed Findings and Recommendations

The following table documents our detailed findings and recommendations. Risks are rated in accordance with the criteria in appendix 4.4.

Sillori II		
4.1.1 Completeness of the Legislative Compliance Template		
Description of Issue: We identified some gaps in terms of compliance obligations that apply to Council but are not listed, including in relation Risk Rating.	Risk Rating:	High
to human resources, payroll, fines and penalties, environmental laws, and emergency management. A more detailed list appears below.	Rick Tvne	Compliand
Some obligations identified in the Legislative Compliance Template are relevant to multiple departments. There may be opportunities to	df, ve	Reputation
develop cross-departmental approaches to managing these obligations.		
Discussion: Council has performed an information-gathering exercise with each department manager to develop the Template. This has		
provided an appropriate starting point however there is a risk that this approach may not identify compliance obligations of which managers		
are unaware or for which no manager is currently responsible. We identified the following non-exhaustive list of compliance obligations that		
are not currently documented in the Template:		

- Human resources: workers compensation, Anti-Discrimination Act 1998 and related Commonwealth laws, and fair dismissal;
- Payroll: Single Touch Payroll, superannuation and taxation laws, awards / enterprise agreements, and employment contracts; Privacy and data security. *Listening Devices Act 1991*, Payment Card International Data Security Standards;
 - Monetary Penalties Enforcement Act 2005;

 - Emergency Management Act 2006;
- Environmental management including the *Environmental Management and Pollution Control Act 1994* and Part 7 of the Health and Environmental Services By-Law No. 3 of 2011 and other applicable State and Commonwealth laws; Fire hazard management including under the Fire Service Act 1979;
 - - Aboriginal Heritage Act 1975;
- Roads and Jetties Act 1935; and Most Council by-laws.

We also noted that the Template also does not address obligations arising from Council's major contracts and grants of which Council is the beneficiary. Council may wish to consider also using the template to manage its compliance with these obligations.

Recommendation:

The next step in developing the Template is to perform a cross-departmental risk assessment and compliance mapping exercise to identify all applicable legal obligations, assess the inherent risk, and document ownership, controls and gaps in relation to key obligations.

Management Comment:

At our next MANEX meeting, a review of the Legislative Compliance Template will be undertaken to allow input from all Departments, CFO - December 2019.

Compliance Framework – DRAFT Report v.1 for management comment Kingborough Council



Major Finding		
4.1.2 Preparation of the Legislative Compliance Template		
Description of Issue: There is a lack of clarity about the level of detail that managers are required to provide when identifying Council's	Risk Rating:	Medium
compliance obligations and documenting different types of controls. Inherent risk is not documented. Discussion: The level of detail in the 'Legislative Requirements' column varies between each section of the Template, with some listing individual sections of Acts, whole Acts (eg'GST Act 1999) or subject headings (eg'Discrimination Bullying & Harassment'). It may be useful also to distinguish between provisions that confer ongoing obligations (eg to comply with work health and safety laws) and those that confer powers for which certain conditions must be met if Council chooses to exercise them (eg powers to enter land could result in civil and/or criminal proceedings for trespass if incorrectly exercised), as these may require different approaches to manage compliance. The Template also documents 'Internal Verification' and 'External Verification', which are a form of detective controls however we note that many of the listed obligations currently have no internal verification processes. In addition to documenting Mitigated Risk, we recommend that the Template should also document inherent risk, taking into account the potential safety, legal, financial and reputational consequences that could result from a breach. This will assist Council to prioritise its compliance and assurance resources.	Risk Type:	Governance Risk management
Recommendation:		ment:
As part of the risk assessment process recommended in 4.2.1, we recommend that Council defines the required level of detail in the Legislative Compliance Template and amends the Template to include inherent risk and to distinguish between system, process, quality and detective controls.	200 100 100 100	k meeting, we will n detail required rols into various
	categories. CFO	
	December 2019	



Major Finding		
4.1.3 Identifying and documenting non-compliance		
Description of Issue: The process for noting non-compliance by Council with its legal obligations is currently person dependent. Best practice	Risk Rating:	Medium
frameworks include a centralised breach register supported by a culture of compliance, disclosure and continuous improvement.	Pick Tyne.	Governance
Discussion: All reporting against the Legislative Compliance Template is currently person-dependent with each section of the Template completed by the responsible manager, including self-identification of potential breaches.		Compliance
Best practice frameworks for managing compliance include the use of a centralise breach register where all reported instances of non-compliance are logged, including reports from managers, staff, contractors and the public. This increases the visibility of compliance within the organisation and contributes to fostering a culture of compliance, disclosure and continuous improvement. It also provides opportunities to identify risk areas through analysis of reported issues.		
Breach registers are often modelled on existing WHS register-style processes, expanded also to address business and legal risk. Such a register, if established within Council, could be monitored by executive management with an agreed level of reporting to the Risk & Audit Panel.		
If establishing a centralised breach register, Council will need to determine its scope, specifically, whether only to include breaches of internal policy (eg delegations, conflicts of interest, financial controls, etc).		
Recommendation:	Management Comment:	ment:
We recommend that Council investigates options to develop and implement a breach register that can be reported to and monitored by the Executive.	A system-based application will be investigated to record compliance	pplication will be cord compliance
	breaches and an agenda item will be	genda item will be
	encourage discussion on breaches.	weeting to ion on breaches.
	CFO	
	Mar 2020	



Page | 12

management

Major Finding		
4.1.4 Scope of enforcement functions undertaken by the Compliance Unit		
Description of Issue: The Compliance Unit comprises qualified Investigators who are trained in Council's enforcement framework and who Risk Rating.	Risk Rating:	Medium
perform investigation and enforcement functions for internal clients within Council business units who provide relevant subject matter expertise.	Risk Type:	Efficiency and effectiveness

This business model is sector-leading and enables Council to perform cost-effective compliance and enforcement activities for the areas of

Council that the Compliance Unit currently services.

