

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting
of the Kingborough Council will be held on
Monday, 24 August 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. 16 to be held on Monday, 24 August 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, 18 August 2020

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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 1
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	Rubbish and Recycling Collection, Woodbridge 2
10.2	Speed Limit, Algona Road 3
11	Questions without Notice from Councillors 3
12	Questions on Notice from Councillors 3
12.1	Sustainable Hobart Action Plan 3
12.2	Kingborough Climate Change Action Plan 4
12.3	Cool Store, Bruny Island 4
12.4	General Store at Woodbridge 4
12.5	Bruny Island Gateway Cafe 5
12.6	Cafe at Electrona 5
12.7	Bus Shelter, Coningham Road 5
13	Notices of Motion 6
14	Petitions still being Actioned 6
15	Petitions Received in Last Period 6
16	Officers Reports to Council 7
16.1	Petition to Amend Sealed Plan No. 171047 Affecting Land at 361 Redwood Road, Kingston for PDA Surveyors on behalf of On Horizons Pty Ltd 7
16.2	Legislative Council Inquiry - TasWater 69
16.3	Petition - Road Safety in Coningham and Lower Snug 73
16.4	Kingborough Waste Services - Appointment of New Director 77
16.5	Financial Report - July 2020 79
17	Confirmation of Items to be Dealt with in Closed Session 102

Table of Contents

Item	Page No.
------	----------

Appendix

A	Mayor's Communications for the Period 10 July 2020 to 8 August 2020	105
B	Delegated Authority List for the Period 29 July 2020 to 11 August 2020	106
C	Minutes of the Kingborough Community Safety Committee dated 3 August 2020.....	108

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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, 24 August 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

4 APOLOGIES

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.15 held on 10 August 2020 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

17 August - Potential Land Sales

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 Rubbish and Recycling Collection, Woodbridge

Mr Larry Dunnett submitted the following question on notice:

There is currently no council rubbish and recycling collection in Woodbridge, despite smaller adjoining areas (eg- Gardeners Bay and surrounds in Huon Valley Council) and other rural towns around the state having this service. Given the growing size of Woodbridge, would Kingborough Council please consider investigating whether such a service could be implemented (even on an opt-in basis)? I have had discussions with many other young families in Woodbridge who have similar desires for this service and believe that it would be well received by many in our community.

Officer's Response:

To ensure a change to the current collection service can be physically delivered in a cost effective way and with support of the local community, all of the following criteria need to be met:

- The proposed extension integrates with the current collection route.
- An inspection of the proposed area by the collection contractor establishes the suitability for the kerbside collection service.
- The majority of affected properties along the proposed extension are in agreement to the proposed waste and recycling collection service.

Woodbridge does not adjoin with the current kerbside collection service and therefore would not meet the above criteria.

There is a local contractor who provides a weekly waste and recycling service to the Woodbridge area.

David Reeve, Executive Manager Engineering Services

10.2 Speed Limit, Algona Road

Ms Thannia Chopping submitted the following question on notice:

Is there any way to reduce the speed limit on Algona Rd, a few of us feel the speed limit there is dangerous. Kids often riding bikes and even walking at times.

Officer's Response:

Algona Road is a State Road and any request for a speed limit change will need to be addressed to the Department of State Growth.

David Reeve, Executive Manager Engineering Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Sustainable Hobart Action Plan

At the Council meeting on 10 August 2020, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

- 1 *Hobart City Council is to create it's own pumped hydro power while purchasing solar energy from households under it's draft Sustainable Hobart Action Plan released yesterday for public comment. What is our Council's response to this announcement?*
- 2 *Inside this action plan, goal 2 under Mobility includes "installing infrastructure to fast charge electric vehicles in Hobart" and that is listed as having a short time frame. Will Hobart's public push for a much large fast charge electric vehicle network disincentivise economic investment in Kingborough from fast charging networks and if so, what are we going to do to rectify this?*

Officer's Response:

- 1 This proposal will be watched with interest by Kingborough staff who work closely with colleagues from Hobart City Council via the Regional Climate Change Initiative (RCCI). The scale of corporate energy use and resourcing available for specialist project staff at Hobart City Council means it is ideally placed to pilot energy projects and share the learnings with other partner councils in the RCCI.
- 2 The installation of vehicle fast charge station(s) in Kingborough was discussed extensively as part of the recent budget estimates process. It was decided that Kingborough will not finance such infrastructure until the business case for utilisation and return on investment is a lot better identified. Given the proximity of the high population areas of Kingborough to Hobart it is not considered likely, for the near future, that there will be any economic disincentivisation.

Jon Doole, Manager Environmental Services

12.2 Kingborough Climate Change Action Plan

At the Council meeting on 10 August 2020, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Regarding the "Kingborough Climate Change Action Plan", my understanding is that that is also under resourced, I believe it might be to the tune of \$300,000. My question is, to what extent is it under resourced and what is the plan to get that back on track?

Officer's Response:

The \$300,000 under resourcing referred to related to the potential full implementation of identified actions in the Kingborough Climate Change Action Plan. This sum would have allowed for the employment of a Climate Change Officer as well as adequate resourcing to undertake key programs and projects.

At the 12 March 2019 meeting Council resolved "That Kingborough Council Climate Change Plan (2019 to 2024) be endorsed with resourcing of actions subject to annual budget deliberations."

Any consideration of resourcing the full implementation of the Plan could not commence until early in 2021 when funding in the 2021/2022 financial year is considered.

Jon Doole, Manager Environmental Services

12.3 Cool Store, Bruny Island

At the Council meeting on 10 August 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

When the Gateway Café at Kettering was sold and the designated cool room within there was unavailable for residents on Bruny Island, a mobile cool store was put in at Kettering. The six months for that cool store are up. Will a DA be required to have the cool store extended as it was only for six months?

Officer's Response:

Contact has been made with the Project Manager at the Department of State Growth regarding this matter and followed up in writing. If there is a need for the continued use of the storeroom for a time until the alternative is available, application for a new permit will be required (there is no provision of the Act to allow an extension of time). If no contact or application is made within a specified period, the cool store will be required to be removed from the site.

Tasha Tyler-Moore, Manager Development Services

12.4 General Store at Woodbridge

At the Council meeting on 10 August 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

The general store has substantially changed its function to a restaurant with the opening hours to match. Does it now have to provide parking and toilets and did it need a DA to change the function?

Officer's Response:

Council's Building and Planning Unit is currently investigating this matter in accordance with the provisions of the *Building Act 2016* and *Land Use Planning and Approvals Act 1993* to assess whether the statutory use and development approvals for the property match the existing use or are needed.

Tasha Tyler-Moore, Manager Development Services

12.5 Bruny Island Gateway Cafe

At the Council meeting on 10 August 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

This café no longer has any parking at all, they used to lease parking. Is it obliged to have parking?

Officer's Response:

The café referred to is part of a larger development with a number of uses, some of which no longer operate at the site. The development has been in situ for 30 or more years and Council is not aware of a change to the arrangements for parking.

Tasha Tyler-Moore, Manager Development Services

12.6 Cafe at Electrona

At the Council meeting on 10 August 2020, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

The old café shop, the house burnt down but it seems that we are going to leave the other structure there and it's an absolute eyesore. It's atrocious for tourists driving down that road. Is Council aware of exactly what they have got planned for this building in the future?

Officer's Response:

This matter was dealt with at the time of the buildings destruction and orders were made to ensure that the building was made safe (in accordance with the requirements of the Act). Since this question Council's Building Officer has visited the site again and is satisfied that the building is safe, despite not being habitable. Appearance of the building is not a matter that can be considered. It is up to the land owner to determine how the site may change in the future.

Tasha Tyler-Moore, Manager Development Services

12.7 Bus Shelter, Coningham Road

At the Council meeting on 10 August 2020, **Cr Grace** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I've had numerous calls regarding the bus shelter at Coningham Road. It's been repainted. It was painted by the public at no cost to anyone, pink, that was the request for it to be painted pink. Now I'm told it has been painted green or blue or something. Why was it repainted?

Officer's Response:

The bus shelter is not a Council asset and it is understood that the repainting was undertaken by Metro Tasmania.

Darren Johnson, Manager Works

13 NOTICES OF MOTION

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

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

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

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16 OFFICERS REPORTS TO COUNCIL

16.1 PETITION TO AMEND SEALED PLAN NO. 171047 AFFECTING LAND AT 361 REDWOOD ROAD, KINGSTON FOR PDA SURVEYORS ON BEHALF OF ON HORIZONS PTY LTD

File Number: SPA-2018-11
Author: Xin Barbour, Planning Officer
Authoriser: Tasha Tyler-Moore, Manager Development Services

Application Number: SPA-2018-11
Applicant: PDA Surveyors
Zoning: General Residential

1. PURPOSE

- 1.1 The purpose of this report is to consider the submissions made at the Council hearings held on 13 May 2019 and 1 June 2020 in relation to a proposal for a petition to amend Sealed Plan No. 171047 affecting the property at 361 Redwood Road, Kingston (CT 171047/96).
- 1.2 The properties contained within Sealed Plan No. 171047 are shown in Figure 1 below.

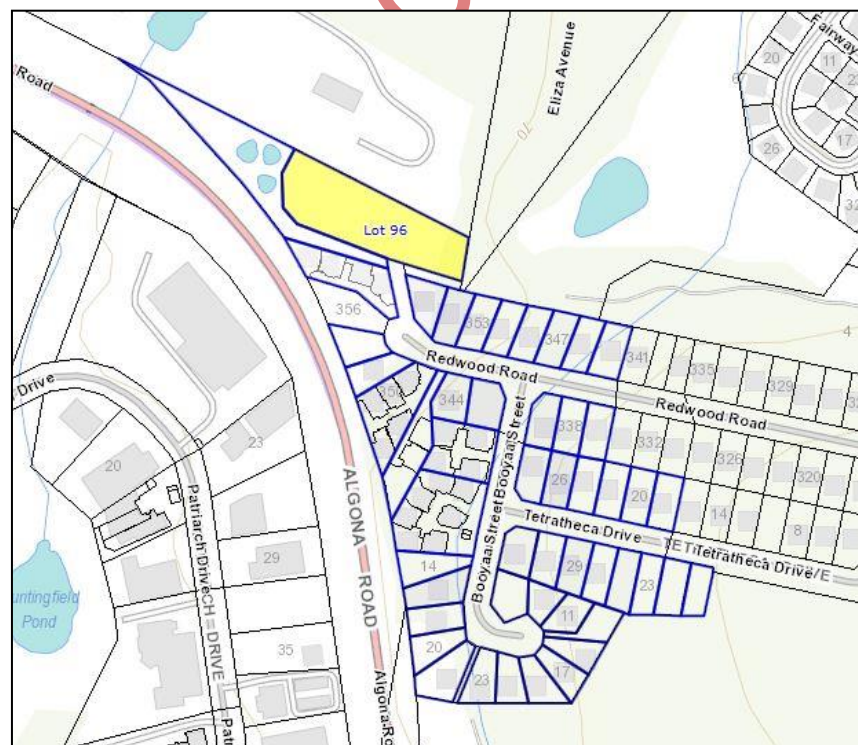


Figure 1 – Plan showing in blue all lots within Sealed Plan No. 171047

- 1.3 The original proposal submitted sought approval for an amendment to the sealed plan as follows:

Amending the Covenant as follows in the Schedule of Easements for SP171047 by deleting the following:

The owner of lot 96 on the plan covenants with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations-

- 1. Not to remove any tree without the prior written consent of the Kingborough Council.*
- 2. Not to construct, or permit to be constructed, on such lot:*
 - a. any habitable building; or*
 - b. any other structure.*

1.4 Following the second hearing the applicant provided the following submission:

We do not seek to remove the first part of the covenant that prevents the removal of trees without Council consent. We only seek to remove the second part that currently prohibits a habitable building or any other structure.

2. BACKGROUND

- 2.1 The subject lot (CT 171047/96) at 361 Redwood Road, Kingston was created in 2014 under subdivision application DAS-2012-14 with an area of 4542m².
- 2.2 The creation of Lot 96 and the restrictive covenants imposed on the lot resulted from representations and subsequent negotiations between the developers of the subdivision and the occupiers of the neighbouring land to the north, the Australian Antarctic Division (AAD), during the assessment of the original subdivision application.
- 2.3 A planning permit was granted for the subdivision and included a number of conditions. Condition 3 of the Permit required the creation of Lot 96 through the combining of a number of the original proposed lots, whilst Condition 8 stipulated that a covenant must be placed on the title for Lot 96 to the effect that no habitable buildings or other structures were to be constructed on the lot. The condition required that the covenant provided for the protection of the residential amenity of the adjoining lots as well as ensuring that the existing operations on the adjoining commercial lot to the north (CT 135843/2) were not compromised by the use or development of sensitive uses on this lot.
- 2.4 The applicant did not appeal against the inclusion of these conditions in the Planning Permit and similarly AAD did not appeal against Council's decision to approve the subdivision subject to these conditions. Whilst there was a third party appeal against Council's decision to approve the subdivision, this appeal did not relate to Lot 96 or conditions 3 and/or 8. The Tribunal ultimately resolved to approve the subdivision and conditions 3 and 8 were included unchanged in the decision of the Tribunal. The subdivision was progressed on the basis of the conditional approval.
- 2.5 The Final Plan of Survey submitted for sealing for this stage of the subdivision provided for the creation of the larger single lot (Lot 96) and the covenant included in the Schedule of Easements relating to Lot 96 reads as follows:

The owner of lot 96 on the plan covenants with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations-

1. Not to remove any tree without the prior written consent of the Kingborough Council.

2. Not to construct, or permit to be constructed, on such lot:

a. any habitable building; or

b. any other structure.

- 2.6 At the time of the sealing of the Final Plan the inclusion of this covenant within the Schedule of Easements was considered adequate to satisfy the requirements of condition 8.
- 2.7 The subdivision application was approved in 2014. Many of the current owners purchased their lots in 2016 and constructed dwellings in 2017 onwards. Whilst the title to Lot 96 has been created, it has not been sold or developed. The applicant has advised that the land has been placed on the open market and it is understood that a contract has been entered into for the purchase of the land, subject to the covenants being removed from the title to the lot.
- 2.8 Although AAD was integral to the process that led to the creation of the covenant in the first place, AAD do not have a legal interest in the Sealed Plan and as such there was no requirement to serve notice of the petition on them and no formal role for them to play in relation to the amendment to sealed plan process.

3. HEARINGS

- 3.1 Three (3) submissions opposing the amendment were received requesting to be heard in relation to the amendment.
- 3.2 Two hearings have been held in relation to this matter by the Planning Authority, on 13 May 2019 and 1 June 2020 respectively.
- 3.3 The parties were requested to provide further submissions regarding their position with respect to the proposed amendment prior to the first hearing. Submissions were received from all three (3) representors.
- 3.4 On 13 May 2019, the first hearing for this application was held. A representative on behalf of the applicants and the three (3) representors presented at the hearing. Written submissions had been circulated to all parties, including the Planning Authority prior to the hearing.
- 3.5 The following people attended the hearing:
 - The Applicant: PDA Surveyors represented by:
Ms N Billett – Legal Representative
Mr N Shephard - Planner
Mr Keith Midson – Traffic Engineer
 - The Respondents: Mr H L Marshall & Mrs A P Marshall
Mr R N Glanville and Mrs T L Glanville
Mr J G McDonald and Mrs M J McDonald
- 3.6 During the first hearing, questions were raised regarding the background of the imposition of the covenants. The applicants on behalf of the owners stated that the basis for the applicants/owners to have accepted the imposition of the covenants in the subdivision was that they had reached a commercial agreement with the Australian

Antarctic Division (AAD). No specific evidence had been provided to Council regarding any formal commercial agreement.

- 3.7 Other issues raised by the representators in relation to traffic safety, residential amenity, tree protection for the subject land, and AAD's position in relation to this matter were also discussed in the first hearing.
- 3.8 Prior to the second hearing, Mr and Mrs Glanville withdrew their representation as they advised that they had reached agreement with the proponent of the amendment and were satisfied that their interests had been met. The following summary includes the issues raised by the two (2) remaining representors:

Mr McDonald:

At the time of purchase, they were advised by the real estate agent of the covenant preventing residential development for Lot 96. They selected the property at 340 Redwood Road largely due to Lot 96 being a buffer "greenbelt" area. Mr McDonald further raised traffic issues that the foot of the cul-de-sac already has traffic issues due to the many multiple units built in the area. He reiterated the traffic issue will be worsened if more developments occur in this area as result of the removal of the covenants. Solutions are required for traffic safety. There are also some Eucalyptus trees on the land at Lot 96 which are benefitting the neighbourhood and should be protected.

Mr Marshall:

Mr Marshall purchased the two lots at 347 and 352 Redwood Road with the understanding that the current green space in Lot 96 would be maintained.

At the time of purchase, the agent specifically cited the covenant that was in place as a selling point. Mr Marshall presumes that the agent was instructed by the owner of Lot 96 to conduct the selling of land within the sealed plan as such. Traffic safety is his primary concern due to the amount of traffic currently generated by the existing scale of development, of which many are multiple dwellings.

