

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the Kingborough Council will be held in the Kingborough Civic Centre, 15 Channel Highway, Kingston on Monday, 23 March 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. 6 to be held on Monday, 23 March 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

Tuesday, 17 March 2020

Public Copy

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	Boat Sheds at Nebraska Beach 2
11	Questions without Notice from Councillors 3
12	Questions on Notice from Councillors..... 3
12.1	Efficacy of New Low Flow Outflow at Blackmans Bay Beach 3
13	Officers Reports to Planning Authority..... 4
13.1	Delegated Authority Report for the period 25 February 2020 to 10 March 2020..... 4
14	Notices of Motion 7
15	Petitions still being Actioned..... 7
16	Petitions Received in Last Period..... 7
17	Officers Reports to Council..... 8
17.1	Review of Public Toilet Strategy 8
17.2	Boat shed leases - Nebraska Beach..... 12
17.3	Revised Footpath Trading (On-Street Dining and Vending) Policy..... 14
18	Information Reports..... 27
18.1	Mayor's Communications..... 28
18.2	Development Services Quarterly Report - January to March 2020..... 30
18.3	Minutes of the Kingborough Bicycle Advisory Committee dated 14 February 2020 38
18.4	Minutes of the Kingborough Community Safety Committee dated 17 February 2020 43
19	Confirmation of Items to be Dealt with in Closed Session..... 51

GUIDELINES FOR PUBLIC QUESTIONS

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

Questions from the public may either be submitted to the General Manager in writing or asked verbally at an Ordinary Council meeting. Any question asked must only relate to the activities of Council [Section 31(2)(b)].

This guideline is provided to assist the public with the requirements of Public Question Time as set out in the *Local Government (Meeting Procedures) Regulations 2015* as well as determinations made by Council. You are reminded that the public question forum is designed to accommodate questions only and neither the questions nor answers will be debated.

Questions on Notice

Written questions on notice must be received at least seven (7) days before an Ordinary Council meeting [Section 31(1)] and must be clearly headed 'Question/s on Notice'. The period of 7 days includes Saturdays, Sundays and statutory holidays but does not include the day on which notice is given or the day of the Ordinary Council meeting [Section 31(8)].

Questions Without Notice

The Chairperson of an Ordinary Council meeting must ensure that, if required, at least 15 minutes is made available for public questions without notice [Section 31(3)]. A question without notice must not relate to any matter that is listed on the agenda for that meeting.

A question by any member of the public and an answer to that question is not to be debated at the meeting [Section 31(4)]. If a response to a question cannot be provided at the meeting, the question will be taken on notice and will be included in the following Ordinary Council meeting agenda, or as soon as practicable, together with the response to that question.

There is to be no discussion, preamble or embellishment of any question asked without notice, and the Chairperson may require that a member of the public immediately put the question.

The Chairperson can determine whether a question without notice will not be accepted but must provide reasons for refusing to accept the said question [Section 31 (6)]. The Chairperson may require a question without notice to be put on notice and in writing.

The Chairperson may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, offensive or relates to any matter which would normally be considered in Closed Session. The Chairperson may require that a member of the public immediately put the question.

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 23 March 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 the Council Meeting No.5 held on 10 March 2020 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

- 13 March - Climate Profiles
16 March - Draft Budget

7 DECLARATIONS OF INTEREST

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

8 TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from open session to the closed session of this agenda or from closed session to the open session of this 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 Boat Sheds at Nebraska Beach

Ms Lyn Cengia submitted the following question on notice:

1. (a) What exactly does "non-transferable" mean in Council terms and (b) what are the implications, given it was our intention to list as the lessees just the 5 children- ie. the benefactors of the previous foreshore/boatshed owner (Mrs JM Barrow). That is (for example), does this mean we will now have to list the entire family, or at the very least, the names of the children and grandchildren, or possibly use a more general term- "the surviving members of the Barrow family"- to ensure the tenure of the lease for the next 50 years?
2. Does KC actually intend to apply this term (ie. "the leases to be non-transferable") to our lease on the "Barrow boatshed" (given that the Agenda item mentions "five boat sheds" in both 2. BACKGROUND and 9. CONCLUSION- whereas there are actually six)- OR only to the other five boatsheds?
3. While Council has agreed it will enter into a LEASE agreement with our family, is it Council's intention to issue a LEASE or a LICENCE to each of the occupiers of the other boatsheds? In Item 17.2 of Agenda no. 2 of 2020 both words are used, however, in your discussions

with our family it was made clear that normally Council would not issue a LEASE, rather a LICENCE, for a boatshed.

Officer's Response:

1. All council lease agreements are non-transferable without the permission of the landowner. Non-transferable means that you cannot sell or transfer the agreement into another person's name without the express permission of Council as landowner. There is no limit on the number of family members who can sign the lease, however a general term like "the surviving members of the family" cannot be allowed as an agreement must be with named people.
2. The Council resolution refers to all six boat sheds (including yours).
3. All the agreements with the boatsheds are to be lease agreements. Whilst Council would normally require a licence, you have made it clear that a lease agreement was the only form of tenure you would accept and this has been applied to all the other boatsheds for consistency.

Sean Kerr, Property Officer

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Efficacy of New Low Flow Outflow at Blackmans Bay Beach

Cr Cordover submitted the following question on notice:

Noting that the seagulls are back at Blackmans Bay beach, has council evaluated the efficacy of the new low flow stormwater outflow? If it is too early to make an assessment of efficacy, what are the timeframes for evaluation and what will that process involve?

Officer's Response:

The low flow devices at the outlet of Illawarra and mid beach catchments are operating as expected with low flow being diverted to sewer. However, there is infiltration of water from natural springs, in particular, which is of enough volume to bypass the low flow device even in dry weather conditions, which then allows a drinking source for the seagulls. Although the low flow devices were not primarily put in place to move the seagulls away, it was envisaged that this may be a secondary result. Council officers are currently investigating the source of the dry weather water ingress into the stormwater pipes and if possible will be looking at ways to divert this from the line.

David Reeve, Executive Manager Engineering Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

Planning Authority commences at

13 OFFICERS REPORTS TO PLANNING AUTHORITY

File Number: 17.170

Author: Elizabeth Burrows, Administration Officer - Planning

13.1 DELEGATED AUTHORITY REPORT FOR THE PERIOD 25 FEBRUARY 2020 TO 10 MARCH 2020

The following are matters that have received delegated approval from the Manager Development Services for the period 25 February 2020 to 10 March 2020.

DEVELOPMENT APPLICATIONS FOR PERMITTED DEVELOPMENT/USE		
DA-2020-35	Mrs S R Weeding 13A Ritchie Street ALONNAH	Change of use from residential to visitor accommodation
DA-2020-48	Mrs L L O'Brien 3755 Channel Highway BIRCHS BAY	Change of use to home-based business – wine sales
DA-2020-59	Ms L A Beck 19 Harvey Street ALONNAH	Change of use from residential to visitor accommodation
DEVELOPMENT APPLICATIONS FOR DISCRETIONARY DEVELOPMENT/USE		
DA-2019-170	Mr P H Cuthbertson 3 Oxleys Road KETTERING	Change of use from garage to visitor accommodation unit and new outbuilding (garage)
DA-2019-469	Ms J J Wang 72 Sproules Road SNUG	Dwelling, outbuilding (garage) and access
DA-2019-488	G Hills & Partners Architects 89 Wingara Road HOWDEN	Partial demolition of outbuilding and extension with change of use to ancillary dwelling
DA-2019-513	Clennetts Hire 122 Browns Road KINGSTON	Change of use to storage, machinery facility and signage
DA-2019-592	Overeem Enterprises 20 Mertonvale Circuit KINGSTON	Offices, showroom, workshops, storage and associated access and carparking

DA-2019-709	Roam Architects 'Yirriluka', 77 Wells Parade BLACKMANS BAY	Demolition of existing dwelling and construction of new dwelling
DA-2020-8	Creative Homes Hobart 12 Homestead Place KINGSTON	Dwelling
DA-2020-13	Mr M G Hudson 14 Maudsleys Road ALLENS RIVULET	Outbuilding (carport)
DA-2020-18	Mr R D Board 12 Winmarleigh Avenue TAROONA	Alterations and demolition and rebuild of covered deck
DA-2020-24	Wilson Homes Tasmania P/L 9 Apolline Drive KINGSTON	Dwelling
DA-2020-27	E3planning P/L 53 Adventure Bay Road ADVENTURE BAY	Outbuilding (shed)
DA-2020-31	Wilson Homes Tasmania P/L 55 Turquoise Way KINGSTON	Dwelling
DA-2020-32	Wilson Homes Tasmania P/L 25 Rodway Court KINGSTON	Dwelling
DA-2020-38	SJM Property Developments P/L 45 Turquoise Way KINGSTON	Dwelling
DEVELOPMENT APPLICATIONS FOR ADHESION ORDER/SEALED PLAN AMENDMENTS		
ADHORD-2019-4	Leary & Cox 1 Channel Highway KINGSTON	Adhesion of two lots to facilitate management and future development
ADHORD-2020-1	PDA Surveyors 5 Bruny Island Main Road DENNES POINT	Adhesion of two lots for dwelling to be contained within a single lot
SPA-2019-2	Ogilvie Jennings 8 Websters Road KINGSTON	Amendment to the building envelope of Lot 5, and associated changes to easements
SPA-2019-8	Brooks, Lark & Carrick Surveyors 14 Hutchins Street & 8 Church Street KINGSTON	Amendment to remove redundant drainage easements
DEVELOPMENT APPLICATIONS FOR MINOR AMENDMENTS TO PERMIT		
DA-2018-101	Mr J C Martyn 130 Snug Falls Road SNUG	Minor amendment to condition 3 to allow retention of a cleared area for parking

DEVELOPMENT APPLICATIONS FOR NO PERMIT REQUIRED		
DA-2019-698	All Decks 1 Bareena Road TAROONA	Extension to existing deck
DA-2020-90	Wilson Homes Tasmania P/L 57 Hollyhock Drive KINGSTON	Dwelling

RECOMMENDATION

That the report be noted.