The next phase of maturity is for Council to determine whether to apply this business model to compliance and enforcement functions for

other areas within Council, where there are currently differences in the level of compliance and enforcement being undertaken.

Control Act 2000. It has been established in accordance with the Australian Government Investigations Standards framework. The Unit's remit has subsequently expanded to include Planning, with the recent establishment of a Planning Compliance Officer position, and policies and processes are currently being developed to enable the Compliance Unit to support Discussion: The Compliance Unit was established approximately four (4) years ago with an initial focus on parking infringements and animal management, primarily under the Dog investigations and enforcement in relation to the Building Act 2016. The Compliance Unit collects and regularly analyses customer request data and the Unit's activity data for workflow management purposes and to ensure cost effectiveness. There is a low level of complaints regarding the work of the Compliance Unit, even though penalties are not popular, and Council rarely receives complaints about the Compliance Unit's processes

We found that, in other areas of Council that are not formally within the remit of the Compliance Unit, investigation and enforcement functions continue to be performed by staff members who are subject matter experts in their area of responsibility but who are not necessarily trained or skilled in undertaking investigations and enforcement action. This can result in inefficiencies (eg partial investigations do not lead to enforcement action and/or lead to unsuccessful prosecutions), missed opportunities to recoup investigation costs We understand that Council's primary approach to compliance is to encourage compliance through education and negotiation, using enforcement only as a last resort. Nevertheless, through penalty revenue, and reputational impacts of being seen to investigate but not to enforce apparent breaches.

there are instances where enforcement action is needed. Council has an Enforcement Policy and Compliance Procedure - Compliance Customer Request Management, which include financial loss. The scope of the Compliance Unit's activities across Council is a matter for Council to determine having regard to its strategic priorities, risk appetite and available

defined 'priority codes' and 'priority timeframes' to assist in prioritising compliance activities according to the assessed risk of bodily harm, loss of heritage / conservation values, and/or

Recommendation:

We recommend that Council determines the scope of the compliance and enforcement functions to be performed by the Compliance Unit whether its scope includes additional activities currently undertaken by other Council business units. Once the scope of the Compliance Unit has been determined, we recommend that Counci

- develops processes for other Council business units to refer matters to the Compliance Unit for enforcement action (if applicable); and
 - reviews the prioritisation framework to ensure it is aligned with Council's strategic priorities and risk appetite.



Executive - Dec 2020 constraints.

determine a high-level position on the scope of the Compliance Unit, taking into account resourcing

discussed by the Executive recommendation Management Comment:

This



Compliance Framework – DRAFT Report v.1 for management comment Kingborough Council October 2019

Minor Finding		
4.1.5 Maintaining the Legislative Compliance Template		
Description of Issue: Council does not have formal processes to identify legislative changes, particularly in relation to changes to	Risk Rating:	Low
Commonwealth laws. Council is reliant on departmental managers to maintain currency of knowledge about legal obligations. Discussion: Council is regularly informed of changes to State legislation through the Local Government Division within the Department of Premier & Cabinet. There is no equivalent process in relation to Commonwealth laws.	Risk Type:	Compliance
Whilst managers are required as part of their duties to maintain abreast of changes to laws relevant to their area of responsibility, Council does not have any established processes to assist managers in this. In our view there is a risk that Council might fail to identify a new or changed obligation.		
Scheduled reviews of the Legislative Compliance Template may assist in prompting managers to review legislation relevant to their area of responsibility however this may not be a sufficient measure if managers do not have adequate means to inform themselves about legislative changes.		
We note that the authorised websites for both Tasmanian and Commonwealth legislation (https://www.legislation.tas.gov.au and https://www.legislation.gov.au respectively) have options to subscribe for notifications of pending, newly enacted and amended laws and regulations. There are also a number of commercial providers that provide similar services.		
Recommendation:	Management Comment:	nment:
We recommend that Council considers whether the current process for maintaining the Legislative Compliance Template is the most efficient We will look into subscribing to and effective approach.	We will look int authorised webs	We will look into subscribing to authorised websites to receive
	information on legislation changes.	on appropriate ges.
	CFO	
	Jan 2020	



Page | 14

Opportunity for Enhancement

Manual business processes

Description of Issue: For some business processes, the Pathways database is unable to automatically generate reports in appropriate formats and cannot automatically calculate amounts. This results in substantial time taken by Compliance Unit administrative personnel to manually reformat data outputs, enter data received, cross-check data entry, and manually calculate and enter amounts. Discussion: The Pathways system Infringements Module is used effectively by the Compliance Unit to manage many of the administrative processes in relation to Council's external compliance and enforcement activities. Specifically:

- Some of the modules in Pathways cannot link to Council's Name & Address (NAA) database, so letters and penalty notices cannot be automatically prepopulated.
- For parking infringements:
- Council personnel must therefore extract the data to a spreadsheet, manually correct it and modify it to meet MVR requirements;
- When data is received from the MVR, it cannot be uploaded into Pathways, so an administrative officer manually enters each person's details into Pathways. Due to the risk of errors when manually re-entering data, a second administrative officer manually checks all the entries. Staff estimated that, on average, they process data for 50-60 people each month. This takes approximately 12 hours (total); and
- Even after MVR data has been received and manually entered, it is not stored in Pathways. As there is a three-stage process for parking infringements (Reminder Notice, Unpaid Notice, Referral for debt collection), a person's data may be obtained from the MVR, manually entered into Pathways and manually checked three times in three
- The data exported by Pathways is not compatible with the Tasmanian Collections Service (TCS) database. Data from the system-generated 'Unpaid' report has to be manually entered into a spreadsheet to meet TCS requirements for their system; and
- Fees for referrals to the TCS and the Monetary Penalties Enforcement Service (MPES) have to be manually changed in Pathways. Pathways cannot do certain calculations so, fees that are based on a percentage of the debt have to be manually calculated and entered. Referral fees are also tracked separately in Finance.

An upgrade to Pathways is available to address some of these issues.

Opportunity for Enhancement:

Council may wish to consider whether it is more cost-effective to maintain current manual processes or to invest in available system upgrades.

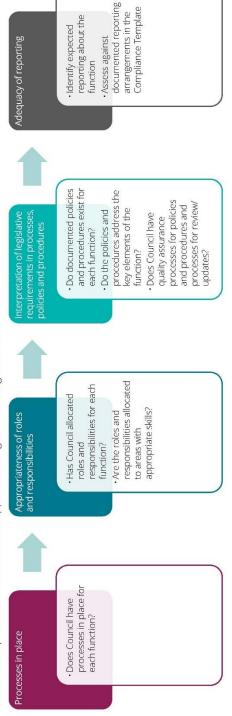


4.2 Assessment of Compliance and Enforcement in relation to Dog Control and Trees on Private Property

The scope of this review included an assessment of the enforcement functions of Council in relation to two (2) selected regulations. The regulations selected in consultation with Council were:

- The Dog Control Act 2000; and
- The Health and Environmental Services By-Law No. 3 of 2011 Part 7 Trees on Private Property.

For each Act / by-law, we identified the key compliance obligations imposed and enforcement functions conferred on Council. We then assessed Council's compliance and enforcement approach using the following framework:



Our findings are documented in the table on the following pages.



Kingborough Council Compliance Framework – DRAFT Report v.1 for management comment. October 2019

Assessment of	Assessment of Enforcement Functions in Selected Areas	eas		
4.2.1 Dog Co	Dog Control Act 2000			
Council has estal 2000 (DC Act). We	Council has established appropriate processes, roles and responsibilities, policies and 2000 (DC Act). We identified some minor opportunities to enhance current processes.	Council has established appropriate processes, roles and responsibilities, policies and procedures, and reporting arrangements in relation to its functions under the Dog Control Act 2000 (DC Act). We identified some minor opportunities to enhance current processes.	and reporting arrangements in relation to	o its functions under the Dog Control Act
Detailed assessment	Processes in place	Appropriateness of roles and responsibilities	Interpretation of legislative requirements in processes, policies and procedures	Adequacy of reporting
Whar's Working	The Compliance Unit (CU) has documented policies and procedures for several aspects of its functions under the DC. Act. The Pathways system tracks actions on every Customer Request through to enforcement, including for DC. Act matters. All customer contacts are entered either by the Customer Service Officer (CSO) or by CU personnel. Codes are set up on Pathways for each type of Customer Request. CSOs enter the most serious event code. The attending CU officer can update the code if facts are found to be different from the initial report. CU staff use the Pathways System Animal Management module to record actions and generate infiningement notices and other documentation in relation to dogs. Good support is available from the Pathways supplier (Infor). Councills IT System Administrator also has access as a Pathways Administrator.	The Compliance Coordinator has expertise in investigations and enforcement from previous roles and has been contracted by LGAT to provide training to other Tasmanian councils about compliance and enforcement. All CU investigative personnel hold a Certificate IV in Government Investigations or are required to attain this within 12 months of commencement. CU personnel also complete a training package of six modules to induct them into the CU's investigation and enforcement procedures. CU investigators perform the investigation and enforcement functions under the DC Act.	Council has an Enforcement Policy which establishes a consistent approach to all Council investigations including strategy, process, operating framework and the decision-making process. The Policy applies to all offences, including under the DC Act, so it isn't necessary to develop a separate decision-making procedure for every offence. Council has documented procedures relating to care of dogs while in the pound. Notes to the training modules and didness some legal requirements including the need for Council officers to refer to and comply with relevant legislative provisions when exercising statutory powers. The training module also provide good practice guidance about how to gather and document evidence, administer cautions, and use statutory powers.	The CU undertakes detailed data collection and analysis about its activity, including reported instances of non-compliance vs level of enforcement, penalty revenue vs costs of enforcement activity, and net legal costs. Some offences have outcomebased targets or performance measures, eg number of unregistered dogs. Other infringements (eg parking) have no defined targets but the CU monitors and reports on trends. Consistently with Council's strategy of education and encouraging compliance rather than focussing on strict enforcement, no offences have revenue-based targets. CU data are reported monthly to the Executive Manager Governance & Community and quarterly to Council. The CU also reports to Council on legal proceedings in closed session.