Mr Marshall believes that the street already needs traffic-calmers to slow cars down as they drive down the slope towards the bottom and that the increase in traffic from additional development on Lot 96 would exacerbate this situation. Additional development will have a negative effect on property values in the area. His bank has expressed similar concerns and raised their own objections to the removal of this covenant.

Mr Marshall questioned what AAD's position was in relation to this matter as, at this point, there is no reference to any comments from the AAD.

- 3.9 Following the first hearing, a report was prepared by Council's Planning Department which included a recommendation to refuse the amendment to the sealed plan on the basis that:

There is no significant change to the circumstances that existed when the covenant was originally created as part of the subdivision application and there is no evidence that one of the parties involved in the discussions which led to the creation of Lot 96, being AAD, is agreeable to the proposed changes. As AAD does not have a legal interest in the sealed plan they were not required to be served notice of the petition to Council.

Approval of the removal of the covenant would not be consistent with the decision in relation to the original subdivision application and it is not clear that circumstances have changed significantly to warrant removal of the covenant at this time.

- 3.10 The report was tabled on the agenda for the Council meeting on 27 May 2019, however on 23 May 2019, the applicants requested the General Manager to defer the decision in relation to the amendment application to enable them the opportunity to further address the concerns of Council and the representors. The report was removed from the agenda in response to this request and no decision was made by Council.
- 3.11 A statement signed on 2 July 2019 by the owner and developer of the original subdivision, Mr Ron Brooks, was submitted after the first hearing (see Attachment 5). The statement claims that it was the understanding during a meeting between the two parties held on 26 September 2013 that AAD would purchase Lot 96 and maintain it as a buffer zone. The statement says that on or about 12 July 2017 AAD advised that AAD no longer wished to proceed with the purchase.

It is noted that the statement is not in the form of an Affidavit or a Statutory Declaration.

- 3.12 On 12 February 2020, the applicants provided additional submissions for consideration as part of the application to amend the sealed plan. This included a Noise Impact Assessment, a draft Part 5 Agreement and a supporting letter.

The submission included further detailed consideration of activities in the rear yard of the adjoining AAD site and consideration of potential means of mitigating any impacts on residential development at Lot 96. The applicants include a detailed assessment of the noise impact prepared by NVC dated 7 February 2020, and a draft Part 5 Agreement to be registered on the title to Lot 96 to ensure the construction of a suitable acoustic and visual barrier along the respective boundary with AAD (see Attachment 6).

- 3.13 On 1 June 2020, the second hearing was held for the new submissions to be discussed and considered. All three (3) parties originally asking to be heard in the first hearing were advised of the second hearing and provided an opportunity to attend the Hearing. None of the three (3) parties asked to be heard at the second hearing. One (1) of the three (3) parties, Mr and Mrs Glanville, advised Council that they had reached agreement with the owners and therefore withdrew their objection. No response was received from Mr and Mrs Marshall, whilst Mr & Mrs McDonald advised that given the issues addressed in the first hearing were not going to be reheard, they did not seek to attend the second hearing.

Therefore, the only party seeking to be heard at the second hearing was the Applicant, PDA Surveyors who was represented by Mr Neil Shephard, Planning Consultant. The following people also attended the hearing and answered questions relevant to their area of expertise:

Ms Naomi Billet	Legal
Mr Lex McIndoe	Surveying
Mr Bill Butler	Acoustic Engineering
Mr Keith Midson	Traffic
Mr Nicholas Palmer, Mr Ben Palmer and Mr Robert Palmer	Applicants

- 3.14 The applicant's submission for the second hearing attests that:

Since new homes have been constructed closer to the AAD land over the past years subsequent to the subdivision, there have been no complaints made by residents of

Redwood Road in respect of the activities in the AAD rear yard, ie there is no evidence of any nuisance.

AAD use the rear yard mainly for storage of large equipment, vehicles and containers. It also includes a large installation of solar panels and a workshop shed. The shed is the source of potential noise generation through metal and mechanical works.

- 3.15 The applicant's submission for the second hearing further provides a Noise Impact Assessment by NVC concluding that the relevant standards for residential amenity with regard to operation within the adjoining AAD site, can be met by the construction of an acoustic fence on the respective boundary of Lot 96.

A 1.5m high fence would meet the standards for day-time, whilst a 2.4m high fence would meet the standards required for night-time. If night-time use of the AAD workshop shed is to be assumed, then a 2.4m boundary fence is required as in the recommendation of the report which is detailed below:

For 24-hour operation of the AAD shed, clauses 23.3.2.A1 and E9.7.2.P1 of the Scheme are met if a 2.4m boundary fence is constructed to 361 Redwood Drive. The fence should be of solid construction (surface mass at least 15 kg/m²) and have no gaps.

- 3.16 In summary, in conjunction with the amendment to the Sealed Plan, the owner of the land now proposes to enter into a Part 5 Agreement with Council regarding the construction and ongoing maintenance of an acoustic barrier as described above. The Part 5 agreement would be registered on the title to Lot 96.

The intention of the Part 5 Agreement is to address the potential land use conflict between residential use on the land at Lot 96 and the activities undertaken on the adjoining AAD site that were considered at the time of the assessment of the subdivision and still remain. The draft Part 5 agreement addresses this issue by requiring that future development of the land at Lot 96 provides measures to ensure that noise emissions from the adjacent land operated as the AAD Headquarters do not result in environmental nuisance or serious or material environmental harm within the boundaries of the land as a consequence of the land being made available for residential use and associated development.

- 3.17 Questions were asked by Councillors regarding the assumption of Lot 96 being public open space. The applicants responded that the subject lot is zoned General Residential and has never been for Public Open Space.
- 3.18 Questions were asked by Councillors regarding the extent of further development of Lot 96. The applicants responded that the subject lot would be possibly further subdivided for less than 10 lots.
- 3.19 Questions of how privacy and other amenities would be protected along the boundary of Lot 96 were asked by Councillors. The applicants responded that quality vegetation for the site and the 2.4m acoustic fence as recommended would effectively prevent privacy and noise nuisance.
- 3.20 In responding to questions regarding trees on Lot 96, the applicants submitted to Council after the second hearing as follows:

We do not seek to remove the first part of the covenant that prevents the removal of trees without Council consent. We only seek to remove the second part that currently prohibits a habitable building or any other structure.

4. STATUTORY REQUIREMENTS

- 4.1 The application for a petition to amend Sealed Plan No. 171047 is subject to the provisions of sections 103 and 104 of the Local Government (Building and Miscellaneous Provisions) Act 1993 (the Act).
- 4.2 Section 103(1) of the Act provides that the Council may amend a sealed plan on the application of any person having an interest in land subject to the plan. A person is to make application by petition and serve a copy of the petition on all persons appearing by the registers under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment. Any person affected by the proposed amendment may ask to be heard in support or opposition.
- 4.3 The applicant has provided evidence that a copy of the petition has been served on all relevant persons. Three (3) of these parties requested to be heard in opposition to the proposed amendment. The three (3) parties all appeared in person at the first hearing. None of the three (3) parties originally asking to be heard in the first hearing asked to be heard at the second hearing, with one (1) party withdrawing their representation altogether.
- 4.4 Section 104 of the Act provides that where a hearing is proposed, the Council or a Council Committee may hear the persons who have so requested and upon conclusion of the hearing may:
1. *Cause the amendment to be made with or without modification; and*
 2. *Require as a condition of so doing that any person who benefits the amendment is to make compensation in money or land to a person who is injured by it.*
- 4.5 Council's power for modification in this sense is limited in its extent. A modification may include relatively minor changes to the wording of the proposed amendment that may reduce the impact of the proposal or qualify the amendment by description. Such modification does not include changes that would alter the intent or increase the impact of the proposal.
- 4.6 The Planning Authority meets the criteria of a Council Committee for this purpose.
- 4.7 Council is charged with responsibility to determine this matter on its merits. That determination does not require the unanimous agreement of the parties to the covenant.

5. DISCUSSION

- 5.1 The proposed amendment to the sealed plan has brought the following primary relevant issues to be considered in making decision. The following table details the main issues raised and debated in the two hearings.

Table 1.0 – Assessment of issues raised in the two hearings

Item	Issue	Comment
1.	Surrounding property owners' interest - Lot 96 was seen to be public open space i.e. 'greenbelt' by some purchasers of the surrounding lots.	From the first hearing it is apparent that all representors have bought their properties on the basis that they would have the benefit of having Lot 96 as a greenbelt buffer zone without being developed. The issue of the considerations of the owners at the time of deciding to purchase their lots, including the existence of the covenant on the title to Lot 96, is a relevant matter that

Item	Issue	Comment
		<p>Council can take into consideration when determining the requested amendment.</p> <p>Lot 96 did provide additional visual amenity with the current covenants in place. However, the lot has always been privately owned and has not been offered to be used as public open space. It was not used as public open space in the past and it would not be for public use for the future under the existing ownership. It should also be noted that the covenants on the title do not prevent all development from occurring on the lot and therefore there was always a potential for some form of development to occur.</p>
2.	Assessment of land use conflict relating to any impact to AAD operations if Lot 96 is further developed.	<p>The statement signed on 2 July 2019 by the owner and developer of the original subdivision claims that the imposition of the covenants was based on the understanding during a meeting between the two parties held on 26 September 2013 that AAD would purchase Lot 96 and maintain as a buffer zone; however on or about 12 July 2017 AAD advised that AAD no longer wished to proceed with the purchase.</p> <p>It is considered that the termination of any commercial arrangement that may have existed, would not directly alter the potential land use conflict between the AAD site and Lot 96 if it was further developed for residential use.</p> <p>It is logical to consider the original background of the imposition of the covenants, which was a result of negotiation at the time of the original subdivision application in relation to the expectation that a land use conflict would be created between the proposed residential development and the activities in the AAD rear yard.</p> <p>The original assumed land use conflict would arise from AAD operations affecting residential amenities if Lot 96 were developed for residential dwellings. There has been no evidence of land use conflict between the surrounding residential uses and AAD operations in relation to noise in Council's files; however, this does not mean that future development on Lot 96 would not have noise issues, given the proximity of this lot to the AAD site.</p> <p>In relation to the circumstances of the AAD site, there has been a recent change to the AAD site that includes a Planning Permit for an extension to the existing hardstand area approved on 6 May 2020 (DA-2019-246). AAD will therefore have an extension of the hardstand towards the southern boundary adjoining Lot 96 for additional cargo and equipment storage to support the Australian Antarctic Program.</p> <p>It should also be noted that the AAD site is zoned Commercial which provides for a range of uses that may create potential land use conflicts should AAD no longer operate from the site in the future.</p> <p>In addressing this issue, the applicants have proposed to register a Part 5 agreement on the title providing for an adequate acoustic fence being constructed along the northern boundary of Lot 96 prior to the use and development of the lot for residential purposes, in accordance with the recommendations of the acoustic</p>

Item	Issue	Comment
		expert, NVC. It is considered the noise impact would be effectively managed by such a measure.
3.	Traffic and safety issues relating to further development of Lot 96 if covenants were removed.	<p>In the event that Lot 96 is developed, the issue of traffic would be considered, where relevant, in accordance with the planning scheme provisions in place at the time of assessment.</p> <p>The applicants provided expert advice from Traffic Engineering Consultant Midson Traffic indicating that Redwood Road is adequate for both current traffic conditions, and those that would arise from development of Lot 96.</p> <p>Council's Development Engineer provided the following comments:</p> <p><i>The subject Lot 96 known as 361 Redwood Road is located at the end of Redwood Road where the road terminates in a cul-de-sac. The lot is located behind the rear of the existing lots on the north side of the cul-de-sac (internal lot). Access to the lot is from an access way at the end of the cul-de-sac that also provides access to a stormwater bio-retention treatment system for the subdivision.</i></p> <p><i>The lot was originally proposed to be available for development, however the restrictive covenant was placed on the lot due to concerns from Australian Antarctic Division located on the northern side of the lot common boundary.</i></p> <p><i>Traffic Impact Assessment (TIA) reports were prepared as part of the subdivision and included traffic generation from up to 5 lots or dwellings on this lot. The subdivision roads have a sealed width between kerbs of 8.4m in accordance with the Council applicable standard. This allows on-street parking and through traffic.</i></p> <p><i>Representations have been received in relation to the availability of parking in the area of the cul-de-sac. Any future development applications for the lot would be assessed in accordance with the parking requirements of the planning scheme. In this respect the representations are not a valid reason for not permitting future development of the lot.</i></p>
4.	How to ensure vegetation protection on Lot 96 if covenants were removed.	<p>Regarding trees on Lot 96, the applicant's submission after the second hearing stated that the proposal does not seek to remove the first part of the covenant that prevents the removal of trees without Council consent.</p> <p>Council could therefore approve the requested amendment subject to modification that the first part of the covenant relating to tree removal be retained. This would ensure that some protection was afforded to the existing trees on the site.</p> <p>Section 104(3) of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> (the Act) provides that on conclusion of the hearing Council may:</p> <p>(a) <i>cause the amendment to be made with or without modification; and</i></p> <p>In this instance it is considered that modification to the proposed amendment would not conflict with Section 104 of the Act. Council would have the power to make</p>

Item	Issue	Comment
		<p>minor modifications to the proposal based on the overall assessment of the application.</p> <p>It is important to note that even with the retention of the covenant relating to tree removal, all of the vegetation on the site will be unlikely to be retained should the site be developed.</p> <p>In response to this issue, the applicant has suggested that careful and better quality landscaping of the site could assist in screening any future development from the surrounding properties.</p> <p>It is considered that the Part 5 agreement could also include a clause requiring a detailed landscaping design and implementation for future development at Lot 96. This would provide screening and visual amenity for future development and nearby properties.</p>
5.	Measures to protect amenity such as privacy and noise issues relating to further development of Lot 96 if covenants were removed.	<p>The applicants proposed to register a Part V agreement for an adequate acoustic fence to be constructed along the northern boundary of Lot 96 according to the acoustic expert recommendation of NVC. The applicants also suggested landscaping along the northern boundary of Lot 96 which would improve visual amenity.</p> <p>As discussed above, the option of including a landscaping clause in the Part 5 agreement would maintain and improve visual amenity for the area including the public walkway along the southern boundary of Lot 96.</p>
6.	Impact on property value if covenants were removed.	There is no specific evidence in relation to the impact of the removal of the covenant on property values and ordinarily this would not be a matter for consideration in relation to a planning application.
7.	Residential land shortage within urban growth boundary.	Land shortage within urban growth boundary was raised in the first hearing by the applicants. Although the land supply issue is not directly relevant to the matter, further development of the subject lot would contribute to additional residential land provision within the urban growth boundary. From a strategic point of view, there may be some merit, however it would not be a primary reason or ground affecting Council's decision.
8.	AAD legal interests.	There has been no change in the status relating to the legal interests of AAD in Sealed Plan No. 171047. As such, there are no legal obligations for the applicants of this amendment to seek consent from AAD. It would be subject to Council's discretion to consider how the removal of covenant would affect AAD's operation of programs and projects based on the measures proposed by the applicants. The applicants have attempted to address this issue through the Part 5 agreement and the requirement for the construction of an acoustic fence along the common boundary between the lot and the AAD site.

- 5.2 Another issue which has arisen as part of the detailed assessment of the proposed amendment, relates to the additional covenants on the sealed plan which affect the other residential lots on the plan. These covenants relate to tree removal and design and location of bedrooms. They are reproduced below.

COVENANT

The owners of the lots on the plan (excluding Lots 96, 201, 202 and 208) each covenant with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations –

1. Not to remove any trees without the prior written consent of the Kingborough Council.
2. Not to construct a dwelling on the lot other than a dwelling that:
 - a. is designed and constructed to ensure that all bedrooms are located on the eastern side of the dwelling; and
 - b. has windows in all bedrooms that are double glazed in a manner that achieves a 15dB noise reduction when the window is closed.

- 5.3 Lot 96 was specifically excluded from these covenants as there were other covenants that prevented the use of Lot 96 for the construction of habitable buildings. If the request to remove the covenant restricting habitable buildings on Lot 96 is approved, then it is considered appropriate and necessary for the above covenant to apply to Lot 96 as it is located within 300m of the existing metal fabrication business at 21 Patriarch Drive, Huntingfield which was the reason behind the original covenant.
- 5.4 In summary, in conjunction with the amendment to the Sealed Plan, the owner of the land proposes to enter into a Part 5 Agreement with Council regarding the construction and maintenance of an acoustic barrier as described above and register the agreement on the title to Lot 96.
- 5.5 The draft Part 5 agreement addresses the issue of potential land use conflicts by requiring that future development of the land at Lot 96 provides measures to ensure that noise emissions from the adjacent land operated as the AAD Headquarters do not result in environmental nuisance or serious or material environmental harm within the boundaries of the land as a consequence of the land being made available for residential use and associated development.
- 5.6 The draft Part 5 Agreement would provide a mechanism to ensure the construction of a suitable acoustic barrier along the respective boundary of Lot 96 and AAD and the ongoing maintenance of the barrier in a good and serviceable condition in accordance with the acoustic engineer's recommendations.
- 5.7 The Part 5 agreement is considered to address the potential land use conflict between residential use on this land and the activities undertaken on the adjoining AAD site and is seen as critical if the sealed plan is to be amended as requested. It is considered that the Part 5 would need to be in place, ie executed and registered on the title, prior to the sealed plan being amended.
- 5.8 Retaining the covenant regarding tree removal would maintain the existing tree cover in the short term, however any development of the lot will likely result in the loss of much of the vegetation cover. In order to further protect the landscape value and visual amenity for the area, Council could require an additional clause to be added to the Part 5 agreement to require landscaping provisions for any new development of the lot as discussed in Table 1.0 of this report.
- 5.9 The existing covenant that applies to other residential lots on the sealed plan relating to location of bedrooms and double glazing of bedroom windows should be applied to Lot 96 if residential uses are going to be allowed on that Lot.