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PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION

Open Sessions resumes at

14 NOTICES OF MOTION

At the time the Agenda was compiled there were no Notices of Motion received.

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

16 PETITIONS RECEIVED IN LAST PERIOD

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

Public Copy

17 OFFICERS REPORTS TO COUNCIL

17.1 REVIEW OF PUBLIC TOILET STRATEGY

File Number: 20.99

Author: Daniel Smee, Executive Manager Governance & Community Services

Authoriser: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.3 Community facilities are safe, accessible and meet contemporary standards.

1. PURPOSE

1.1 The purpose of this report is to review and update Council's Public Toilet Strategy.

2. BACKGROUND

2.1 Council's Public Toilet Strategy was approved in February 2017 (Minute C86/4-17 refers).

2.2 The Strategy was developed following a comprehensive review of the distribution, condition and usage of all of Council's public toilets and contains recommendations for the replacement or upgrade of facilities over a 10-year period.

2.3 The prioritisation of facilities within the 10-year plan was based on an assessment of usage, condition, accessibility and environmental impacts.

2.4 Whilst only three years old, there are a number of factors that necessitate a review of the Strategy and subsequent updating of the implementation plan for works.

3. STATUTORY REQUIREMENTS

3.1 The provision of public toilet facilities is an expected function of local government rather than a statutory requirement, although there are legal obligations under the *Disability Discrimination Act 1993* to ensure that such facilities meet accessibility standards.

3.2 The upgrading or replacement of facilities is subject to statutory approvals as required under the development application process.

4. DISCUSSION

4.1 Since the endorsement of the Strategy in February 2017, the following capital works have been undertaken on Council's public toilets:

- Alonnah Foreshore – new facility;
- Kingston Beach – full replacement of existing facility;

- Sandfly Hall – replacement of septic system; and
 - Lunawanna Hall – full replacement of existing facility.
- 4.2 The replacement of the Coningham Beach toilets is well advanced and scheduled for completion later this year.
- 4.3 In addition to the above works, minor refurbishment of a number of facilities has been undertaken, including the installation of spring loaded taps and internal painting.
- 4.4 When the Strategy was prepared in 2016, replacement of the Kingston Beach toilet block was identified as the number one priority. However, at the time, it was intended that this would occur as part of a joint project with the Kingston Beach Surf Lifesaving Club and a private development.
- 4.5 The latter did not come to fruition and Council was subsequently required to fund the full cost of the new facility in the 2018/19 financial year. This had the effect of pushing back the original schedule of works in the Strategy by a year (see below).

Budget Year	Facility	Works	Funding
2017/18	Coningham Beach	Replace existing	\$175,000
	Sandfly Hall	Replace septic	\$15,000
	Kingston Beach	Replace existing	TBA
2018/19	Lunawanna Hall	Replace Existing	\$150,000
	Leslie Vale Oval	Demolish Existing	\$10,000
2019/20	Woodbridge Hall	Refurbish	\$100,000
	Sandfly Oval	Demolish Existing	\$10,000
	Sandfly Hall	Refurbish	\$50,000
2020/21	Kettering Hall	Disability Access	\$10,000
	Margate Hall	Disability Access	\$50,000
	Dennes Point	Disability Access	\$50,000
2022/23	Christopher Johnson Park	Replace/Refurbish Existing	\$150,000
2023/24	Taroona Beach	Replace/Refurbish Existing	\$150,000
2024/25	Snug Beach	Replace/Refurbish Existing	\$150,000
2025/26	Trial Bay	Replace Existing	\$150,000
2021/22	Longley Reserve	New Facility	\$175,000
2027/28	Silverwater Park	Replace/Refurbish Existing	\$150,000

- 4.6 The proposed demolition of the Leslie Vale Oval toilet block was met with opposition from some members of the community and given the deferral of the project in the capital works program, this facility has also been retained pending monitoring of usage.

- 4.7 The demolition of the Sandfly Oval toilet block was contingent upon the provision of publicly accessible facilities as part of the upgrade of the adjoining clubrooms by the Longley Cricket Club. This did not come to fruition and hence there is a need to retain the facility for the foreseeable future.
- 4.8 The Woodbridge Hall Management Committee has undertaken substantial work on the development of plans for the refurbishment of the public toilets at the hall and have fully costed and heritage approved concept plans ready to be implemented in line with the budget allocation of \$100,000.
- 4.9 The upgrade of the Dennes Point toilets has been included in the list of projects to be funded by the \$1.5m allocation from the Department of State Growth for public infrastructure improvements on Bruny Island.
- 4.10 In August 2019, Council resolved to reallocate \$7,000 of capital works listed for fencing of an off-lead dog exercise area in Kettering towards the refurbishment of the public toilets at the rear of the hall.
- 4.11 Council's Building Maintenance Supervisor has costed this project (including the provision of a compliant disability access ramp) at \$45,000 and this amount has been included in the 2020/21 draft capital works budget, with the \$7,000 to be used for the development of building plans and surveyor fees for the project.
- 4.12 In recent years, the condition of the public toilet at Christopher Johnson Park has deteriorated to the point where a minor refurbishment is not cost effective. Accordingly, a full upgrade of the facility has been listed in the draft capital program for 2020/21.
- 4.13 There has been community pressure for an upgrade of the Blackmans Bay facilities and a full refurbishment has been costed at \$85,000. It is recommended that this be undertaken in 2020/21.
- 4.14 The construction of a new facility at Longley Park is integral to the development of this area and this project remains a high priority. Accordingly, it is recommended that this also be undertaken in 2021/22.
- 4.15 The above list of works has been summarised and is recommended for endorsement and the Strategy updated accordingly.

5. FINANCE

- 5.1 Building costs have increased significantly over the past few years and hence some of the cost estimates contained within the original strategy need to be reviewed.

6. ENVIRONMENT

- 6.1 The wastewater disposal systems servicing a number of Council's public toilet facilities did not meet contemporary environmental health standards and for this reason, both Coningham Beach and Sandfly Hall were listed as a high priority.
- 6.2 The septic system at Adventure Bay Hall was upgraded in 2015 but concerns have recently been expressed by TasWater in relation to the ongoing risk posed to the adjacent water aquifer as a result of this treatment method.
- 6.3 In view of this, a closed loop pump out system is proposed at a cost of \$73,000 to be undertaken in the 2020/21 financial year.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Strategy was developed with the intention that consultation would be undertaken with stakeholder groups as part of the design and planning processes associated with the development of individual facilities.
- 7.2 This has been undertaken with the development of all facilities completed to date and will continue in the future.

8. RISK

- 8.1 The poor condition of public toilet facilities presents Council with a reputational risk that must be balanced against financial constraints.

9. CONCLUSION

- 9.1 A review of Council's Public Toilet Strategy has been undertaken that takes into account changed circumstances that have arisen over the past three years since it was endorsed.
- 9.2 An updated implementation schedule has been prepared and is presented to Council for endorsement.

10. RECOMMENDATION

That the schedule of works for Council's public toilet facilities (as listed below) be endorsed and Council's Public Toilet Strategy updated accordingly.

Budget Year	Facility	Works	Funding
2020/21	Kettering Hall	Refurbishment and compliant disability access	\$45,000
	Woodbridge Hall	Replacement of existing	\$100,000
	Adventure Bay Hall	Pump out system	\$73,000
	Christopher Johnson Park	Refurbishment	\$60,000
	Blackmans Bay Beach	Refurbishment	\$85,000
	Dennes Point Hall	Refurbishment and compliant disability access	\$80,000 (State Govt)
2021/22	Longley Reserve	New Facility	\$125,000
	Taroona Beach	Replace/Refurbish Existing	\$250,000
2022/23	Snug Beach	Refurbish Existing	\$150,000
	Margate	Refurbish Existing	\$100,000
2023/24	Trial Bay	Replace Existing	\$200,000
2024/25	Silverwater Park	Replace/Refurbish Existing	\$150,000
2025/26	Sandfly Hall	Refurbish	\$100,000

17.2 BOAT SHED LEASES - NEBRASKA BEACH**File Number:** 3342049**Author:** Sean Kerr, Property Officer**Authoriser:** Daniel Smee, Executive Manager Governance & Community Services**Strategic Plan Reference**

Key Priority Area: 3 Sustaining the natural environment whilst facilitating development for our future.

Strategic Outcome: 3.2 A community that has a well-developed sense of natural and cultural heritage.

1. PURPOSE

The purpose of this report is to consider an objection to the proposed leasing of boat sheds at Nebraska Beach, North Bruny.

2. BACKGROUND

2.1 At its meeting 28 January 2020, Council resolved to advertise its intent to lease boatsheds on the foreshore of Nebraska Beach to the current occupiers in accordance with the requirements of Section 178 of the *Local Government Act 1993* (Minute C84/2-2020 refers).

2.2 The Act requires Council to allow the public a period of 21 days in which to lodge objections to the intent to lease. The merits of any objections received must then be formally considered by Council and a decision made as to whether to continue, amend or terminate proposed lease agreements.

2.3 The intent of the objection process is to allow the public the ability to voice any concerns in relation to the proposed leases. Normally, this would relate to issues associated with the alienation of public land.

2.4 One objection was received during the statutory advertising period, being from one of the proposed lessees. Whilst the intent of the Act is not to provide an opportunity for a lessee to object to the terms and condition of their proposed lease, Section 178(6)(a) states that Council must "consider any objection lodged".

3. STATUTORY REQUIREMENTS

3.1 The disposal of Council land is subject to the provisions of Sections 177 and 178 of the *Local Government Act 1993*.