Detailed assessment What's Working • Council F we identified some corresponde documents in the relevant • CU adminis ensure that contributed to Withdrawal (Withdrawal & Withdrawal & Coordinator & Withdrawal & With	Detailed assessment What's Working • Council has a document management system (ECM) where correspondence and other documents relating to compliance / enforcement are stored. All documents are registered by Council's Records staff to ensure consistent naming protocols. Records staff task the document to the relevant business unit. • CU administrative staff check to ensure that forms have been correctly completed (g. Request for Withdrawal of Penalty Infringement Notice) before creating a Customer Request in Pathways. A Note is also created on the original PIN about the form and it is then tasked to the Infringements task list. • Withdrawal of a PIN can only be authorised by the Compliance Coordinator or the Executive Coordinator	Appropriateness of roles and responsibilities	Interpretation of legislative requirements in processes, policies and procedures	Detailed Some minor opportunities to enhance and procedures, and reporting arrangements in relation to its functions under the <i>bag control</i> Act proportiations of registative processes, and responsibilities and procedures policies and procedures policies and procedures and concentration of registative control has a document management system (ECM) where consistent aming protocols and focurents relating to compliance / enforcement are stored. All enforcements are registered by consistent aming protocols. Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff task the document to the relevant business unit. Councils Records staff to ensure the riths is completed before the peak in fire the relevant business unit. Notice before creating a Customer the form and it is then tasked to the relating to the resources are supplied to the relating to the relating to the relationship to the relat
•				conducting a less comprehensive investigation (often resulting in
	Unnaid DC Act fines			



Page 255

	its functions under the Dog Control Act	Adequacy of reporting	Some of the above data analysis reporting is performed by the Compliance Coordinator as a matter of good practice rather than being formally required by Council's internal reporting and assurance processes. There is a risk of persondependency. Council may wish to consider whether to formalise the reporting arrangements.
	and reporting arrangements in relation to	Interpretation of legislative requirements in processes, policies and procedures	 The Dog Management Policy only refers to 'effective control' as defined in s.4 of the DC Act. It does not address the different meanings of 'effective control' under s.18 (in relation to greyhounds) or s.32 (in relation to dangerous dogs). Council does not have documented procedures about how its officers are to exercise powers relating to seizure, sedation and/or destruction of dogs, including Council's policies to ensure that these steps are performed humanely and by appropriately trained and qualified persons. Documenting these matters may assist in defending any litigation relating to the exercise by Council officers of these powers. Council officers of these powers.
sas	esponsibilities, policies and procedures, nhance current processes.	Appropriateness of roles and responsibilities	
Assessment of Enforcement Functions in Selected Areas	4.2.1 Dog Control Act 2000 Council has established appropriate processes, roles and responsibilities, policies and procedures, and reporting arrangements in relation to its functions under the Dog Control Act 2000 (DC Act). We identified some minor opportunities to enhance current processes.	Processes in place	The data exported by Pathways is not compatible with the Tasmanian Collections Service (TCS) database. Data from the system-generated 'Unpaid' report has to be manually entered into a spreadsheet to meet TCS requirements for their system. Fees for referrals to the TCS and the Monetary Penalties Enforcement Service (MPES) have to be manually added and deleted in Pathways. Pathways cannot do calculations so, fees that are based on a percentage of the debt have to be manually calculated and entered. Referral fees are also tracked separately in Finance. See Opportunity or Enhancement 4.1.6
Assessment of	4.2.1 Dog Col Council has estab 2000 (DC Act). We	Detailed assessment	Opportunities to enhance current practice

Assessment of	Assessment of Enforcement Functions in Selected Areas	reas		
4.2.1 Dog Cc	Dog Control Act 2000			
Council has esta 2000 (DC Act). W	Council has established appropriate processes, roles and responsibilities, policies and procedures, and reporting arrangements in relation to its functions under the Dog Control Act. 2000 (DC Act). We identified some minor opportunities to enhance current processes.	te processes, roles and responsibilities, policies and procedures, minor opportunities to enhance current processes.	and reporting arrangements in relation t	its functions under the Dog Control Act
Detailed	Processes in place	Appropriateness of roles and responsibilities	Interpretation of legislative requirements in processes, policies and procedures	Adequacy of reporting
Opportunities to enhance current practice			Control Act Abatement (Non Serious Injury to Human) Procedure both address Council's power to issue an 'abatement notice' under the DC Act.	
(continued)			Council may wish to consider whether it may be more efficient to develop a single procedure	
			addressing the abatement notice powers (and/or other powers) under the DC Act, to which other	
			procedures can cross-reter. Another approach may be to develop a single DC Act policy and procedure that contains guidance about the	
			enforcement powers under that Act, including how those powers are inter-related (eg use of powers to enter land when attending to seize a	
			dog). This could assist Council to ensure complete coverage of key provisions of the DC Act while roducing the purpher of percedures.	
			it needs to maintain. None of the documents we reviewed addresses how Council complies with the requirements of	