- 5.10 Any further development as a result of partial or entire removal of the covenant would be subject to assessment against the relevant planning scheme provisions in place at the time of application.

6. CONCLUSION

- 6.1 In making its decision regarding the request to amend Sealed Plan No. 171047, Council should consider the following:

- how the issues and concerns raised have been addressed by the applicants, together with reference to the background of the imposition of the original covenants;
- if the issues raised by the representors and concerns raised by Councillors warrant refusal of the application; and
- how an approval would impact the interests of property owners under the sealed plan, and operations on the adjoining AAD site.

- 6.2 Based on the above assessment and the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, Council would have the following options:

- A. Approve the original request to amend sealed plan as submitted to delete all covenants affecting Lot 96, with no modifications and no additional requirements.
- B. Approve the original request to amend sealed plan as submitted to delete all covenants affecting Lot 96, subject to the owner entering into a Part 5 Agreement with Council generally in accordance with the terms of the submitted draft Part 5 agreement.
- C. Approve the request to amend sealed plan subject to modification as detailed below and subject to the owner entering into a Part 5 agreement with Council generally in accordance with the terms of the submitted draft Part 5 agreement.

COVENANT

The owners of the lots on the plan (excluding Lots 96, 201, 202 and 208) each covenant with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations –

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2. Not to construct a dwelling on the lot other than a dwelling that:
 - a. is designed and constructed to ensure that all bedrooms are located on the eastern side of the dwelling; and
 - b. has windows in all bedrooms that are double glazed in a manner that achieves a 15dB noise reduction when the window is closed.

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1. Not to remove any trees without the prior written consent of the Kingborough Council.
2. Not to construct, or permit to be constructed, on such lot:
 - a. any habitable building; or
 - b. any other structure.

- D. Approve the request to amend sealed plan subject to modification as detailed below and subject to the owner entering into a Part 5 agreement with Council generally in accordance with the terms of the submitted draft Part 5 agreement and the inclusion of a clause in the agreement requiring the submission and implementation of a detailed landscaping design for any future development of the Lot that assists in screening any development on the lot from the surrounding properties.

COVENANT

The owners of the lots on the plan (excluding Lots ~~96~~, 201, 202 and 208) each covenant with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations –

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 - a. ~~any habitable building; or~~
 - b. ~~any other structure.~~

- E. Refuse the request to amend sealed plan.

7. RECOMMENDATION

That the Planning Authority resolves that the request to amend Sealed Plan No 171047 by deleting the covenants in relation to Lot 96 be approved, subject to the following:

- A. The request to amend Sealed Plan No. 171047 be modified by deleting the whole of the covenants relating to Lot 96 and deleting the reference in the exclusions to the first covenant to Lot 96 as shown in the marked up Schedule of Easements below.

COVENANT

The owners of the lots on the plan (excluding Lots 96, 201, 202 and 208) each covenant with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations –

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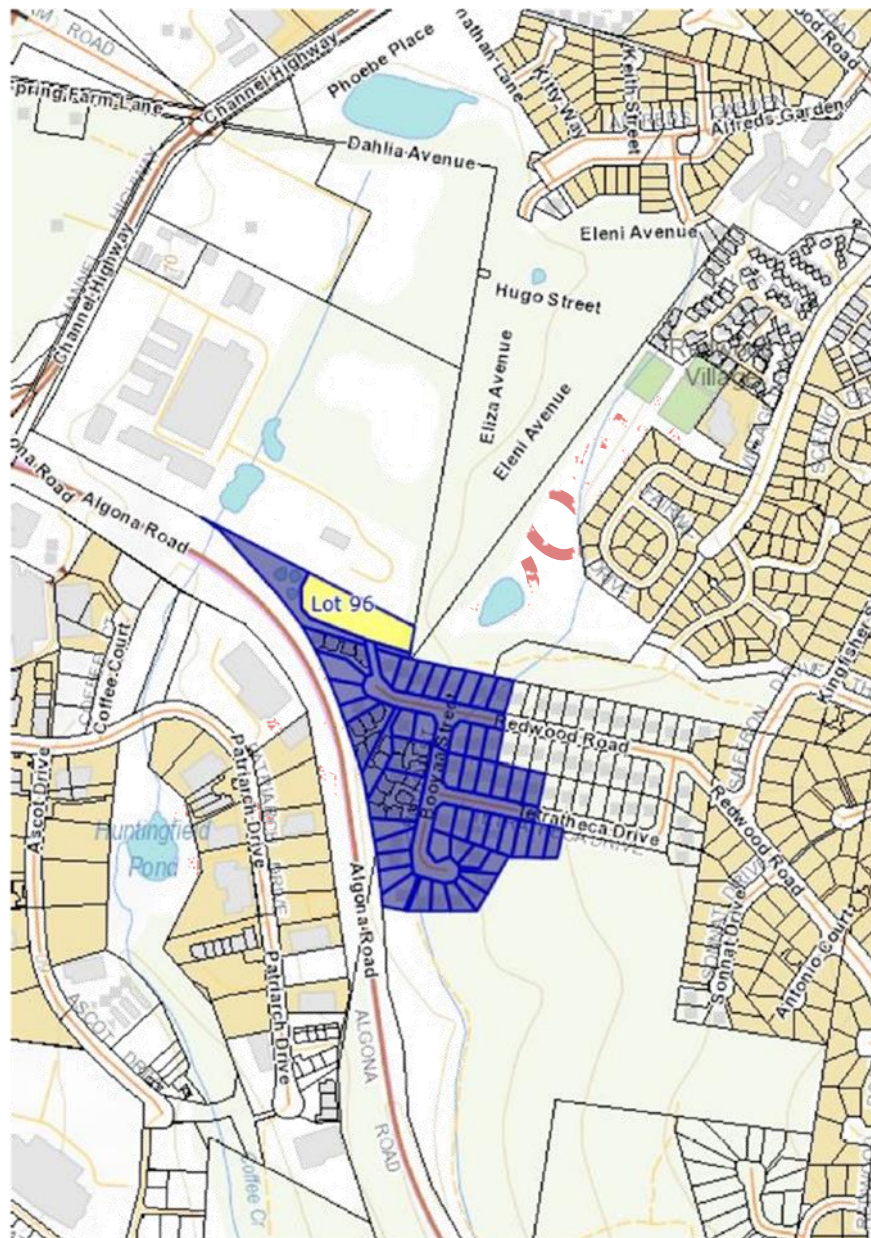
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- ~~2. Not to construct, or permit to be constructed, on such lot:

 - ~~a. any habitable building; or~~
 - ~~b. any other structure.~~~~

- B. The applicant be required to submit an amended Request to Amend Sealed Plan document for signing and sealing by Council in accordance with the above.
- C. Council will not sign and seal the amended documents until and unless the owner of Lot 96 enters into an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993*. The agreement must be generally in accordance with the draft Part 5 agreement submitted to Council by the applicant on 19 February 2020 but must be amended to include a requirement that any future application for development of the site must incorporate a detailed landscaping design which provides for landscaping which assists in screening the development from the surrounding properties. The agreement must be to the satisfaction of the Manager Development Services and must be registered on the title to Lot 96. All costs associated with preparing and registering the agreement must be at the expense of the owner.

ATTACHMENTS

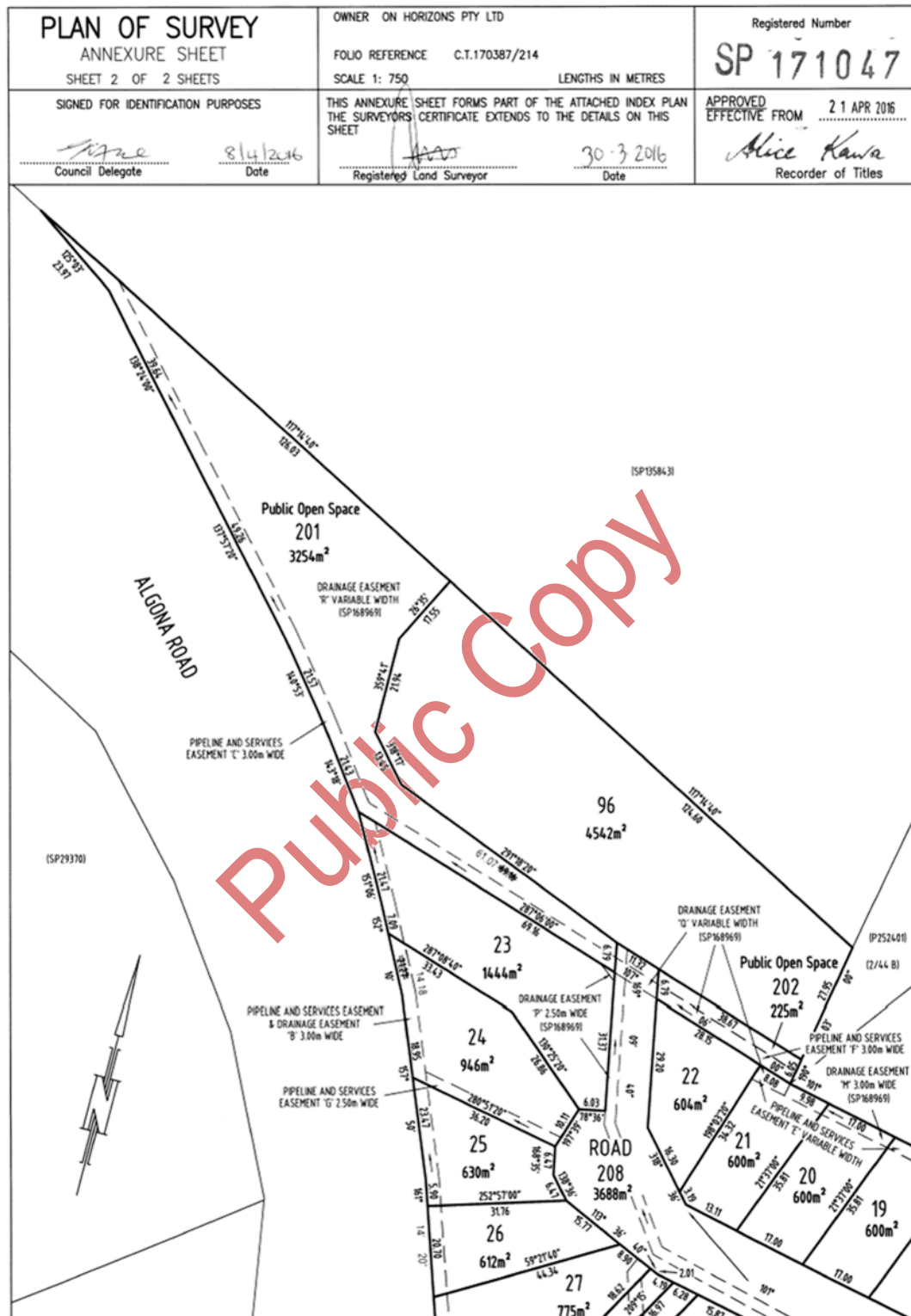
1. **Affected Properties**
2. **Title Documents**
3. **Applicant Submission to First Hearing**
4. **Representor Submissions to First Hearing**
5. **Statement by Owner dated 2 July 2019**
6. **Applicant Submission to Second Hearing**
7. **Applicant Submission after Second Hearing**



FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

<p align="center">ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p align="center">PAGE 4 OF 8 PAGES</p>	<p align="center">Registered Number</p> <p align="center">SP 171047</p>
<p>SUBDIVIDER: On Horizons Pty Ltd FOLIO REFERENCE: 170387/214</p>	

Lots 15, 32, 33, 208 and 215 are subject to a Pipeline and Services Easement (as defined) in gross in favour of the Tasmanian Water & Sewerage Corporation Pty Limited, its successors and assigns ("TasWater") over the land marked PIPELINE EASEMENT 4.00m WIDE on the plan.

COVENANT

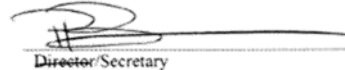
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The owner of lot 96 on the plan covenants with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations –

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Director 


Director/Secretary

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Petition Documents and Additional Submission

By the Applicant

Public Copy

From: Lex McIndoe <Lex.McIndoe@pda.com.au>
Sent: Monday, 10 December 2018 4:29 PM
To: Development Applications
Subject: PID 3437187 Request to Amend SP171047 - 361 Redwood Rd, Kingston

Follow Up Flag: Follow up
Flag Status: Completed

The General manager
Kingborough Council

Please download in the following drop box <https://www.dropbox.com/sh/e0fnfuuu26c9g2z/AAAJ5TjzUkmNcn3AlpyrGtia?dl=0> our **Request to Amend SP171047** including;

- A copy of a Petition to Amend SP 171047
- A Request to Amend SP 171047
- Our spreadsheet showing all the affected titles, owners and Mortgagees.
- A copy of each of the 78 titles referred to in our spreadsheet above.
- A copy of the generic notices that we will serve on all the owners and their Mortgagees as detailed on the spreadsheet referred to above is also attached.
- A copy of legal advice our client has received from BillettLegal dated 2/11/18 confirming in their opinion the original permit DAS-2012-14 will not need to be amended.

Note that the attachments total 250mb due to the number of titles nada my take some time to download!

The original Petition to Amend SP171047 signed by the petitioners will be delivered to Council. In this regard can you please advise us of your allocated file number and the planner who is handling the matter so we can ensure it is referenced correctly when we deliver it to Council.

Please also email us ASAP your invoice for your prescribed fees to consider this matter.

Regards

A.P. (Lex) McIndoe
Director and Registered Land Surveyor
PHONE: +61 3 6229 2131
MOB: 0417 573 286

6 Freeman Street, Kingston 7050
lex.mcindoe@pda.com.au
www.pda.com.au



PDA Surveyors Incorporating
WALTER
SURVEYS
Surveying, Engineering & Planning
ABN 71 217 806 325

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BILLETLEGAL

0417 344 749
naomi@billetlegal.com.au
PO Box 29 North Hobart 7002
www.billetlegal.com.au

2 November 2018

Mr Nicholas Palmer
R.N.B.Trading Pty Ltd
c/- Mr Neil Shephard
Neil Shephard & Associates

By email: neilsh@bigpond.com

Dear Nicholas and Neil

AMENDMENT TO PERMIT

You have requested my advice as to whether it is necessary to obtain an amendment under s.56 of the *Land Use Planning and Approvals Act 1993 (LUPA Act)* to planning permit DAS-2012-14 in order to remove a covenant affecting the land described in CT 171047/96 and as recorded on sealed plan 171047 which, amongst other matters, prevents the construction of any habitable building or any other structure on the lot. The covenant also prevents removal of any trees without the prior written consent of Council. It is understood that this aspect of the covenant is not proposed to be altered.

For the reasons set out below, it is my opinion that no amendment to the permit is required.

The covenant was imposed as required by condition 8 which provides as follows:

"A covenant must be placed on the title of the single combined lot required under condition (3) to the effect that no habitable buildings or other structures are to be constructed on the lot. The covenant must provide for the protection of the residential amenity of the adjoining lots as well as ensure that the existing operations on the adjoining commercial lot to the north (CT 13584312) are not compromised by the use or development of sensitive uses on this lot. The wording of the covenant must be to the satisfaction of the Manager - Development Services."

In addition to condition 8, condition 3 is also noted, which required the creation of the subject lot "as a buffer between the residential lots and adjoining commercial land to the north".

The conditions of the permit generally, and specifically conditions 8 and 3 as are presently relevant, only require that certain steps are taken before the plan of subdivision is sealed. Once the plan is sealed the conditions cease to have any work to do.

The terms of the conditions themselves are not expressed so as to have any enduring effect. The evident intent is that upon completion of the development the covenants required by the permit have the effect of providing the restrictions on development and therefore it is the process for amending covenants that must be addressed where amendment or removal is contemplated.

It is logical that this would be the case as it would be undesirable to need to resort to previous approvals throughout the life of the land, for example such as where subsequent applications for development are presented and become the governing controls as is generally the case in any development following subdivision. Further, there are a number of pathways which provide for the removal of covenants such as the amendment of a sealed plan under the *Local Government (Building and Miscellaneous Provisions) Act 1993*. There is no need for this process to be duplicated by requiring an amendment under the LUPA Act, although it is noted that it is open when drafting conditions to include a requirement that services completion of the development and runs with the land.