3.2 The land in question is classified as Public Land under the definitions of the Act and this matter is therefore listed for consideration in Open Session.

4. DISCUSSION

4.1 The objection received relates to the "no transfer" clause in the lease agreement. This clause has been included to restrict the leases to the current owners only and to prevent them from becoming a commodity.

- 4.2 This is appropriate because the boatsheds are now located on Public Land and in an ideal world, they would be demolished. However, in fairness to the current owners, lease terms have been proposed that allow continued occupation well into the future.
- 4.3 Boatshed owners have been offered lease terms with options that provide for 30 years of occupation (50 years in the case of the previous owner of the land).
- 4.4 Contact has been made with all six of the current owners of the boatsheds, five of whom have indicated their willingness to sign the draft lease agreements.

5. FINANCE

- 5.1 There are no financial implications associated with this matter.

6. ENVIRONMENT

- 6.1 There are no environmental consequences in relation to this report.

7. COMMUNICATION AND CONSULTATION

- 7.1 Under the provisions of Section 178 of the *Local Government Act 1993*, Council is required to advertise its intent to issue leases over the boat sheds.

8. RISK

- 8.1 The risk in allowing leases to be transferable is that they become a commodity that is inappropriate within the context of the classification of the Nebraska Beach foreshore as Public Land.
- 8.2 Exclusive occupation of this land for private purposes is not desirable and it is appropriate that it is limited to the current owners for a defined period of time.

9. CONCLUSION

- 9.1 An objection has been received in relation to Council's intent to lease boatsheds on the foreshore of Nebraska Beach.
- 9.2 The objection is from one of the proposed lessees and is based upon a clause in the draft lease agreement restricting the transfer of the lease.
- 9.3 Whilst the aim of the advertising process is to allow public objections to the intent to lease, the objection from the lessee must still be considered by Council.
- 9.4 For the reasons stated above, the no transfer clause is considered appropriate and it is recommended that Council proceed with the lease agreements as originally intended.

10. RECOMMENDATION

That Council, having considered the objection received to the proposed leases of boatsheds on Public Land at Nebraska Beach, resolves to proceed with its intent to lease in accordance with the terms and conditions of its resolution of 28 January 2020 and authorises the General Manager to finalise the lease agreements.

17.3 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 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 A draft of the policy has been reviewed by the Access Advisory Committee, with the following changes made following advice from the Committee:

- 4.4.1 Section 5.2.b – clarification that Council reserves the right to extend the widths of the pedestrian zone and kerbside zone on a case by case basis, to ensure any site specific parking or access requirements are not compromised.
- 4.4.2 Section 5.2.c – the minimum required footpath width for on-street dining has been extended to 3 metres.
- 4.5 When the required setbacks are considered, the municipality has limited areas suitable for footpath trading. The two key locations identified for footpath trading are Kingston Beach and the new Kingston Park area.
- 4.6 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.
- 4.7 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.
- 4.8 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.
- 5.4.1 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

6. ENVIRONMENT

- 6.1 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.
- 6.2 Outdoor speakers or associated amplification systems must not be installed without approval from the General Manager.

7. COMMUNICATION AND CONSULTATION

- 7.1 The policy and associated application form will be available to the public on Council's website.
- 7.2 Officer's will liaise with businesses currently engaged in footpath trading in the municipality advising the new policy and subsequent fees will come into effect in the 2020-21 financial year.

8. RISK

- 8.1 The revised policy and associated procedures will improve transparency and reduce the risk of procedural fairness becoming an issue.
- 8.2 A footpath trading permit cannot be issued without the applicant providing a certificate of currency for public liability insurance of a minimum \$10M.
- 8.3 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.

9. CONCLUSION

- 9.1 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.

10. RECOMMENDATION

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

ATTACHMENTS

- 1. **Policy 5.8 - Footpath Trading Policy – Existing Policy**
- 2. **Policy 5.8 - Footpath Trading Policy – Updated Policy for Approval**

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: **Executive Manager Engineering Services**

On-Street Dining and Vending Footpath Trading Policy

1 POLICY STATEMENT	1.1 <u>This policy outlines the process 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.</u>
2 DEFINITIONS	<p>2.1 <u>In this policy:</u></p> <ul style="list-style-type: none"> • <u>"Council" means the Kingborough Council.</u> • <u>"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.</u> • <u>"Footpath trading" means the use of footpaths for commercial activities, including on-street dining, vending and the display of goods and signs.</u> • <u>"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.</u> • <u>"Authorised officer" means a person authorised under section 20A of the Local Government Act 1993 or a police officer of the Tasmania Police service.</u> • <u>"Furniture" includes chairs, tables, barriers, panels and umbrellas, vending equipment, plus any other chattels used in footpath trading.</u> • <u>"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.</u>
23 OBJECTIVE	<p>3.1 <u>To regulate and ensure that on-street dining and vending footpath trading within the Kingborough municipal area does not interfere with obstruct the use of the footpaths by the general public pedestrian access and that pedestrian pathways remain accessible for pedestrians of all abilities.</u></p> <p>3.2 <u>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 2011 the permit issued by Council.</u></p> <p>2-13.3 <u>Encourage footpath trading activities which contribute to the amenity and vibrancy of the local area.</u></p>
34 SCOPE	<p>4.1 <u>This policy applies throughout for all footpaths within the Kingborough municipality.</u></p> <p>3-14.2 <u>This policy does not apply to outdoor dining, vending or signage contained within a private property boundary.</u></p>
45 PROCEDURE (POLICY DETAIL)	<p>4-15.1 <u>Method of control.</u></p> <p>a) <u>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.</u></p> <p>b) <u>Notwithstanding the fact that guidelines can be satisfied, Council is under no obligation to issue a licence permit for outdoor dining footpath trading, and each permit licence is issued solely at the General Manager's discretion.</u></p> <p>5.2 <u>Licenses will be issued or renewed annually from 1st July each year on receipt of payment of the annual fees as determined by Council from time to time. Footpath zones</u></p>

- a) Council has a legal responsibility to ensure a safe and unobstructed pathway for pedestrians of all 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. Council reserves the right to extend the pedestrian zone width on a case by case basis.
 - **Kerbside Zone** – a buffer zone between the trading activity and the kerb. A minimum width of **0.6 metres** must be maintained. Barricades or bollards may be required in this zone otherwise this area of the footpath must be kept free of obstructions. Council reserves the right to extend the kerbside zone width on a case by case basis to ensure parking and access requirements at the location are not compromised.
 - **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 **3 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 all furniture and installations and the proposed 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

	<p><u>before a permit is issued.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>e) Footpath trading permits are not transferable. A new permit must be obtained if the proprietor of the business changes hands.</u></p>
56 GUIDELINES	<p>6.1 General conditions</p> <p><u>a) Footpath trading must adhere to all applicable provisions in the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.</u></p> <p><u>b) The permit holder is responsible for ensuring the footpath trading zone is always clean and tidy and, if applicable, provide waste bins which are regularly emptied.</u></p> <p><u>c) The permit holder must display a valid footpath trading permit clearly at the front of the premises.</u></p> <p><u>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.</u></p> <p><u>e) The General Manager may, if it is deemed necessary for safety reasons, require a barricade or energy absorbing bollards to be placed in the kerbside zone at the applicant's cost.</u></p> <p><u>f) Permission is required from the General Manager for the installation of any speakers or associated amplification equipment in the footpath trading area.</u></p> <p><u>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.</u></p> <p><u>h) Footpath trading is not permitted adjacent to loading zones, bus stops or taxi ranks.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>l) Service authorities or Council may require the temporary use of approved footpath trading sites to undertake works or for community events such as, but not limited to, 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.</u></p> <p>5.1 Guidelines for Placement of Street Dining Furniture requirements</p> <p>6.2</p> <p><u>A minimum clearance of 2.0 metres is to be maintained between the dining area and any shop front to ensure a clear route for pedestrian traffic.</u></p> <p><u>When adjacent to a travel lane or kerbside parking a minimum clearance of 600 mm is to be maintained between the kerb and dining area to provide a safe buffer zone and permit pedestrian access to and from parked vehicles.</u></p> <p><u>The General Manager may, if it is deemed necessary for safety reasons, require a barricade or energy absorbing bollards to be placed between the dining area and the kerb at the applicant's cost.</u></p>

- a) ~~Dining furniture and screens~~ 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 dining furniture should not be placed 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 size, 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~~ cause danger to, or obstruction to pedestrians.