Assessment of	Assessment of Enforcement Functions in Selected Areas	sas		
4.2.1 Dog Co Council has esta 2000 (DC Act). W	4.2.1 Dog Control Act 2000 Council has established appropriate processes, roles and responsibilities, policies and 2006 (DC Act). We identified some minor opportunities to enhance current processes.	esponsibilities, policies and procedures, nance current processes.	4.2.1 Dog Control Act 2000 Council has established appropriate processes, roles and responsibilities, policies and procedures, and reporting arrangements in relation to its functions under the Dog Control Act 2000 (DC Act). We identified some minor opportunities to enhance current processes.	its functions under the Dog Control Act
Detailed assessment	Processes in place	Appropriateness of roles and responsibilities	Interpretation of legislative requirements in processes, policies and procedures	Adequacy of reporting
Opportunities to enhance current practice (continued)			the Listening Devices Act 1991 in relation to making audio recordings (eg recordings). Some provisions of the Act create criminal offence for failures to comply. Similarly, none of the documents we reviewed addresses how the Personal Information Protection Act 2004 applies or how Council complies with its privacy obligations in relation to enforcement activity by Council officers. We understoad these matters are addressed in CU training packages however from a risk management perspective Council may wish to consider also documenting how it complies with these obligations. See Detailed Findings and Recommendations 4.1.1.	
Overall assessment	Opportunities for minor improvement	Working effectively	Partially effective	Working effectively



From an enforcement perspective, NRM officers currently have responsibility for investigation and enforcement but are not trained or skilled in these activities. There is no agreed or species habitats are documented in From a compliance perspective, Council has established processes, roles, responsibilities and reporting and has skilled Natural Resource Management (NRM) officers with a sound High Conservation Value vegetation the GIS corporate layers (accessible established process for NRM officers to engage the Compliance Unit's assistance, and the Compliance Unit is not currently resourced to undertake these activities on their behalf. maintained and is available Adequacy of reporting Tree and Council's website. Significant communities understanding of the complex legislative framework. There is a proactive, education-based approach to facilitate compliance by members of the community, nternally). ∢• trees. The language in the By-Law NRM staff appear to have a sound understanding of the complex legislative framework relating to ("high conservation value tree") was deliberately selected to align with scheme, Offset Policy, and accepted terminology used by forest Department of Primary Industries communities / habitats are primarily regulated under the Land Use (LUPAA) through Council's Planning By-Law creates a process to grant permits for tree maintenance and removal without requiring a full development application (DA) under Act including at Practices Act Parks Water & Environment. Planning & Approvals Planning Conservation Value Health and Environmental Services By-Law No. 3 of 2011 – Part 7 Trees on Private Property ('the By-Law') Trees Biodiversity the Forest Significant scientists Council's unit. The Council has established roles and and tree, By-Law applies; Planning unit: The Significant Tree Register Policy including regetation community, Planning responsibilities for its processes to Conservation Value vegetation and for permits under the By-Law for all circumference over 80cm at 1.5m assessing Significant Tree nominations and requirements for assessments by responsibilities between the NRM Scheme applies). Corresponding dentify Significant Trees and High and Planning units is determined by the heads of power (NRM: single above ground and Significant Trees. native Tasmanian trees with to determine applications The delineation of roles Appropriateness of roles and responsibilities applications, roles delegations are in place. for qualified arborists. responsibilities establishes permit Council has a Significant Tree Register and Decision Criteria For Tree Removal on Private Land to support internal Policy and Biodiversity Offset Policy relation to the By-Law, including how Significant Trees are identified and registered and processes for lodging Council has an Assessment Procedure Council uses Schedule 3A of the information about threatened records and potential and observed habitat are sourced from both the DPIPWE Natural Values Atlas tool, Forestry and document its processes in and determining applications under adopt a proactive, decision-making under the By-Law. tools education-based approach to Processes in place habitat vegetation mapping data. Conservation the By-Law for permits. Practices mapping Species OWN NRM staff Council's Nature species. What's Working assessment Detailed