Finally, I note that the enduring or limited nature of conditions was considered by the Supreme Court in *Ward v Hobart City Council* [2012] TASSC 57. That case involved an appeal from the Magistrates Council which had found charges proven against the appellant for removing a tree contrary to a condition of a planning permit.

This case is authority for the proposition that a condition, construed on its terms, may be regarded as spent upon completion of the development. The condition in question in that case was the general requirement that is regularly imposed for the use and development to be undertaken in accordance with the plans which in that case marked the relevant tree to be retained. The condition was found to not have enduring effect.

Arguably, the position here is stronger as there is no general requirement that the subject lot not be developed but a specific requirement that certain lots be shown as amalgamated on a plan and that a covenant be recorded on the title. Those conditions have been complied with but have no enduring effect as to prevent changes to the land in the future.

I am happy to expand upon any aspect of this advice. Thank you for your instructions.

Yours faithfully



Naomi Billett

Principal | Billett Legal

Email: naomi@billettlegal.com.au

Public Copy

PETITION TO AMEND SEALED PLAN NO. 171047

IN THE MATTER OF 103 OF THE LOCAL GOVERNMENT
(BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

IN THE MATTER OF FOLIO OF THE REGISTER;
Volume 171047 Folio 96

TO: Kingborough Council

We,

On Horizons Pty Ltd is the registered proprietor of the land contained in Folio of the Register:
Volume 171047 Folio 96

Do petition Sealed Plan Number 171047 and any other subsequent pertinent plans be amended as follows:

Amend the Schedule of Easements relative to SP 171047 by:

Deleting the following words from Page 4 of 8:

"The owner of lot 96 on the plan covenants with the Vendor (On Horizons Pty Ltd) and the owners for the time being of every other lot on the plan to the intent that the burden of this covenant may run with and bind the covenantors' lot and every part thereof and that the benefit thereof may be annexed to and devolve with each and every part of every other lot on the plan to observe the following stipulations –

1. Not to remove any trees without the prior written consent of the Kingborough Council.
2. Not to construct, or permit to be constructed, on such lot:
 - a. any habitable building; or
 - b. any other structure."

and as shown on the attached marked up copy.

Executed by On Horizons Pty Ltd by)
signing of two directors pursuant to)
Section 127 of the Corporations Act)

Director signature and name: RONALD AULBEN BROOKS

Director signature and name: PETER AIDAN VERNEY HOLMES



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 8 PAGES	Registered Number SP 171047
SUBDIVIDER: On Horizons Pty Ltd FOLIO REFERENCE: 170387/214	

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Director

Director/Secretary

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.

From: Naomi Billett <naomi@billettlegal.com.au>
Sent: Monday, 8 April 2019 5:04 PM
To: Xin Barbour; KC Mail
Cc: holly@hollyaga.com; roderickglanville@gmail.com; moinaj@bigpond.net.au
Subject: Amendment to Sealed Plan No 171047 – 361 Redwood Road, Kingston
Attachments: 361 Redwood Rd Traffic Response.pdf; Statement - N Shephard.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Barbour

Amendment to Sealed Plan No 171047 – 361 Redwood Road, Kingston

I advise that I act for the petitioner (RNB Trading Pty Ltd obo On Horizons Pty Ltd) in relation to the proposed amendment to sealed plan 171047 and the hearing scheduled for 13 May 2019. In accordance with Ms Stevenson's letter dated 18 March, I **attach** the documentation that we seek to rely upon at the hearing which is comprised of a statement from Mr Neil Shephard (planner) and Mr Keith Midson (traffic engineer).

I understand that Council already has a copy of the petition which initiated the process and that includes the schedule of easements which records the relevant covenant which we seek to remove. I have therefore not included that material here. I confirm that Mr McIndoe has provided me with copies of the documents received from the representors that he has received.

Yours faithfully

Naomi Billett
Principal

BILLETTLLEGAL
0417 344 749
naomi@billettlegal.com.au

PO Box 29, North Hobart, Tas 7002
www.billettlegal.com.au

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**NEIL SHEPHARD
& ASSOCIATES**

Planning and Development Consultants

The owners of 361 Redwood Road (Lot 96 in Sealed Plan 171047) – see map below – are seeking removal of a covenant that currently prevents the approval and construction of any habitable building or any other structure on that land. The covenant also prevents the removal of any trees without the prior written consent of Council, however this aspect is retained under a separate covenant.

The covenant is number 2 (secondly occurring) on page 4 of the Schedule of Easements annexed to Sealed Plan 171047

3 representations were received in response to the petition. The representors have identified their interests in the following properties:



Background

361 Redwood Road is zoned General Residential under the *Kingborough Interim Planning Scheme 2015*.

The covenant came about at the time of the original subdivision in 2012 (permit issued 2013 and operative 2014 following an unrelated appeal), when the occupiers of the adjacent Commercial zoned land to the north (Australian Antarctic Division) negotiated to use 361 Redwood Road as a buffer to activities on their land. The covenant was included in addition to amending the subdivision to amalgamate the 5 lots that were previously proposed in this area.

It was anticipated that 361 Redwood Road would be transferred to the AAD, but that has not occurred. Nor has the AAD sought any rezoning or placement of a buffer overlay under the planning scheme.

Accordingly, the land remains within the General Residential Zone.

The owners consider that sufficient time and opportunities have passed and have placed the property on the open market.

In order to meet the purpose of the General Residential Zone the covenant preventing habitable buildings or any other structure needs to be removed.

Protections on Amenity Continue to Apply

The planning scheme provides the strategic intent of the land. It includes a number of controls for density of development and setbacks within the General Residential Zone, together with setbacks and limitations for activities within the Commercial Zone.

The amenity of the residential neighbours, including those that have sought to be heard in relation to this petition, will continue to be protected by the planning scheme. The planning scheme limits the uses that may establish on the site and the form that development may take. To the extent that the planning scheme allows commercial uses in the General Residential zone, these are discretionary and constrained by considerations designed to protect amenity.

Standards similarly prescribe the form of development to ensure that privacy of the immediate neighbours is protected and impacts such as overshadowing and visual bulk do not result in an unreasonable loss of amenity.

In the absence of any involvement by AAD, despite the best efforts of the owners, it will become a risk in terms of security, fire, weed infestation and visual amenity for residents of the area, unless it is developed.

Neil Shephard

NEIL SHEPHARD BA, MTCP(Syd), MPIA (Fellow), CPP

Public Copy



Keith Midson
Midson Traffic Pty Ltd
18 Earl Street
Sandy Bay TAS 7005
0437 366 040

8 April 2019

RNB Trading
c/o Naomi Billet
Billet Legal
Via email

Dear Naomi,

361 REDWOOD ROAD – TRAFFIC RESPONSE – AMENDMENT TO SEALED PLAN No. 171047

This letter has been prepared in response to traffic related matters raised through representations in response to proposed amendments to the sealed plan which would see the removal of a restrictive covenant at the abovementioned site.

I prepared the original traffic impact assessment (TIA) for the subdivision. The original proposal for subdivision involved a higher number of residential lots than was finally developed. This TIA was considered by Council during the approval for the subdivision. The TIA considered traffic generation of the subdivision on the surrounding road network.

At the time of preparation of the TIA, the subdivision design contemplated 5 lots in the location of what became 361 Redwood Road. The TIA was prepared on the basis of that design.

The roads within the subdivision have a sealed pavement width of approximately 7.5 metres. This is sufficient to enable on-street parking and through traffic. The road width is consistent with the local traffic function of these roads. The subdivision does not permit through traffic from other areas, therefore all traffic utilising the road network is generally related to properties within the subdivision area. The road width provides a low-speed traffic environment which has positive road safety benefits.

The roads within the subdivision have been designed to accommodate traffic generated by all lots within the subdivision. This includes traffic generated by development on 361 Redwood Road (which was originally intended to cater for traffic movements associated with the Australian Antarctic Division).

I raise the following points in response to the statement from an objector that the 'street is overcrowded with cars':

- Each lot is likely to have a residential development that must provide on-site car parking in accordance with Planning Scheme requirements. Typically this is two cars for a residential dwelling.
- It is noted that residential development within the subdivision is nearing completion. Construction results in trade vehicles parking within the road network. Construction generally

has an increased parking impact on the internal roads of the subdivision that are not normally experienced when fully developed.

- Traffic generated by future development of 361 Redwood Road would be relatively low. The development of 1 residential dwelling is likely to generate 7 to 8 vehicles per day, with a peak of 1 vehicle per hour. If multiple dwellings are constructed on the site, these would have a lower generation per dwelling, typically in the range of 4 to 5 vehicles per day, with 0.4 to 0.5 vehicles per hour during peak periods (morning and afternoon peak commuter periods). The road network (both internal and external networks) can accommodate this level of traffic generation without any significant loss of efficiency.

The specifics relating to future development on the site will need to be assessed in relation to a detailed proposal that must by necessity follow the normal Kingborough Interim Planning Scheme 2015 process, which may include the preparation of a TIA. Should a TIA be required during this process, it would necessitate the investigation of traffic and parking impacts in the surrounding road network.

Please contact me on 0437 366 040 if you require any further information.

Yours sincerely,



Keith Midson BE MTraffic MTransport FIEAust CPEng EngExec NER

DIRECTOR

Midson Traffic Pty Ltd

Public Copy

Submissions by Representor

Mr H L Marshall & Mrs A P Marshall

Public Copy

Xin Barbour

From: Holly Marshall <holly@hollyaga.com>
Sent: Thursday, 10 January 2019 3:31 PM
To: KC Mail
Subject: FPA2018-11 Objection Notice - Xin Barbour

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Marilyn

Dear Xin,

As owners of two properties that would be impacted by the removal of the building covenant on 361 Redwood Rd, Kingston, we would like to voice our objection to the removal of this covenant.

We believe this will have a negative impact on the area, given the street is already overcrowded with cars and unsafe for kids.

We are owners of 347 & 352 Redwood Rd.

Regards
Holly & Agnieszka Marshall

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For more information please visit <http://www.symanteccloud.com>

From: Holly Marshall <holly@hollyaga.com>
Sent: Monday, 8 April 2019 4:26 PM
To: John McDonald
Cc: Xin Barbour; roderickglanville@gmail.com; lex.mcindoe@pda.com.au
Subject: Re: Amendment to Sealed Plan No.171047 - 361 Redwood Road, Kingston.
Attachments: IMG_20190408_161107.jpg; IMG_20190323_194456.jpg; IMG_20190408_160921.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

To All Parties,

As the owner of two lots within the area of interest, our objection to the removal of the covenant preventing the construction of habitable dwellings at 361 Redwood is as follows:

1) Traffic & Parking

Given this road ends in a cul-de-sac there is a surprisingly large amount of traffic up and down it. Presumably this is owing to the large number of unit dwellings in and around. At any given time, there is a significant amount of traffic parked out on the street, forcing travel down to a single lane, from where the new subdivision starts to the end of the cul-de-sac. Additional housing would mean more cars parked on an already overcrowded street, making access more difficult and the general aesthetic less pleasing (already its not great).

2) Safety

Frequently, cars travelling to the bottom of the cul-de-sac are travelling at a speed which is clearly unsafe. This, coupled with the amount of parked cars, means visibility is poor and there are significant safety risks right down to the end of the road. As a father of three children, I simply won't let my kids play outside as its just too dangerous. The street already *desperately* needs traffic-calmers to slow cars down as they drive down the slope towards the bottom. The increase in traffic from additional development at 361 Redwood Rd, would exacerbate this even further.

3) Sold on Existing Covenant

The lots we purchased were done so with the understanding that the current green space would be maintained. In fact, the agent specifically cited the covenant that was in place. Given the agent was representing the petitioners at the time, it seems underhanded to turn around a mere 2 years later asking for this to be removed, knowing full well the agents were instructed to use this as a selling point originally.

4) Property Values

I believe additional development will have a negative effect on property prices on the area as the street becomes less attractive due to the number of cars. In fact, my bank has expressed similar concerns and raised their own objections to the removal of this covenant.

5) No understanding of proposed development

It is our expectation that the petitioner will seek to develop units, which we strongly object to and which we will most definitely object to, should a development application for units be forthcoming. It should be noted there are already a significant number of units in the area up Booya street and in the cul-de-sac, around 361 Redwood Rd, making this area quite dense. Should the petitioner be able to develop units on this block, the above issues of traffic around safety are even more pronounced than should they simply be constructing single dwellings.

6) What do the AAD have to say?

At this point, there is no reference to any comment from the AAD. Have they confirmed they do not wish to push forward with the purchase?





Public

Submissions by Representor

Mr J G McDonald and Mrs M J McDonald

Public Copy

John Mc Donald
Moina McDonald
340 Redwood Road
KINGSTON TAS 7050
Mob: 0417 680 803

8th January 2019



The General Manager
Kingborough Council
15 Channel Highway
KINGSTON TAS 7050

Dear Sir

Council Reference: SPA-2018-11
Petition to Amend Sealed Plan No.171047
361 Redwood Road, Kingston

We wish to be heard in opposition to the proposed amendment to the sealed plan. Please appoint a date and time that we may be heard and advise us accordingly.

Yours faithfully

John McDonald

Moina McDonald

Xin Barbour

From: John McDonald <moinaj@bigpond.net.au>
Sent: Thursday, 4 April 2019 2:12 PM
To: Xin Barbour
Cc: holly@hollyaga.com; roderickglaville@gmail.com; lex.mcindoe@pda.com.au
Subject: Fwd: Amendment to Sealed Plan No.171047 - 361 Redwood Road, Kingston.

Sent from my iPad

Begin forwarded message:

From: John McDonald <moinaj@bigpond.net.au>
Date: 2 April 2019 at 3:22:33 pm AEDT
To: John McDonald <moinaj@bigpond.net.au>
Subject: Amendment to Sealed Plan No.171047 - 361 Redwood Road, Kingston.

The General Manager
Kingborough Council
15 Channel Highway KINGSTON TAS 7050

ATT. Xin Barbour

Thank you for giving us the opportunity to raise our concerns regarding the proposed amendment to the above Sealed Plan.

When we moved from New South Wales to Tasmania approximately 18 months ago we selected a home at 340 Redwood Road to purchase as it was a nice cul-de-sac location with a good tree-lined outlook. We noticed on our contract of purchase that 361 Redwood Road had a covenant preventing the construction of any habitable building or any other structure. We assumed that this would be left as a "green belt" for a buffer along the boundary of the Antarctic Division property. We also assumed that a covenant could not be altered without the express permission of all those who owned property contained in the same Sealed Plan. We gather from the correspondence we have received from Council that this is not the case in Tasmania.

That being the case, we would like to raise two issues for Council's consideration.

Firstly, the existing traffic using this section of Redwood Road is already much greater than we anticipated. This is due partly to the number of units that have been constructed in Booyaa Street and in that area West of the intersection of Redwood Road and Booyaa Street. Traffic already travels at considerable speed down the hill towards the foot of the cul-de-sac. If the covenant is lifted and unit construction is allowed on 361 Redwood Road, this will add further problems with increased traffic flow into the foot of the cul-de-sac. If Council elects to approve the lifting of the covenant, could it not consider the placement of another covenant restricting subsequent development at 361 Redwood Road to residential houses and not units? The other consideration could be the strategic placement of "speed bumps" on the downward slope of Redwood Road to reduce the risk of traffic danger to the many children who use that section of roadway on their way to school. Also, the children who reside in Redwood Road use that lower section for bike riding etc. and any increase in traffic flow is going to represent a considerable risk to them. We have attached photos below of the cars

already parked on the street in the subject section of Redwood Road, we assume that the owners' garages and carports are already occupied by further vehicles.

Secondly, there is a considerable stand of eucalyptus trees on the land at 361 Redwood Road and if building on that block is to be permitted, every effort should be made to keep those trees as it would greatly reduce the aesthetics of the neighbourhood if they were to be sacrificed for development purposes.

Yours sincerely

John McDonald

Moina McDonald





Sent from my iPad

Submissions by Representor

Mr R N Glanville and Mrs T L Glanville

Public Copy



The General Manager
Kingborough Council
15 Channel Highway
Kingston, TAS, 7050

The General Manager
Kingborough Council:

We would like to make a formal objection to the Petition to Amend SP 171047. Council Reference SPA-2018-11.

We purchased our lot, 357 Redwood Road, from the current owners of 361 Redwood Road with the understanding that the land between our lot and the Antarctic Division was to remain as a buffer zone and that no construction of any habitable building or other structure was to take place as noted on the title.

We had our house professionally designed by an architect to suit our land with the understanding the lot behind us would always be a vacant natural buffer zone. The house has the vast majority of our private open space facing this area and would have our privacy severely impacted if the proposed petition is to be allowed to proceed.

While we understand that the land in question, 161 Redwood Road, has not changed hands as the current owners were hoping. We feel is grossly unfair to attempt a change so soon after selling the surrounding lots to the new owners with the understanding that the land was to remain in its current state for the foreseeable future.