- e) ~~Furniture must be maintained in a good and serviceable condition to the satisfaction of Council Officers.~~

- b) ~~The furniture must be maintained in a good and serviceable condition to the satisfaction of the General Manager.~~

- e)f) Advertising logos or signs other than a logo adopted by the licensee as part of their business promotion are ~~not to be allowed~~ permitted 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.~~

	<p>b) No furniture is to be placed within 1 metre of any Council owned/managed street furniture or street trees.</p> <p>h) _____</p> <p>6.3 Portable signs</p> <p>This policy also incorporates the placement of portable signs or signboards on footpaths.</p> <p>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.</p> <p>b) Portable signs are only to be placed in a location approved by Council Officers. A 1.8m pedestrian zone must always be maintained.</p> <p>c) Portable signs must not exceed 600mm in width or 1000mm in height.</p> <p>d) Signs must only be displayed during the normal trading hours of the permit holder's business.</p> <p>e) Signs must feature the business name or service provided by the business to which it relates.</p> <p>e) Inflatable signs; portable electric signs; illuminated, spinning, or flashing signs; flags and banners are prohibited.</p> <p>Signboards on Footpaths</p> <p>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.</p> <p>e) Operating Hours</p> <p>f) All relevant dining furniture or vending equipment is to be removed at the cessation of each day's trading by the licence holder.</p> <p>g) Health and Other Regulations</p> <p>h) Food businesses applying for a licence must have premises registered by Council under the Food Act 2003.</p> <p>i) Any other permits required by law must be obtained by the licensee, who is also responsible to comply with other Council regulations.</p> <p>j) Application Process</p> <p>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.</p>
67 COMMUNICATION	<p>6-17.1 Kingborough residents and relevant business proprietors.</p> <p>6-27.2 Kingborough Council staff.</p>
78 LEGISLATION	<p>7-18.1 Permits for on-street dining footpath trading shall be issued in accordance with the requirements of the Roads, Parking and Stormwater By-law No. 4 of 2011.</p>
89 RELATED DOCUMENTS	<p>9.1 Local Government Act 1993</p> <p>9.2 Food Act 2003</p> <p>9.3 Disability Discrimination Act 1992</p> <p>8-19.4 Kingborough Footpath Trading Application Form</p>

UPDATED POLICY FOR APPROVAL

Policy No:	5.8	Minute No:	TBA
Approved by Council:	March 2020	ECM File No:	12.154
Next Review Date:	March 2022	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	<p>2.1 In this policy:</p> <ul style="list-style-type: none"> • “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 <i>Local Government Act 1993</i> 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. • “On-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	<p>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.</p> <p>3.2 Ensure that footpath trading permits are issued in accordance with the <i>Roads, Parking and Stormwater By-Law No. 4 of 2011</i>.</p> <p>3.3 Encourage footpath trading activities which contribute to the amenity and vibrancy of the local area.</p>
SCOPE	<p>4.1 This policy applies for all footpaths within the Kingborough municipality.</p> <p>4.2 This policy does not apply to outdoor dining, vending or signage contained within a private property boundary.</p>

<p>PROCEDURE (POLICY DETAIL)</p>	<p>5.1 Method of control</p> <ol style="list-style-type: none"> 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 <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>. Council is under no obligation to issue a permit for footpath trading, and each permit is issued solely at the General Manager's discretion. <p>5.2 Footpath zones</p> <ol style="list-style-type: none"> Council has a legal responsibility to ensure a safe and unobstructed pathway for pedestrians of all mobility levels. 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: <ul style="list-style-type: none"> 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. Council reserves the right to extend the pedestrian zone width on a case by case basis. Kerbside Zone – a buffer zone between the trading activity and the kerb. A minimum width of 0.6 metres must be maintained. Barricades or bollards may be required in this zone otherwise this area of the footpath must be kept free of obstructions. Council reserves the right to extend the kerbside zone width on a case by case basis to ensure parking and access requirements at the location are not compromised. 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. <div data-bbox="643 1451 1134 1910" data-label="Diagram"> <p>The diagram illustrates the three distinct zones of a footpath. On the left, a blue car is parked on the street. To its right is the Kerbside Zone, marked by a vertical line and containing three blue bollards. Further right is the Pedestrian Zone, marked by another vertical line and containing a row of blue human figures. To the right of the Pedestrian Zone is the Trading Activity Zone, marked by a third vertical line and containing another row of blue human figures. On the far right is a blue rectangular area labeled 'Premises'. The zones are labeled at the top: 'Kerbside Zone', 'Pedestrian Zone', and 'Trading Activity Zone'.</p> </div> <ol style="list-style-type: none"> In order to facilitate a consistent unobstructed pathway for pedestrian access, footpaths with a total width less than 3 metres will NOT be considered for on-street dining.
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	<p>5.3 Application process and requirements</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> • 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 list all furniture and installations and the proposed 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. <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • 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	<p>6.1 General conditions</p> <ul style="list-style-type: none"> a) Footpath trading must adhere to all applicable provisions in the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>. b) The permit holder is responsible for ensuring the footpath trading zone is always clean and tidy 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 in the kerbside zone 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.

	<p>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.</p> <p>h) Footpath trading is not permitted adjacent to loading zones, bus stops or taxi ranks.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>l) Service authorities or Council may require the temporary use of approved footpath trading sites to undertake works or for community events such as, but not limited to, 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.</p> <p>6.2 Furniture requirements</p> <p>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.</p> <p>b) On days of strong winds, unsecured furniture should not be placed on the footpath.</p> <p>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.</p> <p>d) Furniture must not have any protruding parts which are likely to catch clothing or cause danger to, or obstruction to pedestrians.</p> <p>e) Furniture must be maintained in a good and serviceable condition to the satisfaction of Council Officers.</p> <p>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.</p> <p>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.</p> <p>h) No furniture is to be placed within 1 metre of any Council owned/managed street furniture or street trees.</p> <p>6.3 Portable signs</p> <p>a) This policy also incorporates the placement of portable signs or signboards on footpaths.</p>
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	<ul style="list-style-type: none"> b) 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. c) Portable signs are only to be placed in a location approved by Council Officers. A 1.8m pedestrian zone must always be maintained. d) Portable signs must not exceed 600mm in width or 1000mm in height. e) Signs must only be displayed during the normal trading hours of the permit holder's business. f) Signs must feature the business name or service provided by the business to which it relates. g) Inflatable signs; portable electric signs; illuminated, spinning, or flashing signs; flags and banners are prohibited.
COMMUNICATION	<ul style="list-style-type: none"> 7.1 Kingborough residents and relevant business proprietors. 7.2 Kingborough Council staff.
LEGISLATION	<ul style="list-style-type: none"> 8.1 Permits for footpath trading shall be issued in accordance with the requirements of the <i>Roads, Parking and Stormwater By-law No. 4 of 2011</i>.
RELATED DOCUMENTS	<ul style="list-style-type: none"> 9.1 <i>Local Government Act 1993</i> 9.2 <i>Food Act 2003</i> 9.3 <i>Disability Discrimination Act 1992</i> 9.4 <i>Kingborough Footpath Trading Application Form</i>

Public Copy

18 INFORMATION REPORTS

RECOMMENDATION

That the following information reports be noted:

1. Mayor's Communications.
2. Development Services Quarterly Report - January to March 2020.
3. Minutes of the Kingborough Bicycle Advisory Committee dated 14 February 2020.
4. Minutes of the Kingborough Community Safety Committee dated 17 February 2020.

Public Copy

18.1 MAYOR'S COMMUNICATIONS

Mayor Winter reported the following meetings and activities:

Date	Place	Meeting/Activity
13 February	Civic Centre	Met with Paul Gadomski to discuss Kingborough Sports Precinct Future Directions Plan
17 February	Civic Centre	Met with Paul Gadomski to discuss Kingborough Sports Precinct Future Directions Plan
		Met with Tasmanian Fire Service (TFS) to discuss emergency management plans and current fire season.
18 February	Gormley Park	Met with Kingborough Little Athletics Association President, Oliver Hippel, to discuss Kingborough Sports Precinct Future Directions Plan.
	Clarence City Council	Greater Hobart Mayor's Forum
19 February	Huon Valley Council	Met with Mayor Bec Enders to discuss various regional issues
	Lightwood Park	Met with Kingborough Lions President, Brian Downes, to discuss Kingborough Sports Precinct Future Directions Plan.
21 February	Civic Centre	Met with Cricket Tasmania to discuss Kingborough Sports Precinct Future Directions Plan.
22 February	Snug Hall	Attended Coningham Community Association transport forum
23 February	Community Hub	Attended Love Living Locally
25 February	Civic Centre	Met with Nic Street MP to discuss a broad range of issues in Kingborough, including elements of the city deal.
		Met with Phil Long and Richard Adler to discuss the new Margate Hills Community Association and its plans.
28 February	Kettering	Met with The Hon. Michael Ferguson MP, Nic Street MP and Paul Victory from Sealink to inspect the new Bruny Island Ferry.
	Margate	Met with Dr Bastian Seidel, Candidate for Huon to discuss issues in Kingborough.
2 March	Civic Centre	Met with Kingborough Dog Walking Association for quarterly meeting.
3 March	Civic Centre	Met with AFL Tasmania to discuss Kingborough Sports Precinct Future Directions Plan.
		Attended PlaceScore forum
5 March	The Beach Restaurant	Attended Kingborough & Huon Business Enterprise Centre's Women's Day Dinner.

Date	Place	Meeting/Activity
6 March	Kingston Primary School	Presentation to year 3/4 students about Local Government as part of their unit on 'democracy'.
7 March	Snug Oval	Attended 57 th Tasmanian Scout Guide Regatta
10 March	Civic Centre	Met with Kate Slater, Principal of Margate Primary School to discuss <i>The Basics</i> and its continued rollout in the Channel region.
		Attended International Women's Day morning tea for Council staff.
16 March	Civic Centre	Quarterly meeting with Kingborough Ratepayers Association.
	Twin Ovals	Met with the Board of the Tigers Football Club to discuss Kingborough Sports Precinct Future Directions Plan.
17 March	Taroona Village	Met with 'Tassie Mums' to understand their operations and challenges.
	Lord Mayor's Courtroom, Town Hall, Hobart	Attended Greater Hobart Mayor's forum.