Page | 22 Compliance Framework – DRAFT Report v.1 for management comment

Kingborough Council

October 2019

Assessment of	Assessment of Enforcement Functions in Selected Areas			
4.2.2 Health	Health and Environmental Services By-Law No. 3 of 2011 – Part 7 Trees on Private Property ('the By-Law')	o. 3 of 2011 – Part 7 Trees on Private	Property ('the By-Law')	
From a compliar understanding o	nce perspective, Council has established pr of the complex legislative framework. There	ocesses, roles, responsibilities and repolis a proactive, education-based approact	From a compliance perspective, Council has established processes, roles, responsibilities and reporting and has skilled Natural Resource Management (NRM) officers with a sound understanding of the complex legislative framework. There is a proactive, education-based approach to facilitate compliance by members of the community.	gement (NRM) officers with a sound community.
From an enforce established proc	ement perspective, NRM officers currently h	ave responsibility for investigation and er ance Unit's assistance, and the Complian	From an enforcement perspective, NRM officers currently have responsibility for investigation and enforcement but are not trained or skilled in these activities. There is no agreed or established process for NRM officers to engage the Compliance Unit's assistance, and the Compliance Unit is not currently resourced to undertake these activities on their behalf.	nese activities. There is no agreed or ke these activities on their behalf.
Detailed	Processes in place	Appropriateness of roles and responsibilities	Interpretation of legislative requirements in processes, policies and procedures	Adequacy of reporting
What's Working Well (continued)	facilitate compliance by members of the Kingborough community. This includes responding to telephone and email inquiries, and attending properties in person to assess and advise about relevant trees. Councils approach to managing native vegetation includes requirements for offset planting (like for like) or an offset payment into a Blodiversity Fund when vegetation is removed. These are sector-leading initiatives within Tasmania. Codes exist for customer requests relating to trees to be logged in the Customer Request. System and Pathways. The 'priority codes' in the Compliance Customer Request Management Procedure allocate different levels of priority based on the assessed risk	The NRM unit has skilled officers with subject matter expertise in biodiversity management. NRM officers have received strational Awareness training to assist them to manage their personal safety when investigating alleged breaches of the By-Law.	the Land Use Planning & Approvals Act 1993 (LUPAA). The By-Law also fills a gap whereby conservation laws do not address heritage, aesthetic and other values. • The Significant Trees Register is tenure-blind however trees on private land are only listed if the landowner agrees. • Council conducted a detailed review of tree and vegetation management frameworks in 2016/17. Several of its recommendations have been implemented. • Council's Significant Tree Register Policy was approved in 2018 and is available on its website. • Council has several published policies and other resources relating to the By-Law on its website.	
	of loss of 'neritage of high conservation item'.			



Page 260

Health and Environmental Services By-Law No. 3 of 2011 – Part 7 Trees on Private Property (the By-Law)

From a compliance perspective, Council has established processes, roles, responsibilities and reporting and has skilled Natural Resource Management (NRM) officers with a sound understanding of the complex legislative framework. There is a proactive, education-based approach to facilitate compliance by members of the community.

From an enforcement perspective, NRM officers currently have responsibility for investigation and enforcement but are not trained or skilled in these activities. There is no agreed or

 NRM officers are not trained or skilled in investigation and enforcement processes, policies and procedures sollided in investigation and enforcement processes. It is not uncommon for NRM officers not require landowners to maintein Significant Trees and that the tis not uncommon for NRM officers not require landowners to maintein Significant Trees and that the penalties are too low to provide and or result in enforcement action. This can be inefficient as Council is unable to recoup investigation costs through penalty revenue, and has reputational impacts of being seen to investigate but not to take action against opportunity for Council to make strategic apparent breaches. There are occasions when, for safety for Council to make strategic decisions about tree vogetation management and to address the information about trees on private property. Whilst we found several relevant documents, these are in does not require landowners to maintein and or that the By-Law will manage or removal of Significant and/or High Conservation Value resease it is occurring. This occurs when no second person is available to accompany the NRM offlicer. 	established proce	ess for NKM officers to engage the Compila	ince Unit's assistance, and the Compliand	established process for NRM officers to engage the Compliance Unit's assistance, and the Compliance Unit is not currently resourced to undertake these activities on their behalf.	rtake these activities on their behalf.
for NRM officers to engage the compliance Unit (CU) to assist with investigation and or enforcement of suspected breaches of the By-Law. In practice, both the Compliance Unit (CU) and NRM officers reported that tree-related matters are coded as a low priority for investigation and response by the NRM unit, based on impact on conservation values. In processes and/or resource and taking several months. Council officers and taking several months and the processes and/or resource and the processes and/or resource and the processes and/or resource where the balance are not at the processes and/or resource and the processes and/or resource to make a tree and the processes and/or resource are not at the processes and/or resource and the processes and/or resource are not at the processes and/or resource and the processes and/or resource are not at the processes and/or resource and the processes and/or resource are not at the processes and/or resource and the processes and/or resource are not at the p	Detailed assessment	Processes in place	Appropriateness of roles and responsibilities	Interpretation of legislative requirements in processes, policies and procedures	Adequacy of reporting
between resources to determine sheet that explains what is and is not registration and permit applications	Opportunities to enhance current practice			NRM officers noted that the By-Law does not require landowners to maintain Significant Trees and that the penalties are too low to provide an effective deterrent. The 2016/17 review recommended that Council prepare an overarching Tree Management Strategy however this has not occurred. We understand that the By-Law will be reviewed ahead of its expiry in 2021. This may be an opportunity for Council to make strategic decisions about tree/vegetation management and to address the identified gaps in the By-Law. We searched Council's website for information about trees on private property. Whilst we found several relevant documents, these are in different parts of the website. We were subsequently directed to a fact sheet that explains what is and is not permitted to be done to trees on	NRM officers reported that they do not know how to extract data from Pathways about reports relating to Significant Trees. NRM officers identified a need to define KPIs and record data about outcomes for tree investigations – learning outcomes, punitive consequences and any fine revenue. Council may wish to consider establishing a process across Council to capture and analyse data about number of complaints, number of verified instances of noncompliance, number of of infringement notices issued and/or prosecutions initiated, and associated costs/revenue in relation to the By-Law.