We would like the opportunity to have our views heard if this is part of the process for reviewing the petition.

Sincerely,

Roderick and Tracy Glanville
357 Redwood Road, Kingston, TAS, 7050

Dated the 3rd of January 2019

From: Rod & Tracy Glanville <roderickglanville@gmail.com>
Sent: Sunday, 7 April 2019 8:13 PM
To: Xin Barbour; KC Mail; lex.mcindoe@pda.com.au; holly@hollyyaga.com; moijnaj@bigpond.net.au
Subject: Amendment to SP - 2018 - 11 171047. Council
Attachments: Letter to council regarding amendment to 361 Redwood Road title.docx; 357 Redwood appeal plans.pdf; IMG20190331124526.zip; IMG20190331124553.zip; IMG20190331124557.zip; IMG20190402204619.zip

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Marilyn

This email is being sent again as the images were too large for some of the recipients.

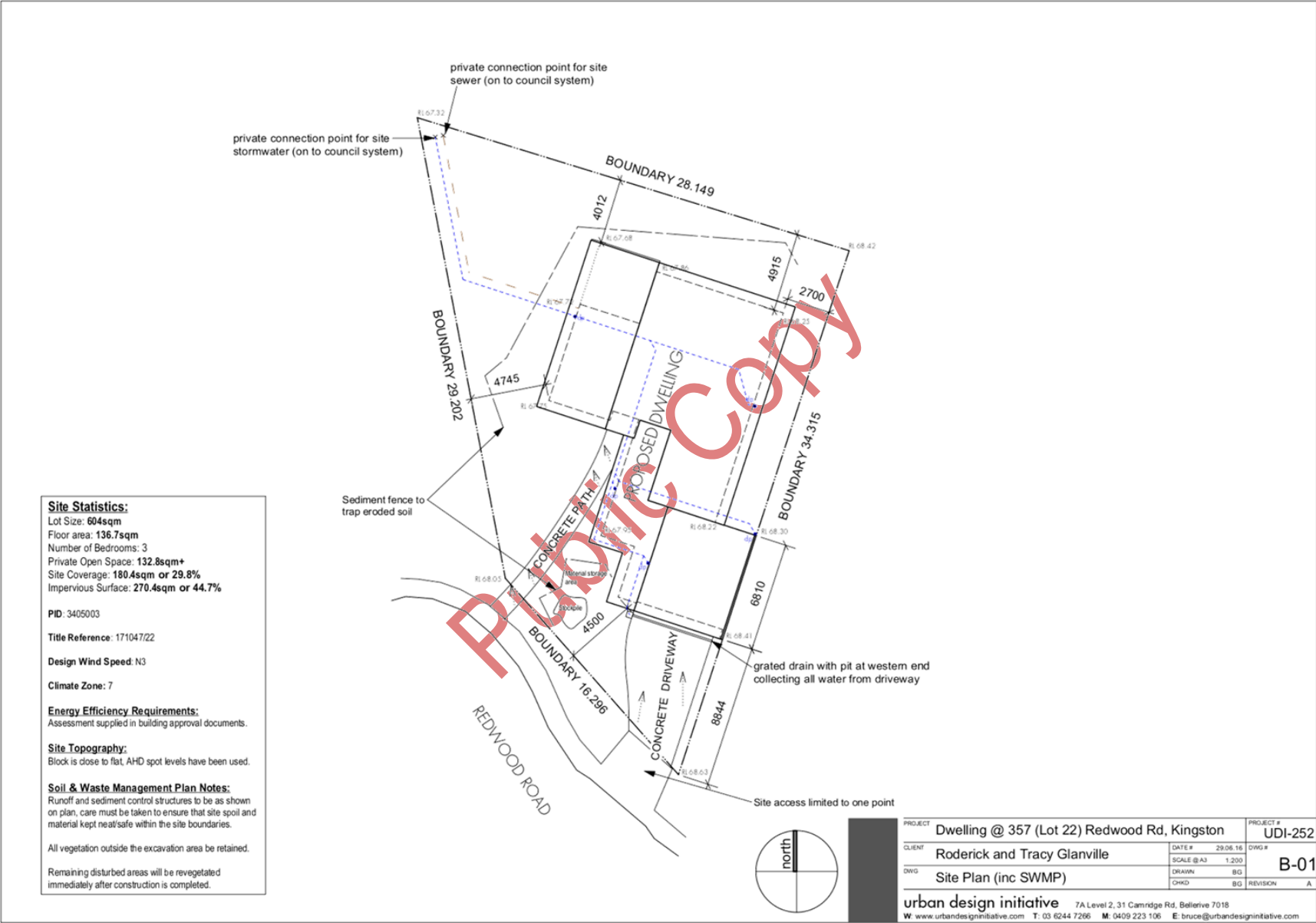
As previously stated in our letter to the council we would like object to the proposed Petition to Amend SP 171047.Council Reference SPA-2018-11. We have added our reasons below and also attached house plans, photos and letter previously sent that we intend to use as evidence in the upcoming hearing.

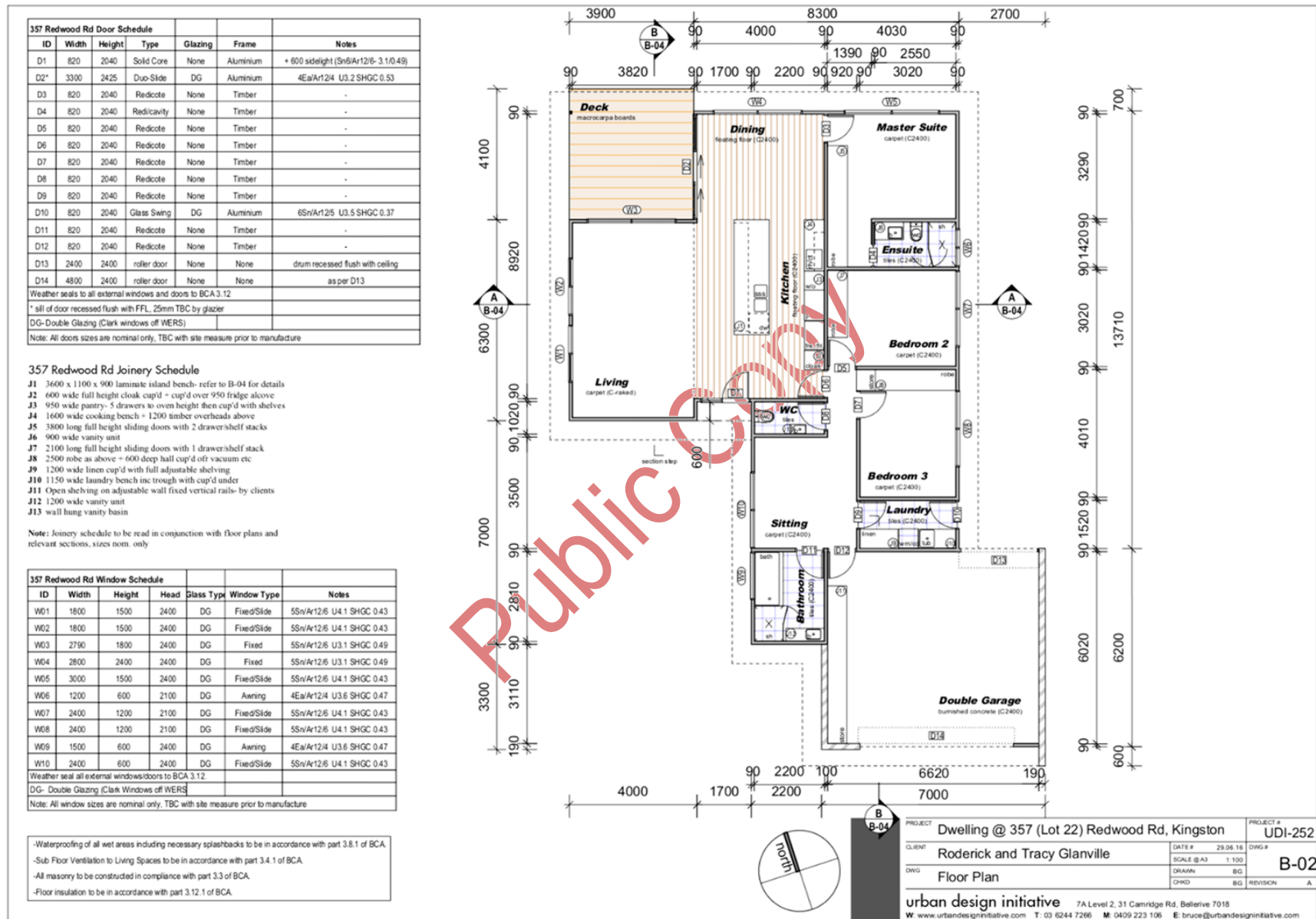
- 1) Home was professionally designed to suit the site with the instruction to take advantage of the privacy at the rear of the lot
- 2) All the main living areas were put at the rear of the home to take advantage of the privacy available
- 3) Main windows letting winter sun in for warmth are at the rear of home facing the buffer zone and would not be as effective if blinds were needed to be used for privacy
- 4) A covenant on a title should not be removed so soon after issue without a very good reason
- 5) Value of our home would be negatively impacted by the change to the covenant
- 6) Why was covenant put on and then why is it being attempted to be removed so soon?
- 7) Purchased land and paid asking price without trying to negotiate as were keen to get the added freedom of the buffer zone behind the lot
- 8) Fence at rear of property was made lower to add to the feeling of space at the rear of the property

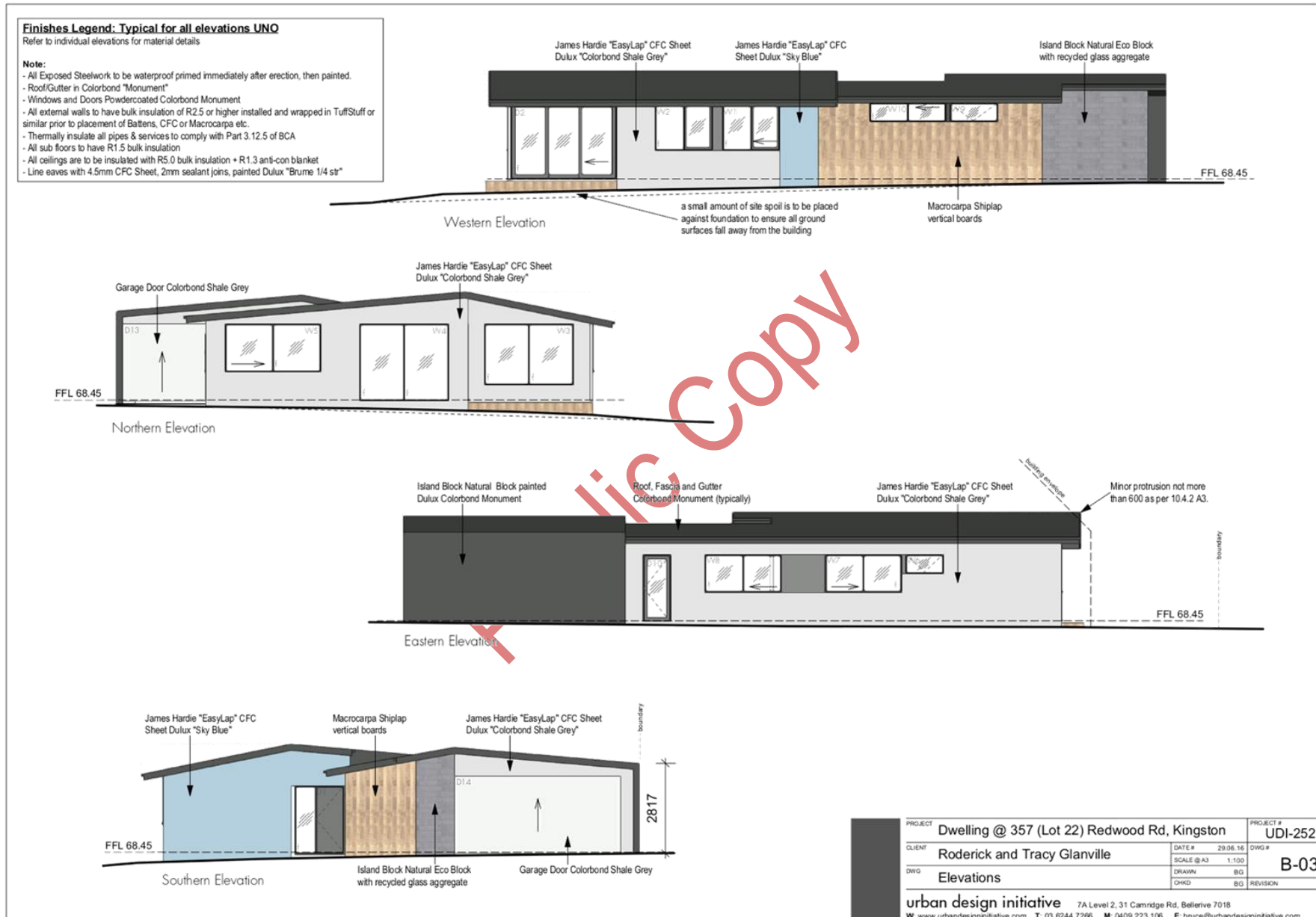
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Rod & Tracy Glanville
357 Redwood Road, Kingston

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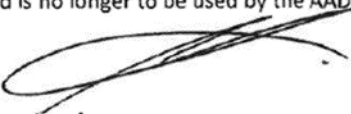


STATEMENT – RON BROOKS

- 1 My name is Ron Brooks
- 2 I am one of the directors of On Horizons Pty Ltd (**On Horizons**).
- 3 In 2011, the On Horizons was the owner of 2 parcels of land generally located adjacent to Algona Road and more particularly described in the following certificates of title:
 - (a) Volume 250896 Folio 1; and
 - (b) Volume 20222 Folio 3.
- 4 On Horizons, through our consultant planner Neil Shephard, applied for approval to subdivide the land. I understand that the application was identified as DAS-2012-14 by the Kingborough Council.
- 5 The process of obtaining approval took a long time with issues such as protecting large areas of vegetation to accommodate a change to the planning scheme arising during the process.
- 6 In mid-September 2013, I was approached via Mr Shephard for a meeting with representatives of the Australian Antarctic Division (**AAD**) to discuss the proposed subdivision and potential to mitigate impacts of the subdivision on their operations.
- 7 I attended a meeting with Mr Shephard and Mr Reg Mauderer on behalf of the AAD on 26 September 2013 (**2013 Meeting**).
- 8 During the 2013 Meeting an agreement was reached for the following:
 - (a) the proposed subdivision to be amended such that what was then stage 10 of the subdivision would be reconfigured to provide for a large lot along the common boundary between the subdivision land and AAD's property at 203 Chanel Highway;
 - (b) the resultant lot would be purchased by AAD and maintained by them as a buffer zone; and
 - (c) on this basis, AAD would withdraw their representation in objection to the application.
- 9 There was no written contract, just an agreement between two commercial operators.
- 10 On Horizons acted in reliance upon the agreement and requested Council to impose conditions upon the permit for the subdivision which created the lot which is now known as 361 Redwood Road and imposed the covenants to prevent development.
- 11 361 Redwood Road was created with the sealing of the final plan in April 2016 and the title was subsequently issued.
- 12 In early July 2017, I met with Mr Reg Mauderer from the AAD and inspected the lot known as 361 Redwood Road.
- 13 On or about 12 July 2017, I sent Mr Mauderer a standard form contract for the lot known as 361 Redwood Road
- 14 On or about 19 September Mr Mauderer advised me that the AAD would not progress purchase of the lot known as 361 Redwood Road.
- 15 The land was subsequently made available for sale and removal of the covenant is sought because the land is no longer to be used by the AAD as was intended.

Signed:

Date:


2 July 2019



General Manager
Kingborough Council
15 Channel Hwy
Kingston TAS 7050

12 February 2020

Attention: Melissa Stevenson

Dear Sir/Madam

Re: SPA-2018-11 – 361 REDWOOD ROAD, KINGSTON – PETITION TO AMEND PLAN 171047 TO REMOVE RESTRICTIVE COVENANT

I refer to our meeting on 23 October 2019 with Council officers Melissa Stevenson and Xin Barbour in respect of the above, and additional information that we provided at that time.

At our request your officers agreed to defer further consideration of the Petition pending our provision of:

- Additional information in respect of activities in the AAD rear yard;
- A further, more detailed report assessing the noise associated with the activities in the AAD rear yard; and
- Potential means of mitigating any impacts on residential development at 361 Redwood Road.

We are very grateful for that opportunity and would like to thank Council and its officers for their patience whilst we have attended to these tasks.

Evidence of nuisance

Firstly, we should recognise that the overall subdivision that provided for the extension of Redwood Road and the provision of a very large contribution of Public Open Space is, but for the land at 361 Redwood Road, now complete.

That development has brought a large number of new residents closer to the AAD land than ever before.