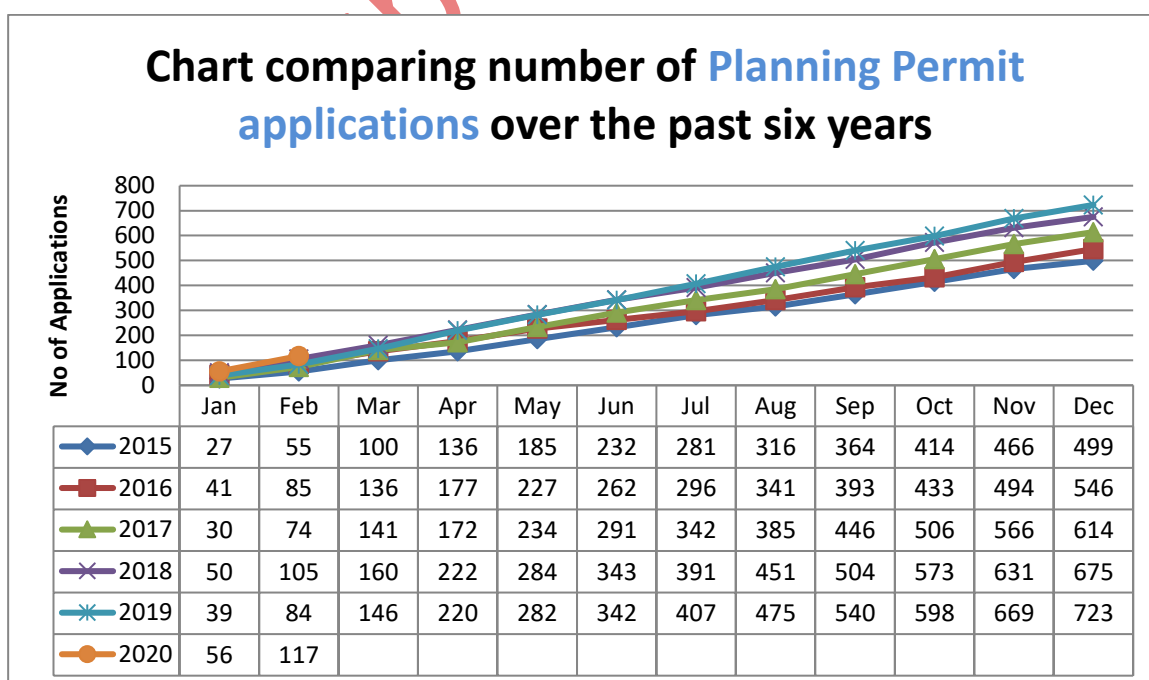
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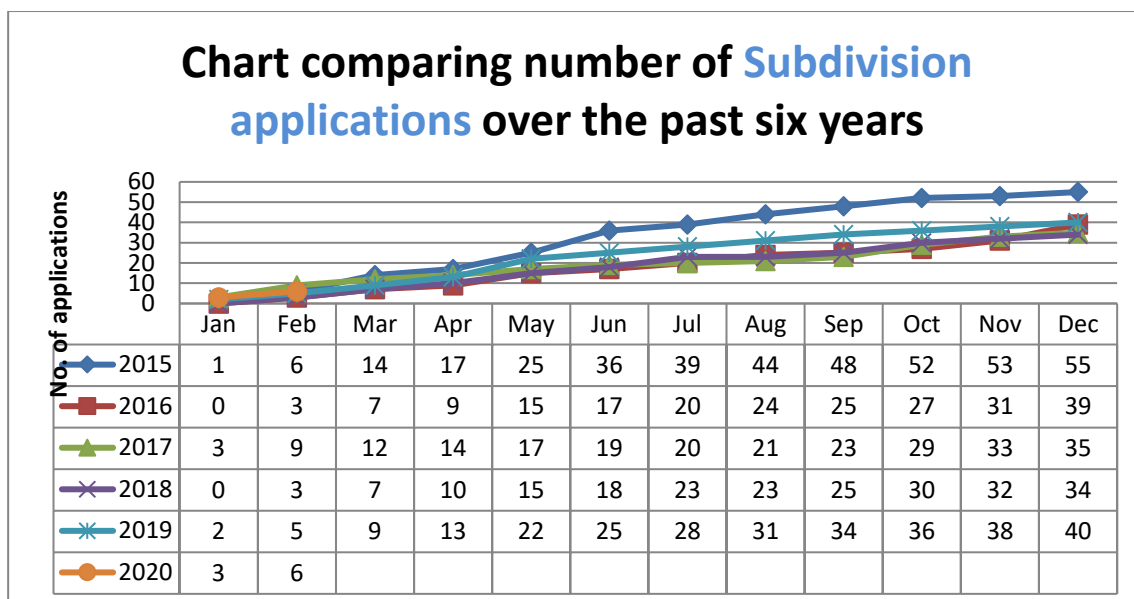
18.2 DEVELOPMENT SERVICES QUARTERLY REPORT - JANUARY TO MARCH 2020**Author:** Tasha Tyler-Moore, Manager Development Services**Authoriser:** Tony Ferrier, Deputy General Manager**1. Introduction**

- 1.1. Development Services acts as the Council's planning authority and Permit Authority for plumbing and building permits under the *Building Act 2016*. These responsibilities also include related enforcement functions. Kingborough Council is one of Tasmania's fastest growing municipalities and both planning and building approvals are reaching new records each year.
- 1.2. This report provides an update on Development Services' building and planning permit activity including lodgement numbers, Resource Management Planning and Approvals tribunal (RMPAT) and Tasmanian Planning Commission (TPC) matters and strategic planning matters. The report also provides updates about the implementation of the recommendations of the Planning Review that was adopted by Council in December 2019.

2. Planning

- 2.1. Below are charts detailing the number of planning applications lodged this year to date (until end of February) and show a comparison to the applications lodged over the past six years.
- 2.2. The charts below are for development applications and subdivisions only. Applications for sealed plan amendments, strata applications, adhesion order applications, planning scheme amendments, minor amendments, extensions to the life of a permit or pre-application meetings are not included.





2.3. Progress of Local Provisions Schedule – moving to the ‘Tasmanian Planning Scheme’

Council's adopted draft of the Local Planning Provisions (LPS) was sent to the TPC on 13 December 2019, (additional information was sent on 18 December 2019). A second iteration of the plans (corrected data) was adopted at the Council Meeting on 11 February 2020 and forwarded to the TPC for their consideration.

The TPC has notified Council that the information provided is now suitable for an assessment of legislative compliance to be conducted. Council is now waiting on an approval from the TPC that the LPS can be placed on public exhibition.

Council's website was updated on 20 February 2020 so that the current information is provided on the LPS together with useful government links that explain the process.

2.4. PSA-2019-3 – Amendments to the Kingston Park Specific Area Plan (SAP)

Public Exhibition of the Planning Scheme Amendment (PSA-2019-3) to amend the Kingston Park SAP concluded in December 2019 with 7 submissions received. Following the adoption of recommendations in the section 39 report at the 13 January 2020 Council meeting, the report was forwarded to TPC for consideration. The public hearing to hear the submissions is scheduled for 24 March 2020. Council will be represented by a consultant at the hearing.

2.5. Draft Apartment Development Code

The Apartment Development Code has been drafted by the State Government Planning Policy Unit. The Code introduces specific assessment criteria for apartment developments. Apartments are defined as a dwelling, or a serviced apartment, located above the ceiling level or below the floor level of another building containing two or more dwellings or serviced apartments. The Code will be applied as a spatial code and may only apply to certain zones (it excludes General Residential). It is likely that if Kingborough adopted the Code it would be applied to Kingston and parts of Blackmans Bay.

A written response to the draft Code is being prepared for submission in March.

2.6. Planning Review Update

At the Council Meeting on 9 December 2019 Council adopted the 19 recommendations that were included in the external Planning Review. For ease of reading the updated table is provided as an attachment to the report.

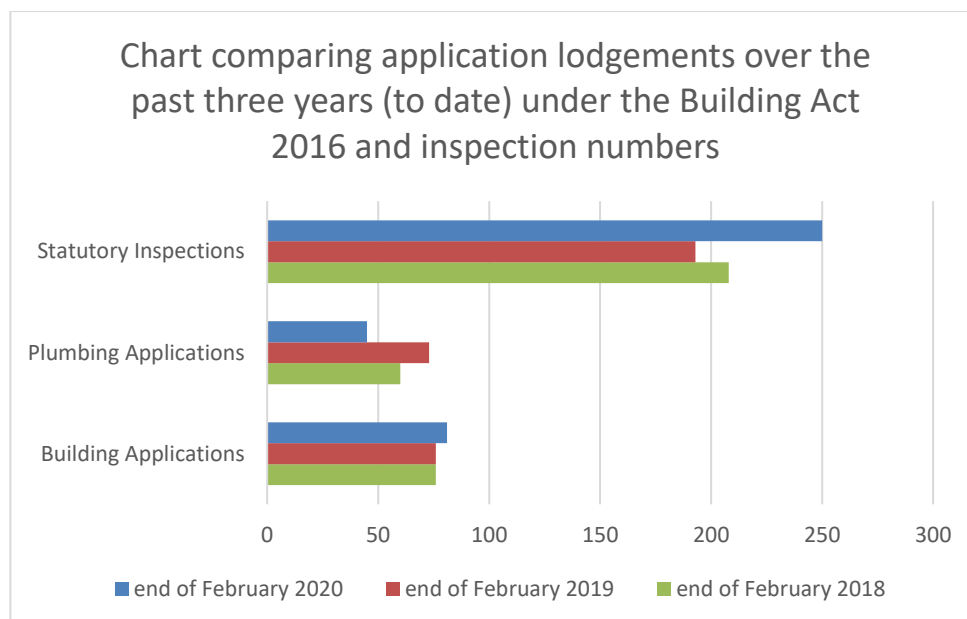
2.7. Appeal/Planning Commission Update

Below are the current planning matters that are before either the RMPAT or the TPC.