Kingborough Council Compliance Framework – DRAFT Report v.1 for management comment October 2019



Assessment of Ent 4.2.2 Health and 4.2.2 Health and From a compliance understanding of the From an enforcement established process Detailed assessment See Re	Assessment of Enforcement Functions in Selected Areas 4.2.2 Health and Environmental Services By-Law No. 3 From a compliance perspective, Council has established proce understanding of the complex legislative framework. There is a From an enforcement perspective, NRM officers currently have established process for NRM officers to engage the Compliance assessment and to enable effective enforcement and to enable effective enforcement and to enable effective enforcement and to enables parking officers to issue Recommendations 4.1.4 • Council uses a PINFORCE device that enables parking officers to issue PINs and to capture related photos. Council may wish to consider whether this technology could also be used to support enforcement activities for unauthorised tree removal on private land.	4.2.2 Health and Environmental Services By-Law No. 3 of 2011 – Part 7 Trees on Private Property (the By-Law) From a compliance perspective. Council has established processes, roles, responsibilities and responsibilities. Processes in place Appropriateness of roles Processes in place Appropriateness of roles Appropriateness of roles Appropriateness of roles Processes in place Appropriateness of roles Appropriateness of roles Appropriateness of roles Processes in place Appropriateness of roles Appropriate or relative roles Adequacy of reporting Adequacy of repord	Property ('the By-Law') ting and has skilled Natural Resource Mand to facilitate compliance by members of unforcement but are not trained or skilled it. Interpretation of legislative requirements in processes, policies and procedures property however this was in another section of the website and was not revealed by a website search for 'tree'. It may not be straightforward for landowners to identify their responsibilities. Council may wish to review how information about trees is organised on its website, to ensure that information to assist compliance is readily available / accessible.	g and has skilled Natural Resource Management (NRM) officers with a sound a gard has skilled Natural Resource Management (NRM) officers with a sound of and has skilled nature treement but are not trained or skilled in these activities. There is no agreed or Juli is not currently resourced to underrake these activities on their behalf. Interpretation of legislative requirements in processes, policies and procedures private property however this was in the revealed by a website dentify their responsibilities. Council may wish to review how information about trees is organised of the problem is difficult to quantify. Council may wish to review how information to assist compliance is to consider low-cost options to support reporting such as an online form to which photos can also be undeaded.
Overall assessment	Partially effective	Partially effective	Working effectively	Partially effective





4.3 What we did

Our review included assessing the high-level controls in place for managing the Council's compliance obligations as well as benchmarking current practice in relation to enforcement and compliance obligations.

To complete the review, we:

- Met with key staff in each identified area;
- Documented significant processes and related controls at a high level for the key areas noted in the scope;
- Identified and assessed significant risks within the process;
- Benchmarked key processes against best practice for areas under review including the identification of opportunities to enhance current practice;
- Documented and reported our findings.

Page | 26



4.4 Risk Rating Criteria

Each finding has been rated according to the residual risk and impact on the operations of your organisation.

	Critical control deficiency or significant compliance exception(s) which warrants immediate attention by management. A high risk of financial loss, impairment of operations or misrepresentation of financial or operational results. Issue that could have, or is having, a major adverse effect on the ability to achieve organisational / process objectives.
Σ	Gap in procedures and controls in place to mitigate key risks or compliance exception(s) which require improvement to ensure effectiveness of established controls. Deficiencies should be corrected promptly to ensure the internal control system is functioning adequately. Issue that could have, or is having, a significant adverse effect on the ability to achieve organisational / process objectives.
	While compliance exceptions may exist, they are not considered critical. Deficiencies do not warrant management's immediate attention but should be addressed as time and resources permit. Issue that could have, or is having, a minor but reportable impact on the ability to achieve organisational / process objectives.

Kingborough Council Compliance Framework – DRAFT Report v.1 for management comment October 2019



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18.5 KINGBOROUGH ACCESS ADVISORY COMMITTEE MEETING MINUTES

MINUTES

KINGBOROUGH ACCESS ADVISORY COMMITTEE

Meeting No. 2019-6

Wednesday 11 December 2019



Minutes of a Meeting of the Kingborough Access Advisory Committee held at the Kingborough Civic Centre, Kingston, on Wednesday 11 December at 2.00pm.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Paula Wriedt	✓	
	Julie Taylor (Arthritis Tasmania and		
	Osteoporosis Tasmania	✓	
	representative)		
	David Vickery	✓	
	Kevin Brown	✓	
	Kris Apps		✓
	Paul Gilby		✓
	Stephanie Doran	✓	
	Zoe Gisborne	✓	
	Di Carter		✓
Staff	Julie Alderfox (Community	./	
	Development Officer)	•	

LEAVE OF ABSENCE

No requests were submitted.

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES

Moved Kevin Brown

/Seconded David Vickery

That the Minutes of the Committee meeting held on 14 August 2019 as circulated, be confirmed.