AAD use the rear yard mainly for storage of large equipment, vehicles and containers. It also includes a large installation of solar panels and a workshop shed. The latter is, at its closest approximately 40m from the boundary of 361 Redwood Road and approximately 90m from the nearest existing dwelling at 358 Redwood Road.

Following enquiry, it is our understanding that there have been no complaints made by residents of Redwood Road in respect of the activities in the AAD rear yard, ie there is no evidence of any nuisance. This is contrary to the expectation expressed at the time of the subdivision application, that a land use

conflict would be created between the proposed residential development and the activities in the AAD rear yard. That conflict has simply not occurred.

Noise assessment

NVC has provided a more detailed assessment of the noise impact arising from activities in the AAD rear yard (NVC 7 February 2020).

The report has reviewed the original assessment undertaken for the subdivision in 2013 (Vipac 4/9/13 and 30/9/13) and updated it to take account of the current AAD operational environment, and the relevant standards for residential amenity in the *Kingborough Interim Planning Scheme 2015*. The report presents a more detailed assessment that includes criteria from the Scheme, on-site measurements, and more thorough noise predictions.

The assessment found that attended data in the daytime was completely controlled by traffic noise. Saunders & Ward's nearby engineering operation at Patriarch Drive was only briefly audible on one occasion due to a reversing beacon, and AAD was at no time audible (ibid. p3).

By reference to the previous Vipac reports the main sources of noise in the AAD rear yard emanated from the workshop shed and included: the use of an angle grinder and impactive noise associated with hitting / dropping metal pieces (NVC op cit p4).

The NVC report concludes that the relevant standards for residential amenity with regard to operation within the adjoining Commercial Zone, under clause 23.3.2 A1 can be met by constructing an acoustic fence on the respective boundary of 361 Redwood Road. A 1.5m high fence would meet the standards for day time, whilst a 2.4m high fence would meet the standards for night time. If night time use of the AAD shed is to be assumed, then a 2.4m boundary fence is required (ibid):

For 24-hour operation of the AAD shed, clauses 23.3.2.A1 and E9.7.2.P1 of the Scheme are met if a 2.4m boundary fence is constructed to 361 Redwood Drive. The fence should be of solid construction (surface mass at least 15 kg/m²), and have no gaps (ibid).

This fence will have the added advantage of visually screening AAD activities from future residents at 361 Redwood Road.

Part 5 Agreement

To ensure compliance and provide further certainty to AAD and Council, it is proposed to register an agreement pursuant to Part 5 of the *Land Use Planning & Approvals Act 1993*, on the title of 361 Redwood Road to ensure the construction of a suitable acoustic and visual barrier along the respective boundary with AAD.

A draft Part 5 Agreement accompanies this letter.

Traffic issues

Traffic issues have been raised previously by representors and elected members.

We have previously provided expert advice from Traffic Engineering Consultant Midson Traffic indicating that Redwood Road is adequate for both current traffic conditions, and those that would arise from development of 361 Redwood Road. Indeed, these findings simply confirm Council's own assessment when it considered the subdivision in 2013.

3

Notwithstanding this, we respectfully request that Council seek the opinion of its own current Traffic engineer to ensure that the matters raised are addressed to Council's satisfaction.

Having provided this additional information, we now seek Council's determination of the Petition to Amend.

Should Council have further matters that are of concern, we would be happy to consider them.

Yours faithfully,



NEIL SHEPHARD BA, MTCP(Syd)

Fellow of the Planning Institute of Australia

Certified Practising Planner

Attached:

- NVC, 361 Redwood Drive – Noise Assessment, 7 February 2020
- Draft Part 5 Agreement



RNB Trading
c/o Billet Legal
Nth. Hobart, TAS 7002
Attention: Naomi Billett

7 February 2020

Doc 6071_01

361 REDWOOD DRIVE — NOISE IMPACT ASSESSMENT

It is proposed to amend the sealed plan 171047 at 361 Redwood Road Kingston to allow residential dwellings on the lot. It is understood that the impact this may have on the adjacent AAD operations, ie. will the residential dwellings on the AAD boundary restrict what operations AAD may conduct on their site, requires review in order to ensure that future development of 361 Redwood Road does not erode the value that the land otherwise provides to buffer the residential area from the activities undertaken by AAD. This letter addresses this issue.

1. BACKGROUND

The lot at 361 Redwood Road is currently a vacant lot used as a buffer between the AAD and adjacent residential dwellings. The AAD has a shed, assumed a workshop, some 40m from the boundary with the site, with a hard stand storage area to the east of it and solar panels on its western side, Figure 1. Under the Kingborough Interim Planning Scheme 2015 (Scheme), the AAD is within a Commercial Zone (purple), and 361 Redwood Drive within a General Residential Zone (red).



FIGURE 1: SITE AND SURROUNDS

NVC PTY. LTD.

ABN 53 626639 521
T. 6244 5556

PO Box 476, ROSNY PARK, TAS 7018
bill@nvc.com.au

A previous letter¹ briefly presented an assessment of noise emissions from the AAD shed and recommended:

- Lots 17 to 20 in Stage 5, and Lots 21 and 22 or their equivalents in the modified Stage 10 be provided with either an acoustic fence, earth bund or combination of the same to a minimum 2.0m height along the entirety of their northern boundaries
- Similarly attenuate any other boundary of Lot 22 or its equivalent where it might be exposed through an adjoining access to the buffer lot. The length of this acoustic barrier need only be that required to ensure that a future building location on Lot 22 (or its equivalent) obtains the required attenuation.
- Lot 28 or its equivalent be provided with either an acoustic fence, earth bund or combination of the same to a minimum 2.5m height along the entirety of its northern boundary.

The assessment assumed noises similar to that occurring in Saunders and Wards operations were reproduced at the AAD shed and that the shed offered no attenuation. Criteria were taken from the original report².

This letter presents a more detailed assessment that includes criteria from the Scheme, on site measurements, and more thorough noise predictions.

2. CURRENT NOISE LEVELS

Noise levels were measured over a two week period in April 2019 at the location indicated by the star in Figure 1. The trend in the noise levels is shown in Figure 2 and summarised by the levels of Table 1.

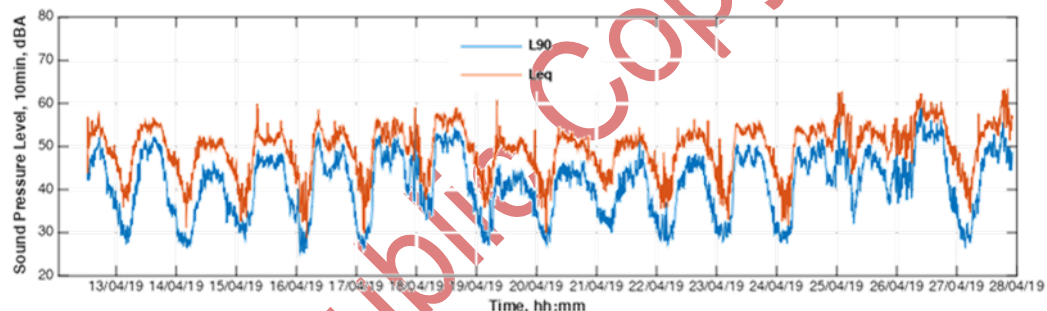


FIGURE 2: EXISTING NOISE TREND - 361 REDWOOD DRIVE

TABLE 1: SUMMARY OF CURRENT NOISE LEVELS

Sound Pressure Level, 10min dBA				
		L10	L90	Leq
Easter Break	Day	54	43	51
	Night	47	35	44
Normal	Day	56	48	54
	Night	48	36	45

From the measurements, and observations during them, the following is noted:

- The Easter break is quieter than normal times.

¹ "Algona Road Subdivision - Noise Assessment" - Addendum, 30/9/2013, Vipac doc # 4536 final

² "Algona Road Subdivision - Noise Assessment", 4/9/2013, Vipac doc # 4457_02

- A consistent diurnal variation typical of traffic noise from Algona Rd is observed. This tallies with observations on three occasions the site was personally attended.
- Existing traffic noise levels are well below DIER guidelines ($L_{10_{18hr}}$ 63 dBA), so acceptable.
- Attended data in the daytime was completely controlled by traffic noise. S&W was only briefly audible on one occasion due to a reverse beacon, and AAD was at no time audible.

3. CRITERIA

Section 23 of the Scheme contains criteria relevant to the assessment of noise emissions from land within the Commercial zone. In particular, clause 23.3.2 details criteria specific for noise emissions from a Commercial zone at a Residential zone, the objective of which is:

"To ensure that noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone."

To satisfy this objective, the following Acceptable Solutions criteria are stated under clause 23.3.2-A1:

"Noise emissions measured at the boundary of a residential zone must not exceed the following:

- 55 dB(A) (L_{Aeq}) between the hours of 7:00 am to 7:00 pm;*
- 5 dB(A) above the background (L_{A90}) or 40 dB(A) (L_{Aeq}), whichever is the lower, between the hours of 7:00 pm to 7:00 am;*
- 65 dB(A) (L_{Amax}) at any time..."*

If the Acceptable Solutions criteria are not met, the following Performance Criteria are stated under 23.3.2-P1:

"Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone."

If the AAD shed is classified as a metal fabrication facility, then the attenuation code E9.0 within the Scheme requires at Table E9.1 an attenuation distance of 500m. As this is not met the performance criteria at E9.7.2.P1 applies requiring:

"Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:

- the nature of the use with potential to cause environmental harm; including:*
 - operational characteristics;*
 - scale and intensity*
 - degree of hazard or pollution that may emitted from the activity*
- the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;*
- measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions.*

It is considered that if the acceptable solution at clause 23.3.2-A1 is met, then the sensitive use will not be impacted by environmental harm and clause E9.7.2.P1 also be met.

These Scheme criteria are used in this assessment on the basis they will suitably manage noise at the interface between commercial and residential zones and protect AAD's ability to conduct their work into the future.

Referring to the site measurements of section 2, the the noise criteria for the AAD noise emissions are then:

- 55 dB(A) (L_{Aeq}) between the hours of 7:00 am to 7:00 pm;
- 40 dB(A) (L_{Aeq}) between the hours of 7:00 pm to 7:00 am;
- 65 dB(A) (L_{Amax}) at any time.

4. PREDICTED NOISE LEVELS

From the work conducted in the original report² the main noise sources were the use of an angle grinder and impactive noise associated with hitting / dropping metal pieces. As such these two source are assessed, the angle grinder as a continuous noise, and the impactive noise as an instantaneous noise.

The determined sound power of these two sources was:

Angle grinder 118 dBA L_{max}, 114 dBA L_{eq}

Metal Impact 128 dBA L_{max}

In both cases a conservative approach has been taken to use the higher of the measured levels in determining these values. The spectra for both sources are dominated by the content between the 500 and 3150 Hz one third octave bands, ie. mid to high frequency.

To predict noise levels the sources were placed internally near the south wall of the shed and the shed doors (north wall), assumed open. At mid to high frequencies the directivity of the shed walls will be strong and hence it is the noise passing through the south wall that is critical. The wall is assumed 0.6mm colour bond sheeting.

The predicted noise levels at the boundary, assuming continuous operation of the angle grinder are as listed in the Table 2 below for the two cases of a 1.5m fence and 2.4m high fence.

TABLE 2: PREDICTED BOUNDARY NOISE LEVELS

Noise Metric	Source	Fence Height		Criteria, dBA
		1.5 m	2.4 m	
Continuous, L _{eq}	Angle grinder	51	40	Day 55 Night 40
	Angle grinder	55	44	65
Impactive, L _{max}	Metal Impact	65	54	65

5. ASSESSMENT

Table 2 compares the predicted noise levels at the boundary between 361 Redwood Drive and the AAD from use of the fabrication shed at AAD. The table shows that day time noise levels meet the criteria for both fence heights, but only the higher fence meets the night time criteria. If night time use of the AAD shed is to be assumed, then a 2.4m boundary fence is required.

For 24 hour operation of the AAD shed, clauses 23.3.2.A1 and E9.7.2.P1 of the Scheme are met if a 2.4m boundary fence is constructed to 361 Redwood Drive. The fence should be of solid construction (surface mass at least 15 kg/m²), and have no gaps.

Should you have any queries, please do not hesitate to contact me directly.

Kind regards,



Bill Butler

Matlab

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ANNEXURE PAGE

PAGE 1 OF 5 PAGES

Vol. XX Fol. Y

**AGREEMENT UNDER PART 5
LAND USE PLANNING AND APPROVALS ACT 1993**

This **Agreement** is made on the _____ day of _____ 20____

BETWEEN: ON HORIZONS PTY LTD
of _____ in Tasmania ("the Owner")

-and-

KINGBOROUGH COUNCIL
of 15 Channel Highway Kingston in Tasmania ("the Council")

TERMS OF AGREEMENT

1. OBJECTIVES

- (a) This **Agreement** is entered into pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993*.
- (b) The purpose of the **Agreement** is to ensure that future development of the **Land** provides measures to ensure that noise emissions from the **Adjacent Land** operated as the Australian Antarctic Division Headquarters do not result in **Environmental Nuisance or Serious or Material Environmental Harm** within the boundaries of the **Land** as a consequence of the **Land** being made available for residential use and associated development.
- (c) It is the intention of both parties to the **Agreement** that it will have the effect of binding all future owners as well as the current owner of the **Land**. The **Owner's** covenants shall run with the **Land** as if they were covenants to which section 102(2) of the *Land Titles Act 1980* applies.
- (d) This **Agreement** is to be registered pursuant to section 78 of the *Land Use Planning and Approvals Act 1993*.

2. LAND

This **Agreement** applies to the **Land**, being:

The whole of the land comprised in Folio of the Register Volume 171047 Folio 96 and known as 361 Redwood Road in the Municipality of Kingborough in Tasmania comprising 4542m² [information taken from title, to be confirmed]

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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PAGE 2 OF 5 PAGES

Vol. XX Fol. Y

3. DEFINITIONS AND INTERPRETATIONS

3.1 In this agreement unless the contrary intention appears:

- (a) **“Adjacent Land”** means the whole of the land comprised in Folio of the Register Volume 135843 Folio 2 and known as 203 Channel Highway in the Municipality of Kingborough in Tasmania.
- (b) **“Agreement”** means this instrument including any schedules, attachments and annexures;
- (c) **“Council”** means Kingborough Council;
- (d) **“Environmental Nuisance”** means the emission of noise that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment
- (e) **“General Manager”** means the General Manager for the time being of Kingborough Council and his/her successors in office;
- (f) **“Land”** means the land described in clause 2 of this Agreement;
- (g) **“Owner”** means the person or persons named at the beginning of this Agreement as “the Owner” and includes any successors or assignees of that person;
- (h) **“Serious or Material Environmental Harm”** means an adverse effect on the environment (of whatever degree or duration) caused by the emission of noise and including an environmental nuisance in the circumstances as defined in s.5(2) of the *Environmental Management and Pollution Control Act 1994* to constitute either serious environmental harm or material environmental harm;

3.2 Nothing contained herein should be taken to mean or imply that planning approval or any other approval has been or will be granted for activities which require such approval;

4. GENERAL COVENANTS

The Owner hereby covenants with the Council as follows:

- (a) Not to develop habitable buildings on the land without first installing an acoustic barrier fence along the length of the boundary between the Land and the Adjacent Land as marked “Acoustic Barrier” on the plan annexed to this Agreement and marked “Annexure A”. The acoustic barrier fence must meet the following minimum requirements:
 - (i) Height: 2.4m
 - (ii) Solid construction (surface mass at least 15kg/m²) and have no gaps

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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ANNEXURE PAGE

PAGE 3 OF 5 PAGES

Vol. XX Fol. Y

The acoustic barrier fence is to be designed by a suitably qualified acoustic consultant and be certified by a suitably qualified acoustic consultant subsequent to installation to the effect that the acoustic barrier fence has been installed in accordance with the design.

- (b) Maintain in good serviceable condition the acoustic barrier fence constructed in accordance with 4(a) above at no cost to the **Council**.

5. DISPUTE

- (a) If any dispute arises with respect to the provisions of this **Agreement** the parties must make all reasonable endeavours to settle the matter in dispute within 28 days.
- (b) Any notice, demand or other communication between the parties must be made in writing and be served by hand delivery, post or electronic transmission to the recipient.
- (c) If a dispute cannot be settled within 28 days (or such other period as the parties agree) of one party serving a notice of that dispute in accordance with Clause 6(b), the dispute must be determined under the provisions of the *Commercial Arbitration Act 1986*.

6. SEVERANCE

If any provision of this **Agreement** or its application to any person or circumstance is or becomes invalid, illegal or unenforceable, then so far as possible, the provision will be read down to the extent necessary to ensure that it is not illegal, invalid or unenforceable. If any provision or part of it cannot be so read down, then the provision or part of it will be taken to be void and severable and the remaining provisions of this **Agreement** will not be affected or impaired in any way.

7. REGISTRATION

- (a) The **Agreement** is to be registered on the folio of the Register for the **Land**.
- (b) The **Agreement** shall be binding upon the **Owner**.
- (c) The **Owner** agrees to pay all costs associated with the stamping and registration of the **Agreement**.