Application / Proposal	Subject Site	Description	Current status and comments/outcome
DA-2018-628 (66/19-P) Construct four dwellings	1B James Avenue, Kingston Beach	Appeal by Applicant against refusal. The main issue was potential impacts of flooding.	Resolved via consent agreement prior to hearing. Planning Permit issued on 9 January 2020.
PSA-2018-3 and DAS-2018-15 Rezoning and subdivision.	15 Home Avenue, Blackmans Bay	Draft amendment - Rezoning of the site from General Residential and Low Density Residential (Area B) to General Residential, Low Density Residential (Area C) and Public Open Space and removal of the Landslide Hazard Area Overlay - Representations	Hearing held 24 & 26 September 2020. Decision issued by Commission on 24 December 2019. Planning Scheme Amendment approved with some modifications.
DA-2019-648 (130/19P) Construction of a shed.	182 Tinderbox Road, Tinderbox	Appeal against request for further information.	Preliminary Conference held 8 January 2020. Mediation Date: 27 March 2020. Currently considering the submission of further information. If both parties agree the hearing will be cancelled.
DA-2019-643 (135/19P) Front fence – retrospective.	828 Adventure Bay Road, Adventure Bay	Appeal against request for further information.	Preliminary conference held 10 January 2020. Pre-mediation discussions held with the applicant. Appeal has since been withdrawn.

3. Building and Plumbing

The chart below shows the number of building and plumbing applications lodged this year to date (end of February). The chart shows a comparison against the previous year. As there were a number of changes to the legislation in 2017, a further comparison has not been included.



3.1. Expiry of Old Permits

In January 2019 the State Government introduced a change in legislation that resulted in any building permit that did not have a stipulated expiry date (as is the default under the new Act) would have an expiry date of June 2019. This was objected to strongly by industry including builders, Permit Authorities (Councils) and the public. In response, the State Government extended that expiry date to June 2020. During that time Kingborough Council has been very proactive in contacting our customers about the change in legislation, including what they needed to do and what the outcomes would be if no action was taken. In addition to communication through the media and our website Council has sent in excess of 11, 000 letters to the affected people. The work associated with this which including administrative, inspections and customer service is ongoing.

3.2. Changes to s337 requirements

A recent amendment of the Local Government Regulations will affect Council's reporting of matters pertaining to property sales will see an increase in the level of matters reported to prospective landowners. Hazard areas relating to properties will now be declared. These include the following if relevant to the land: bushfire prone areas, slope instability, flooding, coastal inundation, storm surges, contaminated, filthy and undrainable sites.

3.3. Review of parts of the Building Act 2016

In February 2020, Local Government Association of Tasmania (LGAT) sought feedback from us to provide to Consumer, Building and Occupational Services (CBOS) who are undertaking a review of low risk work notifications under the Building Act 2016. A comprehensive response was sent to LGAT in March 2020 on areas where it was through Council was as risk or there would limited opportunities to provide guidance to customers about other requirements to avoid later delays and costs.

ATTACHMENTS

1. Update of progress of 19 Council adopted recommendations of the 2019 Planning Review

- 1. That one further Planner be engaged to reduce the expected workloads to a more manageable level**

A budget bid will be put to the 2020/2021 budget to employ a Planner (equivalent to 1.0FTE).

- 2. That consideration be given to employing or making provision for a Planning Technical/Customer Service Officer to be situated at the front counter to receive/advise and check on planning enquiries and lodgements.**

A budget bid will be put to the 2020/2021 budget to employ a Technical Officer (equivalent to 0.6FTE). Once approved an advertisement would be placed online and in print media. The position would be permanent.

The true benefit of this role would be as a Technical Officer/Subdivision Officer. Many frustrations experienced by our applicants is at the end of the process when they are seeking their titles or strata applications. This includes many administrative tasks such as clerical tasks, sealing of documents, reviewing part 5 agreements, inspections and so forth. Currently these tasks are undertaken by Planners and the administration staff. As there are no statutory timeframes these tasks can fall behind as the demand of planning applications trump these other tasks (see Recommendation 10 of the Andrew Paul Planning Review).

A single person focussed on this would greatly improve our customer service and timeframes, consistent with the recommendations in the review, including recommendation No. 10. The appointment of this position would reduce workload on the planners allowing them to focus on application processing and improved customer service and timeframes.

It is assumed that the Review recommendation had intended a 1.0 EFT position, however it is considered that a part time role, or a change of the administrative role would be suitable for the best outcome.

- 3. That a Council approved set of standard conditions be developed to facilitate the more efficient reporting and review of development applications. The standard conditions could be supplemented with a suite of additional, standardised requests for further information and other external communications.**

This work has not yet commenced.

- 4. That standardised checklists or procedure manual for the processing of applications be prepared to guide and assist new or junior staff.**

This recommendation is substantially complete.

Part of the process has been reviewing what current templates exists including those updated the 12 months prior to the review.

The following are procedure guides: (the list is limited to application processing only and not other office assistance guides)

- Hints for writing a delegate report
- Process for NPR assessment
- Process for Permitted/Discretionary assessments including applications with representations

In addition to the procedure guides there are a number of standardised checklists, most of which were updated in the 12 months prior to the review. They include:

- Delegate report template without representations
- Delegate report template with representations (fewer than 3)
- Council report template (for 3 or more representations or refusal)
- Zone and Code tables for Planning Assessments

- Minor Amendment report/Extension of Time report/Sealed Plan report templates
- Standard Request for Further Information template with a suite of options
- Planning Permit and accompanying letter templates/NPR certificates and letters/acknowledgement and representation receipt letters

All reports and templates are autogenerated through the Pathway software.

The template for Planning reports for Council Meetings was updated to be the same format as the delegate reports. The main difference between the two includes the use of the tables and checklists. The first new format report appeared in the 9 December 2019 Council Meeting.

As part of the induction for new planners they undergo a series of trainings both within and external to the Planning Team. In relation to the technical side of the training they are shown, in practice, the Pathway software and are provided suggested examples to assist as a guide. Additionally, there is a 'New Planner' folder within the network that encompasses all of the procedure guides as well as other practical guides for using software or other programs within Council.

It has been recognised that 'how to use Pathway' guidelines could be improved for access by new Planners. The administration side of these have been created but Planner use requires work. To date, there has not been the capacity to further these.

- 5. That a review of delegations be undertaken to facilitate less matters being required to be referred for review to the Planning Co-ordinator and enable the Planning staff to deal with a range of matters in a far more timely and efficient manner.**

This has yet to be undertaken, however preliminary discussions have commenced.

- 6. That the reporting format for delegates reports and Council reports be amended such that where a proposal meets the acceptable solution it is simply noted as such without a written analysis of why the criteria is met.**

This recommendation is completed.

Only the aspects that do not comply with the Acceptable Solutions and require assessment against the Performance Criteria have an expanded discussion. The amended Council Report template introduced 9 December 2019 moved to that format (where previously each criteria was discussed in the body of the report).

- 7. That checklists for each of the zones/codes be prepared listing all of the assessment criteria and elements and a simple checkbox list be included on the file of each application.**

This recommendation has been completed.

The checklists are generated in pathway and kept electronically. The existing suite of checklists included a preliminary checklist that capture information that is not only related to zone and codes to ensure that any issues may be flagged early such as restrictions on title, easements, historic orders, the need for Crown consent etc. The other zone and codes checklists have been discussed in more detail under recommendation 4.

- 8. That resourcing be made available to upgrade the current IT planning software such that it meets the needs of the departments processes and requirements.**

A budget bid will be put to the 2020/2021 budget to allocate required finance for IT upgrades. The project will include:

1. Using Infor (Pathway) consultants to:
 - a) review the health of the system
 - b) provide training to staff for ongoing maintenance
 - c) assist in crystal reporting
 - d) create and implement the enforcement module.
2. Update the GIS imagery.

- 9. That Council and management seek to encourage the Planning Department to adopt a philosophy of “working with” a proponent to help achieve a mutually agreeable planning outcome and provide support to the Department in the achievement of this outcome.**

Work on this recommendation has commenced, it is an ongoing task.

- 10. That in the absence of Statutory timeframes, Council establish inhouse timeframes for the processing of post DA approvals**

Work on this recommendation will commence shortly with the arrival of newly appointed planners. Post DA approval matters are not deliberately delayed it is more simply because statutory work with statutory timeframes often trumps that work. We will work with the team about what those new timeframes would be.

- 11. That changes to processes and delegations be extended to all qualified planning staff to facilitate all written communications, except where required by statute, to be undertaken directly from the assessing planner and by email.**

This recommendation is substantially completed.

Correspondence that is required by Statute includes¹:

- Request under section 54 of the Act (Further information request and subsequent follow-up correspondence if requirement not satisfied s54(3)).
- Notify persons of minor amendments to applications under section 56 of the Act.
- Undertake Public Notification under s57 of the Act.
- Request additional time to grant a permit under s57 and s58 of the Act.
- Serve notice of a Permit decision under s57 and s58 of the Act.
- Notify parties in writing of mediation under s57A of the Act.
- Service notice of a decision to include an agreement as a permit condition under s58A of the Act.
- Serve notice of a decision out of time under s59 of the Act.
- Serve notice of an appeal to representors under s59 the Act.

It does not include:

- Acknowledgement letter (currently sent by administration).
- Updates or progress, further advice, information about Public Notice presentation dates, responses to queries from applicants, provision of information about representations or processes (currently undertaken by administration or planning officers). All that correspondence referred to is undertaken via email unless the applicant/respondent requests that it be provided by post.

The team already works within those parameters. The change that we would like to implement is the ability for the correspondence to be sent electronically directly from the application module to avoid the current practice of printing, scanning and sending (where it is a letter that appears on letterhead).

- 12. That detailed Planning Information and facts sheets be prepared for Councils website to provide better community planning information.**

This recommendation is substantially completed.

A map and description of the Planning Process is included on our website. Additionally there is a suite of information sheets currently available on our website including: Ancillary Dwelling; Biodiversity Offset Guidelines, Biodiversity Offsets Implementation Flowchart; Change of Use;

¹ This requirement has been limited to Planning Permit applications for Development, Change of Use and subdivision as is not applicable to the work of the Strategic Planner as this was not investigated under the Planning Review.