Carried

BUSINESS ARISING

Community Hub List of Comments

A status report on the Committee's list of comments regarding issues at the Community Hub was presented. The list & responses were discussed. In particular the issue of the positioning of bike racks was raised. The bike racks currently protrude from the southern wall in the passage way where the toilet facilities are accessed. The bike rack area has no visual indicator such as a coloured marking on the ground or physical barrier. It was agreed that it would be prudent to proactively address the current situation rather than simply monitoring and responding to an incident. Comments to be passed to relevant staff.

Matthew Snow entered the meeting at 2.30pm

Channel Highway Pedestrian Crossing near John St Intersection

Matthew Snow (Cadet Civil Engineer) reported that Department of State Growth has extended the crossing time at the John Street traffic lights by 2 seconds. It was noted that the time extension was added to the red flashing pedestrian signal and not to the green walk symbol. Committee members, while pleased that the request had been acted upon, expressed disappointment at the outcome as the time is still insufficient to allow those with mobility aids to position themselves, approach the kerb ramp and to cross. Assessment of the allocated time will continue with pressure likely to be applied to State Growth for a further extension.

Access issues at Kingston Beach were raised including problems with kerb ramps, road crossings, cracked and uneven footpaths and parked cars obstructing access particularly at the southern parking area adjacent to the beach. Staff to follow up.

Matthew Snow left the meeting at 2.45pm

Access Considerations in Council Projects

Council endorsed the use of an accessibility toolkit. The toolkit will assist relevant staff to adhere to all accessibility standards as well as providing them with examples and suggestions for going beyond the minimum standards where possible. A toolkit was developed by Clarence City Council and has been distributed to key staff members for use. It was noted that access components of the central Kingston upgrade need to be integral to any developments and plans.

Presentation to Businesses

A presentation on improving accessibility for businesses was scheduled for International Day of People with Disabilities (Tuesday 3 December). Local businesses were invited via mail, advertisement, social media and by direct invitation. However, unfortunately RSVP numbers were too small to warrant going ahead. Materials prepared for the event can be used for a future information session.

DEVELOPMENT APPLICATIONS

N/A

CORRESPONDENCE OUT

Letters of support for funding were forwarded in support of the following organisations: Taroona Neighbourhood Garden – for improving accessibility
Bardic Studio – to continue the all-abilities film festival
Disability Voices Tasmania – to provide bridging funds to continue the work begun by the advocacy group.

OTHER BUSINESS

Paull Donnelly entered the meeting at 3pm.

Kingston Beach Capital Works Bid

Paul Donnelly (Urban Designer) presented a preliminary concept plan for which a capital works bid will be placed in the coming financial year. The plan provides safe, convenient, and

inclusive access to Kingston Beach and the recently upgraded public amenities / surf lifesaving block, including:

- Additional raised pedestrian-priority crossing point (to replace existing traffic calming measures adjacent to public amenities block)
- Kerb buildout to provide safe approach to crossing point (from foreshore side)
- · Additional disabled parking and turndown adjacent to buildout
- Reconfigured promenade pavement
- Ramp access to Kingston Beach

Committee members expressed support for the project and thanked Paul for his efforts.

Paul left the meeting at 3.15 pm.

Changing Place

It was suggested that the provision of *Changing Places* (fully accessible public toilets with change tables and hoists for people with severe or profound disability) be included in public toilet facilities at major Council managed destinations in the area Including Dru Point and Kingston Beach. Staff to follow up.

Pedestrian Safety

It was recommended that a 'LOOK RIGHT' stencil be included at the Freeman Street pedestrian island as many people incorrectly assume that motorists are obliged to stop for pedestrians waiting at the kerb.

The Hutchins Street/Channel Highway 'T' intersection is unsafe for people using mobility aids. A kerb ramp exists on the Council side of the intersection but not on the opposite/upper side of Hutchins Street. Staff to follow up.

The disabled parking bay outside a Blackmans Bay beach restaurant does not allow for users to safely alight and travel to surrounding areas. Staff to ensure compliance and determine if the space is for public use or restaurant users only.

Zoe Gisborne left the meeting at 3.30 pm.

Guidelines for Tourist Accommodation

It was requested that the draft brochure being prepared for tourism operators be redistributed. Staff to follow up.

2019 Achievements

Cr Wriedt listed the Committee's achievements over the year and congratulated and thanked all members and staff involved.

NEXT MEETING

The next meeting of the Access Advisory Committee is scheduled to take place on Wednesday 12 February 2020 2pm at the Council Chambers

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 4.10pm

19 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with Regulation 15 of 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

Kaoota Tramway Track

(iii) reveal a trade secret;

Regulation 15 (2)(f) proposals for the council to acquire land or an interest in land or for the disposal of land.

Current and Ongoing Minute Resolutions

Regulation 15(c) commercial information of a confidential nature that, if disclosed, is likely to – (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or

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

Open Session of Council adjourned at

OPEN SESSION ADJOURNS

OPEN SESSION RESUMES

Open Session of Council resumed at

RECOMMENDATION

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

Item	Decision
Confirmation of Minutes	
Applications for Leave of Absence	
Kaoota Tramway Track, Allens Rivulet	
Current and Previous Minute Resolutions	

CLOSURE

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