EXECUTED by ON HORIZONS PTY LTD (ABN 31 119 989 794)
in accordance with section 127 of the Corporations Act 2001 -

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PAGE 4 OF 5 PAGES

Vol. XX Fol. Y

Director (Signature):

Director (Print Full Name):

Director/Secretary (Signature):

Director/Secretary (Print Full Name):

THE COMMON SEAL of the Kingborough Council
has been hereunto affixed pursuant to a resolution of
the said Council passed theday
of.....in the presence of us:

Mayor/Councillor:.....

Council Delegate:.....

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

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ANNEXURE PAGE

PAGE 5 OF 5 PAGES

Vol. XX Fol. Y

Annexure A
Plan

[insert plan showing location of acoustic barrier fence]

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SUBMISSION TO HEARING BEFORE KINGBOROUGH COUNCIL, 1 JUNE 2020

NEIL SHEPHARD on behalf of ON HORIZONS PTY LTD

(Re: SPA-2018-11 – 361 REDWOOD ROAD, KINGSTON – PETITION TO AMEND SEALED PLAN 171047 TO REMOVE RESTRICTIVE COVENANT)

At our request your officers agreed to defer further consideration of the Petition pending our provision of:

- A signed statement from the owner/developer of the original subdivision attesting to the discussions with AAD and their subsequent decision not to follow through with the purchase of 361 Redwood Road.
- Additional information in respect of activities in the AAD rear yard;
- A further, more detailed report assessing the noise associated with the activities in the AAD rear yard; and
- Potential means of mitigating any impacts on residential development at 361 Redwood Road.

We are very grateful for that opportunity and would like to thank Council and its officers for their patience whilst we have attended to these tasks.

(Evidence of AAD's intention to purchase)

Firstly, we have provided a signed statement from the owner and developer of the original subdivision regarding the understanding that AAD would purchase 361 Redwood Road; followed by AAD's advice that they no longer wished to proceed with the purchase.

The statement is in response to Council's query as to the evidential basis that AAD first sought to purchase the land and then withdrew.

It also attests to the fact that the conditions regarding the creation of the lot and the restrictive covenant were NOT imposed by Council - rather that they were imposed at the request of the applicant as part of the discussions with AAD.

Secondly - Evidence of nuisance

We should recognise that the overall subdivision that provided for the extension of Redwood Road has brought a large number of new residents closer to the AAD land than ever before.

AAD use the rear yard mainly for storage of large equipment, vehicles and containers. It also includes a large installation of solar panels and a workshop shed. The shed is the source of potential noise generation through metal and mechanical works.

At its closest it is approximately 40m from the boundary of 361 Redwood Road and approximately 90m from the nearest existing dwelling at 358 Redwood Road.

Following enquiry, it is our understanding that there have been no complaints made by residents of Redwood Road in respect of the activities in the AAD rear yard, ie there is no evidence of any nuisance. This is contrary to the expectation expressed at the time of the subdivision application, that a land use conflict would be created between the proposed residential development and the activities in the AAD rear yard. That conflict has simply not occurred.

Thirdly - Noise assessment

We have sought a more detailed assessment of the noise impact arising from activities in the AAD rear yard, and provided that to Council officers.

The acoustic report presents a more detailed assessment that includes the criteria specified in the Planning Scheme, on-site measurements, and more thorough noise predictions.

The assessment found that noise in the daytime was completely controlled by traffic on Algona Road. Saunders & Ward's nearby engineering operation at Patriarch Drive was only briefly audible on one occasion due to a reversing beacon, and AAD was at no time audible.

The acoustic report concludes that the relevant standards for residential amenity with regard to operation within the adjoining Commercial Zoning of the AAD site, can be met by constructing an acoustic fence on the respective boundary of 361 Redwood Road. A 1.5m high fence would meet the standards for day time, whilst a 2.4m high fence would meet the standards for night time. If night time use of the AAD workshop shed is to be assumed, then a 2.4m boundary fence is required, that is:

For 24-hour operation of the relevant AAD workshop shed, the respective standards of the Planning Scheme are met if a 2.4m high boundary fence is constructed at 361 Redwood Drive. The fence should be of solid construction (surface mass at least 15 kg/m²), and have no gaps.

This fence will have the added advantage of visually screening AAD activities from future residents at 361 Redwood Road.

Fourthly – a Part 5 Agreement

To ensure compliance and provide further certainty to AAD and Council, it is proposed to register an agreement pursuant to Part 5 of the *Land Use Planning & Approvals Act 1993* on the title of 361 Redwood Road, to ensure the construction of a suitable acoustic and visual barrier along the respective boundary with AAD.

A draft Part 5 Agreement has been provided to Council.

Fifthly - Traffic issues

Traffic issues have been raised previously by representors and elected members. Our impression was that those issues did not appear to be resolved at the last hearing.

We have previously provided expert advice from a Traffic Engineering Consultant Midson Traffic indicating that Redwood Road is adequate for both current traffic conditions, and those that would arise from development of 361 Redwood Road. Indeed, these findings simply confirm Council's own assessment when it considered the subdivision in 2013.

Notwithstanding this, we have respectfully requested that Council seek the opinion of its own current Traffic engineer to ensure that the matters raised are addressed to Council's satisfaction. Our expectation is that Council would seek the advice of its own officers in any event.

Lastly – the removal of trees

We do not seek to remove the first part of the covenant that prevents the removal of trees without Council consent. We only seek to remove the second part that currently prohibits a habitable building or any other structure.

So, in conclusion a summary of the changes in circumstances are:

- That the anticipated land use conflict has not eventuated;
- That there is no record of complaints; and
- That AAD have not followed through with their undertaking to purchase the land.

And I would remind you that this land is zoned General Residential. It is not, and has never been Public OpenSpace.

Having provided this additional information, we now seek Council's determination of the Petition to Amend.

We have available various experts who can respond to any questions you have in respect of any legal, planning, surveying, acoustic and traffic concerns you might have, and I invite you to please take advantage of that opportunity.

Thank you.

Neil Shephard

Neil Shephard BA, MTCP(Syd), MPIA(Fellow), CPP

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16.2 LEGISLATIVE COUNCIL INQUIRY - TASWATER

File Number: 13.177

Author: Gary Arnold, General Manager

Strategic Plan Reference

Key Priority Area: 2 Deliver quality infrastructure and services.

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

1. PURPOSE

- 1.1 The purpose of this report is to enable Council to consider making a submission to the Legislative Council Inquiry into the operations of TasWater.

2. BACKGROUND

- 2.1 The Legislative Council is holding an Inquiry into the operations of TasWater.
- 2.2 Submissions into the Inquiry are due by 4 September 2020.
- 2.3 Advice has been received from the Local Government Association of Tasmania (LGAT) indicating that they are intending to lodge a submission to the Inquiry.
- 2.4 LGAT is seeking feedback for their intended submission by close of business 27 August 2020.

3. STATUTORY REQUIREMENTS

- 3.1 TasWater was created in accordance with the Water and Sewerage Corporation Act 2012.
- 3.2 In 2018 twenty eight of the twenty nine Owner Councils resolved to sign a Memorandum of Understanding (MOU) allowing the State Government to become a joint owner of TasWater. Kingborough Council did not support the proposal (Minute C610/20-18 refers).
- 3.3 The Water and Sewerage Corporation Amendment Bill 2018 was introduced following that decision.

4. DISCUSSION

- 4.1 The Legislative Council is holding an Inquiry into the operations of TasWater with particular reference to:
 - (1) the impact of compliance with regulated bodies;
 - (2) operations in regard to the impact on business required to comply with Trade Waste regulations;
 - (3) the opportunity for re-use water expansion for irrigation;

- (4) the management of sewage treatment including the disposal of the treated biosolids;
 - (5) the effect of TasWater's dividend policy on Local Government revenue;
 - (6) the delivery and timeliness of water services to Tasmanian communities;
 - (7) the effectiveness of business operations since the State Government became a shareholder in early 2019;
 - (8) the impact of COVID-19 on business operations; and
 - (9) any other matters incidental thereto.
- 4.2 It is suggested that items (5), (7) and (8) of the Legislative Council terms of reference are of particular interest to Council.
- 4.3 Until the TasWater Board decision in August 2016 to reduce Owner Councils' annual distribution cap from \$30million to \$20 million for seven years from July 2018 Council received an annual dividend of \$1.8million.
- 4.4 Financial modelling by TasWater in 2018 in the lead up to the vote on the MOU with the State Government showed dividend distributions of \$20million through to FY 2025/26 and indexed to tariff adjustments (increasing) from FY 2026/27.
- 4.5 Since 1 July 2018 Council has therefore expected to receive an annual dividend of \$1.24million.
- 4.6 The value of Council's equity in TasWater at the time the MOU was signed in 2018 was circa \$93million so the annual dividend represents a meagre 1.3% return on equity.
- 4.7 Like all Councils in Tasmania this expectation of dividend has been factored into our Long Term Financial Plan (LTFP).
- 4.8 On 29 April 2020 the TasWater Board determined that TasWater was not in a position to distribute the balance of the FY2019/20 scheduled dividend payments (\$10M) to the 29 Owner Councils.
- 4.9 The potential for Owner Councils to receive a dividend this financial year is still unknown but unlikely.
- 4.10 Lack of certainty about TasWater dividends brings into question the accuracy of Council's LTFP and also TasWater's Long Term Strategic Plan 2018-37 and Corporate Plan 2020-24.
- 4.11 On 3 February 2020 (pre COVID-19 lockdown) TasWater provided the Owner Councils with the draft Corporate Plan 2021-25 and advised that "consistent with last year, the Financial Forecast sections of the Plan have not yet been updated".
- 4.12 In the two years since the signing of the MOU with the State Government, TasWater have been unable to provide Owner Councils with a copy of a draft budget/financials, or financial forecast, prior to approval of the annual corporate plan.
- 4.13 This inability to provide a draft budget or financial forecast in a timely manner is not good governance.

- 4.14 On 26 March 2020 the TasWater Board agreed to the State Government's request to provide short term relief to eligible small to medium business enterprises (SME) for the fourth quarter of FY2019/20 and introduce a price freeze for FY 20/21.
- 4.15 On 9 June 2020 in response to questioning from Owner Councils the TasWater Chair advised that "In effect, had the TasWater Board not acceded to the State Government's request that we support the initiative to provide short term relief to the SME sector, or to freeze regulated prices, it would have been within the Treasurer's power to mandate those outcomes".
- 4.16 TasWater estimate that the cost of the two measures is a revenue loss in excess of \$22million.
- 4.17 Prior to the signing of the MOU with the State Government the TasWater financial modelling for the twenty year period FY2016/36 showed that lowest interest cover ratio expected in any year was 1.89.
- 4.18 The Essential Services Commission (ESC) of Victoria considers interest cover ratio to be the best measure of a water utility's financial viability.
- 4.19 TasWater's Long Term Strategic Plan (LTSP) 2018-2037 advises that "we use the capacity to service our debt, reflected in our interest cover ratio, as the primary consideration of the appropriateness of the size of our debt portfolio".
- 4.20 TasWater's (LTSP) 2018-2037 advises "we have established a target interest cover ratio of greater than 2.0 times". Further, that "over the 20 year duration of the LTSP, our interest cover ratio varies between 1.9 and 3.3 with an average ratio of 2.3 over the period".
- 4.21 On 9 June 2020 the TasWater Board Chair advised that scenario 2 was used "as the base case for assessing the impact on the business of COVID-19". Under scenario 2 TasWater anticipate borrowings to reach \$775million in FY2020/21 and the interest cover ratio will drop to 0.43.

5. FINANCE

- 5.1 Until the TasWater Board decision in August 2016 to reduce Owner Councils' annual distribution cap from \$30million to \$20 million for seven years from July 2018 Council received an annual dividend of \$1.8million.
- 5.2 Since 1 July 2018 Council has expected to receive an annual dividend of \$1.24million. This expectation has been factored into Council's LTFP.

6. ENVIRONMENT

- 6.1 The TasWater accelerated infrastructure program provided for in the MOU with the State Government will deliver improved environmental outcomes.

7. COMMUNICATION AND CONSULTATION

- 7.1 Council's decision will be conveyed to LGAT and the Legislative Council.

8. RISK

- 8.1 Lack of clarity around annual dividend distribution places Council's LTFP at risk of being inaccurate.

9. CONCLUSION

- 9.1 Continuing uncertainty about the potential for a dividend distribution from TasWater brings into question the accuracy of Council's LTFP.

10. RECOMMENDATION

That Council resolve to provide a copy of this report to LGAT and put a submission to the Legislative Council Inquiry into the operations of TasWater as generally outlined in this report.

ATTACHMENTS

Nil

Public Copy

16.3 PETITION - ROAD SAFETY IN CONINGHAM AND LOWER SNUG**File Number:** 12.21**Author:** Renai Clark, Roads & Stormwater Engineer**Authoriser:** David Reeve, Executive Manager Engineering Services**Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.2 Infrastructure development and service delivery are underpinned by strategic planning to cater for the needs of a growing population.

1. PURPOSE

- 1.1 The report is in response to a petition requesting Council to assess community safety issues and implement appropriate road safety measures such as warning signage, traffic calming, localised road widening and establish clear parking zones in the Coningham and Lower Snug localities.

2. BACKGROUND

- 2.1 A petition containing 40 signatures was tabled at the 27 July 2020 meeting of Council. The petitioner's statement is:

The Coningham and Lower Snug Community Association (CALSCA) and the undersigned request that Council be more proactive in assessing our community safety issues and the implementation of appropriate measures (in consultation with CALSCA and residents) such as: warning signage (eg Shared Use, Wildlife, speed limit painted on roads), traffic calming (eg speed humps and appropriate signage), widen roads (where road and verges are narrow) and establish clear parking zones (as parking is a particular problem during the summer beach season).

3. STATUTORY REQUIREMENTS

- 3.1 The petition meets the requirements of Section 57 of the *Local Government Act 1993* and Council is therefore required to determine any action to be taken in respect to the subject of the petition.

4. DISCUSSION

- 4.1 The petition notes that residents of Coningham and Lower Snug are increasingly concerned about road safety such as speeding and increased traffic volumes endangering locals, visitors, pedestrians, cyclists (including children) and wildlife specifically on Old Station Road, Davies Road and Coningham Road which are the main access roads to the area.
- 4.2 The entire Coningham and Lower Snug road network is within an area speed zone of 40 km/h. Most of the road network is sealed but of a rural nature having gravel shoulders and no footpaths. Pedestrians walk on the shoulder or the road surface where the width of the shoulder is insufficient.
- 4.3 There have been no reported crashes on Davies Road or Coningham Road in the last five years. There have been two reported crashes on Old Station Road in the last five

years, both in 2015. One involved a light goods vehicle which missed the bend at the western end of the seawall at night. Inattentiveness was listed as the crash factor and resulted in property damage only. The other crash was a head on at the bend near the jetty and was reported by the public after the event. It was listed as property damage only.

- 4.4 The low crash history suggests that there are no obvious road safety issues on the Coningham and Lower Snug road network. Notwithstanding Council implemented improved delineation at the Old Station Road bend near the jetty, and another sharp bend on Coningham Road in 2017 to assist motorists keep left as they negotiate these bends.
- 4.5 The petition further notes that the Coningham and Lower Snug community has transitioned from a shack community, visited primarily on weekends and over summer, to a residential community with many families having children who use these roads for cycling. The community would like to see improved safety measures implemented as has been undertaken in similar areas such as Clifton Beach, Cremorne and Hawley Beach.
- 4.6 An investigation of the areas referred to at Clifton Beach, Cremorne and Hawley Beach indicates that traffic calming was achieved through the use of speed humps at regular intervals along the primary foreshore roads. While speed humps can be an effective deterrent to speeding they do have a lot of disadvantages such as:
 - Delayed response times of emergency vehicles, particularly when used at regular intervals along a long segment of road.
 - Increased noise levels to residents living in close proximity of a hump due to rapid deceleration and braking, suspension noise and rapid acceleration.
 - Increased wear and tear on local residents' vehicles which may need to travel the road a number of times a day.
 - On roads without kerb and channel motorists try to go around the humps driving the vehicles in the road shoulder.
 - Painful to drivers and passengers with certain injuries or disabilities.
 - Dangerous if traversed at high speed, particularly for motorcyclists.
- 4.7 To understand if speeding is an issue traffic counts are planned to be undertaken on Old Station Road, Davies Road and Coningham Road. Should it be determined that a significant number of motorists exceed the speed limit by a large percentage then Council can consider suitable traffic calming options in consultation with CALSCA.
- 4.8 The section of Old Station Road along the seawall was reconstructed in 2012 and alignment and width of the road was determined by a Council decision. Although widening of this section would be cost prohibitive to achieve, some localised widening of the verge can be considered in parts of the section of road. The section of Old Station Road between Channel Highway and the bend at the western end of the seawall was reconstructed in 2017 and has good alignment.
- 4.9 Council has identified a project to undertake road widening and stormwater upgrade along the narrow section of Davies Road between Channel Highway and Needlewood Road in the 5-year capital works program.