	<p>Part 5 Agreement Checklist; Commercial Accommodation; Development Applications Brochure (explains planning and the process); Development Application Requirements; Development in Bushfire Prone Areas; Vegetation Removal Approvals; Changes to Visitor Accommodation; Compliance and Enforcement of Planning Controls. We are currently exploring what other information sheets would be useful, including the recently suggested landscaping guidance information sheet.</p>
<p>13. Council consider whether the current Kingborough Planning Scheme is structured in accordance with Council and community expectations. The move to the new State format scheme would be an appropriate juncture to consider this matter.</p>	<p>This will occur as part of the transition to the Tasmanian Planning Scheme. It was resolved at the Council meeting on 9 December 2019 that the draft Local Planning Provisions (LPS) be sent to the Planning Commission for consideration, as required by legislation. Once the Commission accepts the draft LPS Kingborough will be directed to place the draft scheme on Public Exhibition for a period of 60 days. It is during that time the Council and the public are able to make submissions to the proposed Scheme.</p>
<p>14. That Council undertake a review of subdivision fees to ensure that they are reflective of the true cost to Council of processing a subdivision application.</p>	<p>This process will occur as part of the budget review for 2020-2021 financial year. An increase will be recommended.</p>
<p>15. That Council undertake a review of the Planning Scheme amendment fee to ensure that it is reflective of the true cost of processing a Planning Scheme amendment.</p>	<p>This process will occur as part of the budget review for 2020-2021 financial year. An increase will be recommended.</p>
<p>16. That Council undertake a trial pre lodgement service to ascertain demand and resource level requirements. That in the initial instance the pre lodgement service be promoted primarily for residential type developments</p>	<p>The recommendation is completed.</p> <p>The pre-lodgement service will continue with the appointment system with qualified Planners.</p>
<p>17. That initially such trial service be offered on a free basis. (Originally shown as recommendation No. 18).</p>	<p>This recommendation is complete.</p>
<p>18. That appropriate delegations be put in place to facilitate the service without the need for all advice to be reviewed by a Senior Officer</p>	<p>This recommendation relates to recommendation 11. Recommendation 11 suggests limiting the permission for correspondence to non-statutory correspondence, which is agreed with and already in place.</p>
<p>19. That Council be presented with a report for their consideration detailing an appropriate enforcement regime and hierarchy for Building and Planning matters. If adopted, that Council grant the appropriate delegations to the respective Officers to implement the policy.</p>	<p>This recommendation has been partially completed.</p> <p>Substantial work has been done on the compliance guidelines (to sit as an accompaniment to the legislation for decision making). The guidelines under the Building Act 2016 has had a final draft and has been reviewed by the industry head, CBOS. We are currently adjusting the documents in response to their comments.</p>

18.3 MINUTES OF THE KINGBOROUGH BICYCLE ADVISORY COMMITTEE DATED
14 FEBRUARY 2020

MINUTES

Kingborough Bicycle Advisory Committee

Meeting No. 2020-1

Friday 14 February 2020

Kingborough

MINUTES of a Meeting of the Kingborough Bicycle Advisory Committee held at the Kingborough Civic Centre, Kingston, on Friday 14 February 2020 at 9.05am

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Flora Fox		✓
	Cr Amanda Midgley	✓	
Members:	Ms Suzanne Betts		✓
	Mr Les Gardner		✓
	Mr Rod Hartridge	✓	
	Mr Gordon Keith		✓
	Ms Danielle O'Hara	✓	
	Mr Rob Sheers	✓	
	Mr Peter Tuft	✓	
Cycling South	Ms Mary McParland	✓	
Bicycle Network	Ms Alison Hetherington	✓	
Council Officers In Attendance:			
Cadet Civil Engineer	Mr Matthew Snow	✓	
Urban Designer	Mr Paul Donnelly	✓	

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which we met, and acknowledged elders past and present.

LEAVE OF ABSENCE

Peter Tuft declared that he would be unable to attend next meeting on 3 April

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES

MOVED: Peter Tuft

SECONDED: Rod Hartridge

That the Minutes of the Committee meeting held on Friday 13 December 2019, as circulated be confirmed.

Carried Unanimously

BUSINESS ARISING FROM PREVIOUS MINUTES

1. Kingborough Chronicle Article

Committee members to consider items for an article

2. Representation at Kingborough Community Safety Committee

No committee members present were able to commit to representing KBAC at KCSC's 17 February Meeting.

3. Kingborough Bike Plan

The committee agreed that Devonport City Council's "Bike Riding Strategy" document would be a good basis for Kingborough to begin development of a Bike plan. Devonport's document was identified as being appropriately concise and the committee should seek advice from Devonport City Council with regards to their approach to the document's development.

It was identified that before beginning development on the document the committee should consolidate ideas and form something of a scope of work so that all relevant items to the cycling community are captured appropriately.

The committee identified that the proforma for reporting on any matter from Council staff to Council should include a section for active transport consideration. This would ensure that active transport is not neglected in infrastructure or development changes.

Action Item (1): Committee members to submit items to consider in the development of the Bike Plan to Matthew Snow or the committee chair

Action Item (2): Alison Heatherington to contact Devonport City Council regarding procedure for development of their bike strategy document.

4. Budget Items

Matthew Snow discussed items that had been added and considered for Council's 5-year plan and budget.

The committee added that consideration for a separated cycleway on Channel Highway, Kingston between KFC and Bunnings

Action Item (3): Matthew to forward photos of the completed works at the Algonia underpass to committee members.

5. Engagement procedure for significant projects

Committee was informed that the engagement procedure for significant projects had been altered and approved by Council to include committees.

CORRESPONDENCE

Outward

Inward

6. Response from DSG regarding Huon Highway wire rope barrier

Action Item (4): Rob Sheers and Richard Langman to gather measurements and photos relevant to the area and inform Matthew Snow who will then contact the Department of State Growth to arrange an on-site meeting.

GENERAL BUSINESS

7. Ride2School Day

Ride 2 School day will take place on Friday 13th March 2020

8. Playscore Update

Paul Donnelly was in attendance and discussed the progress of playscore and indicated that the strategy will be circulated to KBAC for feedback.

9. Cycling South Report

Mary indicated that cyclists counts were coming up soon.

OTHER BUSINESS

There were no matters of other business raised.

NEXT MEETING

The next meeting of the Committee is to be held on Friday 3 April 2020 at 9:00am.

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 10:49am.

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Kingborough Bicycle Advisory Committee

Action List

Item #	Meeting Date	Minute Item	Details	Responsible Officer	Progress	Due Date
-	14/06/19	Business Arising - Bike Network Map	Matthew to engage Council's GIS Officer	Matthew Snow		11/10/19
-	14/06/19	Business Arising - Line Marking Submission	Submit line marking items to DSG when prompted – no certain date at this stage	Matthew Snow		TBA
-	13/12/19	General Business - KBAC Action Plan	Look at reviewing Action Plan after Council elections.	All members		TBA
-	01/11/19	Business Arising – Chronicle Article	Members provide ideas for news articles to chairperson	All members		(Each Meeting)
1	14/02/20	Kingborough Bike Plan	Consider items to include in bike plan for the development of a scope of works	All members		03/04/20
2	14/02/20	Kingborough Bike Plan	Contact Devonport City Council regarding bike plan	Alison Heatherington		03/04/20
3	14/02/20	Budget Items	Forward photos of completed works – Algona underpass to Redwood Road connector	Matthew Snow		03/04/20
4	14/02/20	Correspondence	Gather information on site and arrange meeting with DSG	Rob Sheers/Richard Langman/Matthew Snow		03/04/20
3	08/08/19	Business Arising – Line Marking Register	Add listed items to line marking register for submission to State Growth	Matthew Snow		TBA

18.4 MINUTES OF THE KINGBOROUGH COMMUNITY SAFETY COMMITTEE DATED
17 FEBRUARY 2020

MINUTES

Kingborough Community Safety Committee

Meeting No. 2020-1
Monday 17 February 2020

Public Copy

Kingborough

MINUTES of a Meeting of the Kingborough Community Safety Committee held at the Kingborough Civic Centre, Kingston, on Monday 17 February 2020 at 10.30am

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Jo Westwood	✓	
Members:	Mr Neil Broomfield	✓	
	Mr Brian Dale	✓	
	Ms Tanya Flakemore	✓	
	Mr Michael Hughes		✓
	Mr Roger McGinniss	✓	
	Mr Rodney Street	✓	
	Mr Ross Thomas	✓	
Tasmania Police	Insp David Wiss	✓	
Kingborough Access Advisory Committee Representative	Ms Kris Apps		✓
Council Officers In Attendance:			
Cadet Civil Engineer	Mr Matthew Snow	✓	
Other Attendees:			
Department of State Growth	Alysse Gavlik	✓	
Department of State Growth	Tegan Pearce	✓	

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Chairperson acknowledged and paid respect to the Tasmanian Aboriginal Community as the traditional and original owners and continuing custodians of the land on which the Committee meet and acknowledged elders past and present.

LEAVE OF ABSENCE

There were no declared leaves of absence.

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES

MOVED: Ross Thomas

SECONDED: Neil Broomfield

That the Minutes of the Committee meeting held on Friday 30 September 2019, as circulated be amended and confirmed.

Carried

GENERAL BUSINESS

1. Review Action Items From Previous Meeting

(Jo Westwood)

Cr Jo Westwood briefly discussed the progress on the Action Items generated from the previous meeting.

Regarding Item number 2019-3-3 that the Committee sends a letter to the schools that attended the December meeting thanking them for their students' attendance and for the information and feedback they provided the Committee to inform it's work.

Regarding Item number 2019-3-6, the Committee agreed that RACT's non-attendance was disappointing and requested the Chair confirm with RACT it would be attending only as a consultant to road safety matters rather than as a standing Committee member.

The Committee identified that the pedestrian crossing at Channel Court, Kingston was not listed as an Action Item in the previous minutes and would like to ensure it is listed as an Action from this meeting.

Action Item (1): Respond to schools with information and thanks for attendance.

Action Item (2): Contact RACT to confirm its role in attending a Committee meeting.

Action Item (3): Write to Channel Court Centre management regarding the Committee's concerns regarding the removal of the pedestrian crossing in the upper level carpark.

2. Action Plan (Jo Westwood)

The committee agreed that the Action Plan was a good representation of KCSC's goals and confirmed v1.5 as the final copy to be submitted to Council.

The Chair thanked Committee members for their contribution and stated she was looking forward to working together to achieve the initiatives in the Action Plan over the next two years.

3. Tasmanian Police Crime Statistics (David Wiss)

Insp David Wiss indicated that overall there had been an increase in crime rates due to a number of car burglaries in the Kingborough municipality this year. He noted the offenders have since left the municipality. Serious crimes are down overall compared to the previous year.

4. Road Safety Advisory Council (RSAC) – Love 40 Campaign (Alysse Gavlik / Tegan Pearce)

Alysse Gavlik and Tegan Pearce were in attendance and discussed the RSAC's Love 40 Campaign. The opportunity of applying for a Community Road Safety Grant offered by the Department of State Growth was discussed in the context of the Committee's Action Plan.

Action Item (4): Rod Street to collaborate with Cr Jo Westwood to apply for a Community Road Safety Grant for a number of "Slow for SAM" signs and/or a mobile trailer to display safety messages at schools in the municipality.

5. Registers of Identified Issues (Jo Westwood)

Matthew Snow discussed the creation of the Registers to capture issues identified around the municipality by the Committee as part of its Action Plan. The Committee noted that Garnett St/Edison Ave had been missed off the list of locations with restricted intersection visibility.

It was noted that the phone app "Snap, Send, Solve" could be more widely used to identify and submit issues directly to Council.

Action Item (5): Discuss promotion of “Snap, Send, Solve” with Council’s Media and Communications Officer.

Action Item (6): Matthew Snow to meet with Roger McGinnis regarding bus stop issue in Firthside.

Action Item (7): Discuss avenues for getting a list of intersections with visibility concerns from Australia Post.

6. Correspondence

Cr Jo Westwood discussed the results of the correspondence sent to the Department of State Growth regarding speeds on the Southern Outlet and thanked Neil Broomfield for his contribution to this

Action Item (8): Insp David Wiss to ask Kingston Police to undertake monitoring of adherence to the speed limit on the exit from Kingston on to the Southern Outlet to help enforce the 80km/h speed limit.

7. School Crossings

(Jo Westwood / Matthew Snow)

Cr Jo Westwood notified the committee of the installation of two new school crossings located in Van Morey Road and Nautilus Grove for Margate Primary and St Aloysius Catholic College respectively.

8. Other Business

Action Item (9): Contact the Road Safety Advisory Council regarding initiatives for Road Safety Week.

Action Item (10): Explore the possibility for lighting up the Kingborough Community Hub yellow for National Road Safety Week in May 2020 with Council’s Manager Engineering Services.

NEXT MEETING

The next meeting of the Committee is to be held at 10:30am, Monday 6 April 2020.

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 11:55pm.

(Appendix A)

Tasmania Police Crime Statistics

Kingston Division Crime Overview - Main Indicators

Current Year Period: 01-Jul-19 to 17-Feb-20 As at: Thu, 5 Mar 2020 12:37 PM

Indicator	5 Year AVG YTD	01 Jul 18 - 17 Feb 19	01 Jul 19 - 17 Feb 20	Change	
Total Offences	686	681	963	282	41.40%
Serious Crime	22	28	22	-6	-21.40%
Offences Against the Person	113	134	140	6	4.50%
Public Place Assault	18	26	21	-5	-19.20%
Offences Against Property	540	511	779	268	52.40%
Property Damage Offences	79	66	97	31	47.00%
Building Burglary Offences	116	103	118	15	14.60%
- Home Burglary Offences	63	55	31	-24	-43.60%
- Business Burglary Offences	20	15	35	20	133.30%
- Other Building Burglary Offences	33	33	52	19	57.60%
Conveyance Burglary Offences	29	26	107	81	311.50%
- Motor Vehicle Burglary Offences	29	27	114	87	322.20%
- Other Conveyance Burglary Offences	1	1	-	-1	-100.00%
Stolen Motor Vehicle Offences	29	43	52	9	20.90%
SMVs Recovered	19	35	46	11	31.40%
Shoplifting Offences	48	36	45	9	25.00%
Fraud and Similar Offences	22	20	38	18	90.00%
Other (Miscellaneous) Offences	10	16	6	-10	-62.50%

Kingston Division Traffic Overview - Crash Indicators

Current Year Period: 01-Jul-19 to 17-Feb-20 As at: Thu, 5 Mar 2020 1:01 PM

Indicator	5 Year AVG YTD	01 Jul 18 - 17 Feb 19	01 Jul 19 - 17 Feb 20	Change	
Total Crashes	254	287	257	-30	-10.50%
- Fatal	1	-	3	3	
- First Aid	35	47	27	-20	-42.60%
- Minor	53	52	49	-3	-5.80%
- Not known	1	3	1	-2	-66.70%
- Property Damage Only	151	171	159	-12	-7.00%
- Serious	13	14	14	0	0.00%
Fatal and Serious Injury Crashes	15	14	17	3	21.40%
- Fatal Crashes	1	-	3	3	
- Serious Injury Crashes	13	14	14	0	0.00%
Crash Fatalities	1	-	3	3	
- Driver	1	-	2	2	
- Rider	-	-	1	1	
Serious injuries	13	17	18	1	5.90%
- Driver	6	8	7	-1	-12.50%
- Left front	3	3	2	-1	-33.30%
- Left rear	1	1	-	-1	-100.00%
- Other position	-	1	1	0	0.00%
- Pedestrian	1	1	-	-1	-100.00%
- Pillion	-	-	1	1	
- Rider	2	2	6	4	200.00%
- Right middle	-	-	1	1	
- Right rear	-	1	-	-1	-100.00%

(Appendix B)

Kingborough Community Safety Committee

Future Meeting Dates for 2020

*Note all meetings are held on the first Monday of every second month at 10:30am
in the Council Chambers, Kingston*

6 April

1 June

3 August

5 October

7 December

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Action Items					
Meeting #	Item Number	Description	Responsibility of	Due Date	Complete
2020-1	1	Respond to schools who presented to the Committee about safety issues in their area - Illawarra Primary, Kingston Primary, Tarooma Primary, St Aloysius College. Respond to letter received from Bruny Island District School.	Matthew Snow/Jo Westwood	6/04/2020	<input type="checkbox"/>
2020-1	2	Contact RACT to confirm role in attending Committee	Jo Westwood	6/04/2020	<input type="checkbox"/>
2020-1	3	Write to Channel Court, Kingston regarding the Committee's concerns regarding the removal of the pedestrian crossing in the upper level carpark.	Tanya Flakemore/Jo Westwood	6/04/2020	<input type="checkbox"/>
2020-1	4	Apply for a Community Road Safety Grant for "Slow for SAM" signs and/or a mobile trailer to display safety messages at schools in the municipality.	Rod Street/Jo Westwood	6/04/2020	<input type="checkbox"/>
2020-1	5	Discuss promotion of "Snap, Send, Solve" app with Council's Media and Communications Advisor.	Matthew Snow	6/04/2020	<input type="checkbox"/>
2020-1	6	Seek further information regarding bus stop issue at Firthside.	Matthew Snow/Roger McGinnis	6/04/2020	<input type="checkbox"/>
2020-1	7	Discuss with Australia Post any concerns it has regarding intersection visibility.	Matthew Snow	6/04/2020	<input type="checkbox"/>
2020-1	8	Check adherence to 80 km/h speed limit on Southern Outlet.	Insp David Wiss	6/04/2020	<input type="checkbox"/>
2020-1	9	Contact RSAC regarding initiatives for Road Safety Week.	Jo Westwood	6/04/2020	<input type="checkbox"/>
2020-1	10	Explore option of lighting up Kingborough Community Hub in yellow for National Road Safety Week in May 2020.	Jo Westwood	6/04/2020	<input type="checkbox"/>
2019-3	3	Follow up safety issues raised by students.	Matthew Snow	3/02/2020	<input type="checkbox"/>
2019-3	1	Distribute Transport in the Channel Survey results to committee.	Jo Westwood	3/02/2020	✓
2019-3	2	Send letter to DSG regarding speeds on Southern Outlet.	Neil Broomfield/Jo Westwood	3/02/2020	✓
2019-3	4	Issue works order to trim tree in front of 40km/h sign at St Aloysius.	Matthew Snow	3/02/2020	✓
2019-3	5	Investigate options to increase visibility of the Whitewater Track - Summerleas Road crossing	Matthew Snow	3/02/2020	✓
2019-3	6	Invite RACT and the Road Safety Advisory Committee to next meeting	Jo Westwood	3/02/2020	✓
2019-1	7	Send calendar invites for 2020 meetings	Matthew Snow	3/02/2020	✓
2019-1	1	Collate suggested changes to ToR	Matthew Snow	30/06/2020	ongoing

19 CONFIRMATION OF ITEMS TO BE DEALT WITH IN CLOSED SESSION

RECOMMENDATION

That in accordance with the *Local Government (Meeting Procedures) Regulations 2015* Council, by absolute majority, move into closed session to consider the following items:

Confirmation of Minutes

Regulation 34(6) *In confirming the minutes of a meeting, debate is allowed only in respect of the accuracy of the minutes.*

Applications for Leave of Absence

Regulation 15(2)(h) *applications by councillors for a leave of absence*

Kettering Uniting Church Property

Regulation 15(2)(f) *proposals for the council to acquire land or an interest in the land or for the disposal of land.*

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 resumes 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	
Kettering Uniting Church Property	

CLOSURE