- 4.10 Much of Coningham Road is considered to have sufficient width for the traffic volumes it carries. However Council will inspect to identify if there are localised sections that may benefit from widening and the feasibility of such.
- 4.11 Council will undertake an audit of the existing signage within the Coningham and Lower Snug road network to ensure all necessary warning/advisory and speed signage meets Australian Standards and is in good condition and clearly visible.
- 4.12 It is noted that residents have installed their own signage on Coningham Road advising motorists slow down due to children riding bicycles. While the intention of the sign is appreciated, road signage must be in accordance with Australian Standards. Council will consider appropriate additional warning/advisory signage to alert motorists of the presence of pedestrians and cyclists.
- 4.13 While wildlife signage is used extensively throughout Tasmania, Parks and Wildlife Service has indicated that the effectiveness of signage has been unable to be ascertained in Tasmania. It has been shown by trials undertaken in other states that conventional wildlife signage does not have any impact on reducing roadkill. Warning signage relies on the motorist having the courtesy to reduce their speed to a level below the posted limit. However, most motorists are focused on getting from point A to point B as soon as they possibly can.
- 4.14 Wildlife activity is high throughout the whole of Tasmania. The large majority of local motorists in Tasmania would be acutely aware of the likely presence of animals on the roadside. Given the rural nature of Coningham and Lower Snug the provision of wildlife warning signage is likely to be an ineffective solution. Notwithstanding Council can consider appropriate wildlife warning signage at identified hotspot locations in consultation with CALSCA.
- 4.15 Council is aware of the large influx of people and vehicles to the Coningham beaches during hot weather which is causing parking issues in the area. Residents, particularly in Stubbings Street, have had occasions where access has been blocked due to large volumes of cars parking in the street. Council implemented parking restrictions in Stubbings Street in 2019 to better manage parked cars. Council can consider further parking controls at identified locations in consultation with CALSCA.

5. FINANCE

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

6. ENVIRONMENT

- 6.1 There are no environmental implications associated with this matter.

7. COMMUNICATION AND CONSULTATION

- 7.1 Council officers will consult with CALSCA regarding the findings of the traffic assessment as described in this report and advise if there are sufficient warrants for future traffic calming options or road widening.
- 7.2 Council officers will consult with CALSCA regarding existing signage and any additional signage that may be warranted that may encourage slower speeds and alert motorists to the likely presence of pedestrians, cyclists and wildlife.

8. RISK

- 8.1 There is a risk of a negative public reaction if Council does not agree with the petitioners.

9. CONCLUSION

- 9.1 Further investigation is required to assess current traffic volumes and speeds and road alignment/geometry within the Coningham and Lower Snug area.
- 9.2 An audit is required of existing signage on the Coningham and Lower Snug road network to ensure all necessary warning/advisory and speed signage meets Australian Standards and is in good condition and clearly visible.
- 9.3 Consultation is required with CALSCA to identify wildlife hotspots to consider if wildlife signage may be an effective measure to reduce road kill.
- 9.4 Consultation is required with CALSCA to identify the locations where parking controls may be necessary.
- 9.5 Should major works be deemed appropriate such as a significant traffic calming project a bid will need to be submitted for consideration within Council's five year capital works plan.

10. RECOMMENDATION

That Council officers undertake further investigation and consultation with CALSCA to consider options to mitigate the road safety concerns of the petitioners.

ATTACHMENTS

Nil

16.4 KINGBOROUGH WASTE SERVICES - APPOINTMENT OF NEW DIRECTOR**File Number:** 45.3**Author:** Tony Ferrier, Deputy General Manager**Authoriser:** Gary Arnold, General Manager**Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.

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

1. PURPOSE

- 1.1 The purpose of this report is to consider the appointment of a new Director on the Board of Kingborough Waste Services Pty Ltd (KWS).

2. BACKGROUND

- 2.1 In 2011 Council appointed an independent Board to manage the operations of KWS.
- 2.2 The Board currently consists of Ms Debra Mackeen as the Independent Non-Executive Director/Chairman, Mr Bob Calvert as the other Independent Non-Executive Director, and Deputy General Manager Tony Ferrier and Executive Manager Engineering Services David Reeve as the two Council-appointed Non-Executive Directors.

3. STATUTORY REQUIREMENTS

- 3.1 The *Local Government Act 1993* at Section 21 outlines the Enterprise Powers of a Council. KWS was established in accordance with this provision of the *Act*. The determination of appointment of Directors to KWS is solely at the discretion of Council. Council is the only shareholder in the Unit Trust.

4. DISCUSSION

- 4.1 Mr Ferrier is retiring from Council at the end of 2020 and therefore will also be resigning from his position as an internal Council-appointed Non-Executive Director. This resignation is to take effect as from 31st October 2020.
- 4.2 It is proposed that Tim Jones, Council's Manager Finance, be appointed as the Director. Mr Jones normally attends KWS Board meetings in order to present the financial reports and is very familiar with the day-to-day operations of the KWS Board.
- 4.3 The term of this appointment is indefinite as has been the case with previous internal Council appointees. There is no additional remuneration involved and the costs to Council (in regard to the officer's time) are accommodated within the Corporate Services Overhead charge that KWS pays.
- 4.4 The KWS Board is a "working" Board where all Directors are actively involved in the KWS business. Mr Jones will be able to bring financial expertise and a sound understanding of administrative requirements. Part of his duties will include the role of Company Secretary (as Mr Ferrier was before him).

5. FINANCE

- 5.1 There are no financial implications for this appointment, as the KWS budget already accommodates all Board expenses.

6. ENVIRONMENT

- 6.1 There are no environmental issues to be considered.

7. COMMUNICATION AND CONSULTATION

- 7.1 There are no requirements in the KWS Constitution for Council to consult on internal Board appointments.

8. RISK

- 8.1 No risks have been identified in this proposed appointment.

9. CONCLUSION

- 9.1 The appointment of the position of a Non-Executive Director on the KWS Board is to be made by Council as the sole shareholder of the company. With the upcoming resignation of one of the Council-appointed Non-Executive Directors it is necessary that a replacement be arranged.

10. RECOMMENDATION

That Council:

- (a) accepts the resignation of Mr Tony Ferrier from his existing position as an internal Council appointed non-executive Director of Kingborough Waste Services Pty Ltd, as at 31st October 2020; and
- (b) appoints Mr Tim Jones as the replacement Council appointed Non-Executive Director of Kingborough Waste Services Pty Ltd, with his term to commence on 1st November 2020.

ATTACHMENTS

Nil

16.5 FINANCIAL REPORT - JULY 2020**File Number: 10.47****Author: John Breen, Chief Financial Officer****Authoriser: Gary Arnold, General Manager****Strategic Plan Reference**

Key Priority Area: 2 Deliver quality infrastructure and services.

Strategic Outcome: 2.4 The organisation has a corporate culture that delivers quality customer service, encourages innovation and has high standards of accountability.

1. PURPOSE

- 1.1 The purpose of this report is to provide the July 2020 financial report information to Council for review.

2. BACKGROUND

- 2.1 The attached report has been prepared based on current information with estimates being used where information is not available.
- 2.2 In the 2020/21 operational budget, Council made an allowance of \$500k for potential loss of rates revenue under the hardship policy to cover the waiving of commercial rates. This \$500k has been moved from the rates revenue account as we access the applications for rates relief. Early indications are that the entire amount will not be required to cover potential applications for a commercial rates waiver.

3. STATUTORY REQUIREMENTS

- 3.1 There are no specific requirements under the Local Government Act in regards to financial reporting, however best practice would indicate that a monthly financial report is required to enable adequate governance of financial information.

4. DISCUSSION

- 4.1 The Summary Operating Statement contains several variances to the original budget. The following are the major variances and explanations:
- Rates are \$78k over budget, with the general rate being \$43k over and the garbage rate being \$36k over budget of which \$14k relates to recycling and \$28k relating to garbage collection. The green waste collection was \$6k under budget and the stormwater charge was \$1k under budget.
 - Grants Recurrent were \$235k under budget and this is the grant income carried forward from 2019/20 under the new accounting standards. This income will be matched with expenditure in 2020/21.
 - Employee costs are \$45k over budget primarily due to a timing difference in regards to workers compensation insurance payments as well as an ongoing trend of staff not taking normal accrued leave due to travel restrictions associated with the pandemic.

- Materials and Services costs are \$106k under budget due primarily to Infrastructure Services being well under budget because of timing differences between budget and expenditure.
- Other Expenses is \$126k under budget due to timing differences in regards to expenditure for tourism, subscriptions, rate remissions and advertising costs.
- Grants Capital is over budget by \$541k due to grant expenditure being carried forward from 2019/20, predominately for funds under the level the playing field funding and the Bruny Island visitor economy road package.

5. FINANCE

- 5.1 Councils Underlying Result for July 2020 is \$536k over budget due primarily to the \$234k in recurrent grants that will be spent through 2020/21 and expenditure amounts coming in under budget.

6. ENVIRONMENT

- 6.1 There are no environmental issues associated with this matter.

7. COMMUNICATION AND CONSULTATION

- 7.1 The financial results for July 2020 are available for public scrutiny in the Council meeting agenda.

8. RISK

- 8.1 There is a risk in continuing to deliver underlying deficits in regards to diminishing cash reserves. Given the financial impacts of COVID-19, it will be important to plan a move to an underlying surplus as quickly as possible when agreeing on a Long-Term Financial Plan later in the year.

9. CONCLUSION

- 9.1 After the first month of the 2020/21 financial year, Council is on track to deliver a result that is in line with the budget underlying result for the year.

10. RECOMMENDATION

That Council endorses the attached Financial Report as at 30 July 2020.

ATTACHMENTS

Nil



SUMMARISED FINANCIAL REPORT
FOR THE PERIOD
1 JULY 2020
TO
31 JULY 2020

SUBMITTED TO COUNCIL
24 AUGUST 2020

KINGBOROUGH COUNCIL - July 2020

Table of Contents	Page No
Cash Balances	5
Cash, Investments and Borrowings	6
Reserves Balances	7
Budget Reconciliation Notes	8
Comments on Financials	9-10
Summary Operating Statement Total for All Programs	11
Governance Operating Statement	12
Corporate Services Operating Statement	13
Governance & Property Services	14
Community Services Operating Statement	15
Development Services Operating Statement	16
Environmental Services Operating Statement	17
Infrastructure & Services Operating Statement	18

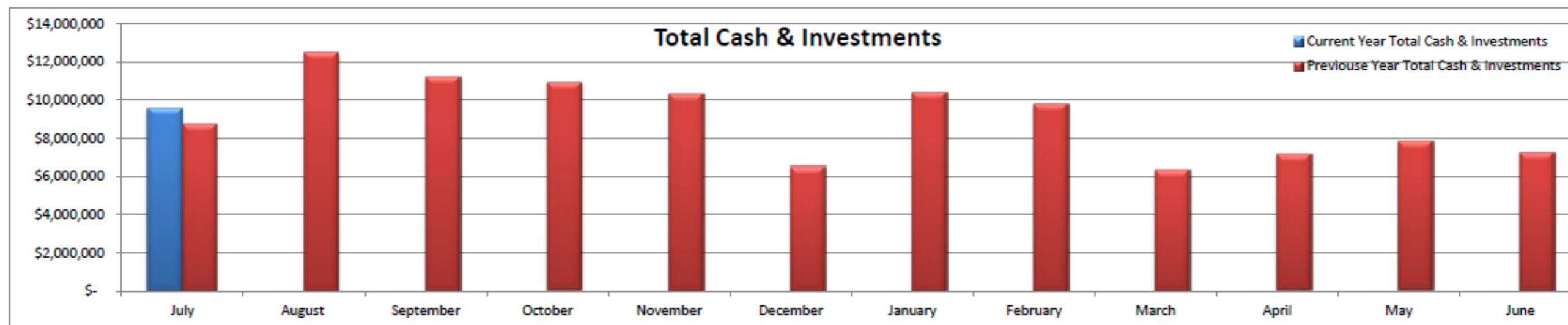
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KINGBOROUGH COUNCIL - July 2020

CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 3,250,945											
Held in Trust	\$ 1,802,013											
Unexpended Capital Works*	\$ 1,066,905											
Current Year Total Committed Cash	\$ 6,119,863	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Committed Cash	\$ 5,523,339	\$ 6,069,126	\$ 6,587,955	\$ 5,781,848	\$ 5,820,136	\$ 6,131,552	\$ 6,735,676	\$ 6,725,448	\$ 7,895,880	\$ 8,280,013	\$ 8,750,640	\$ 7,834,701
Uncommitted Funds	\$ 3,431,422	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash	\$ 9,551,285	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Total Cash	\$ 8,748,966	\$ 12,462,886	\$ 11,233,991	\$ 10,881,382	\$ 10,331,974	\$ 6,531,427	\$ 10,363,006	\$ 9,763,022	\$ 6,359,508	\$ 7,127,260	\$ 7,838,684	\$ 7,258,413

*Unexpended Capital Works excludes Kingston Park expenditure



KINGBOROUGH COUNCIL - July 2020

CASH, INVESTMENTS & BORROWINGS

CASH ACCOUNTS	Interest Rate	Maturity Date	July	August	September	October	November	December	January	February	March	April	May	June
CBA - Overdraft Account			\$777,862											
CBA - Applications Account			\$1,100											
CBA - AR Account			\$3,963											
CBA – Business Online Saver			\$5,550,347											
Total Cash			\$ 6,333,272	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
INVESTMENTS														
Mystate 3	1.10%	23-Sep-20	\$2,008,318											
Tascorp HT	0.25%	Managed Trust	\$115,028											
Tascorp Cash Indexed	0.03%	Managed Trust	\$1,094,666											
Total Investments			\$ 3,218,013	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash & Investments			\$ 9,551,285	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Year Cash & Investments			\$ 9,743,106	\$ 13,808,412	\$ 11,167,314	\$ 12,921,950	\$ 11,883,483	\$ 7,961,253	\$ 10,253,798	\$ 9,279,437	\$ 8,099,011	\$ 7,751,676	\$ 6,898,269	\$ 7,587,489
Borrowings														
Tascorp (Grant Funded)	3.43%	22-Jun-23	\$2,700,000											
Tascorp	3.47%	11-Oct-23	\$2,800,000											
Tascorp (Grant Funded)	2.13%	27-Jun-24	\$2,400,000											
Tascorp (Grant Funded)	1.99%	21-Jan-25	\$2,100,000											
Tascorp	1.32%	16-Jun-23	\$2,900,000											
			\$ 12,900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

KINGBOROUGH COUNCIL - July 2020

RESERVES

Accounts	July	August	September	October	November	December	January	February	March	April	May	June
Boronia Hill Reserve	\$ 10,733											
Car Parking	\$ 46,248											
Hall Equipment Replacement	\$ 69,033											
IT Equipment Replacement	\$ 3,618											
KSC Equipment Replacement	\$ 112,333											
Office Equipment Replacement	\$ 72,226											
Plant & Equipment Replacement	\$ 478,792											
Public Open Space	\$ 893,213											
Tree Preservation Reserve	\$ 783,719											
Unexpended Grants	\$ 781,030											
Current Year Total Reserves	\$ 3,250,945	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Previous Years Total Reserves	\$ 2,875,169	\$ 2,892,209	\$ 2,898,384	\$ 2,901,884	\$ 2,912,137	\$ 3,007,969	\$ 3,010,219	\$ 3,010,219	\$ 3,164,694	\$ 3,172,020	\$ 3,172,020	\$ 2,827,838

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KINGBOROUGH COUNCIL - July 2020

BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
BUDGET UNDERLYING RESULT	(2,430,864)
Forecast Changes:	
Rate Income	80,000
Grants Recurrent - carried forward from 2019/20.	230,000
Materials & Services - Expenditure of grant funds carried forward	(230,000)
FORECAST UNDERLYING RESULT	(2,350,864)
Adjustments not affecting the Underlying Surplus	
Capital Grants - carried forward from 2019/20	540,000
Net Operating Surplus.	(334,864)

KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	29,423,547	29,345,300	78,247	29,530,000	29,610,000	80,000
Income Levies	1,701,946	1,663,000	38,946	1,663,000	1,663,000	0
Statutory Fees & Fines	253,739	258,260	(4,521)	2,114,200	2,114,200	0
User Fees	86,904	48,320	38,584	1,057,318	1,057,318	0
Grants Recurrent	239,862	5,220	234,642	2,552,600	2,782,600	230,000
Contributions - Cash	26,901	14,760	12,141	177,000	177,000	0
Reimbursements	1,024,272	1,050,000	(25,728)	1,150,000	1,150,000	0
Other Income	43,828	68,930	(25,102)	1,158,400	1,158,400	0
Internal Charges Income	18,333	18,330	3	220,000	220,000	0
Total Income	32,819,332	32,472,120	347,212	39,622,518	39,932,518	310,000
Expenses						
Employee Costs	1,262,261	1,216,810	(45,451)	15,015,518	15,015,518	0
Expenses Levies	0	0	0	1,663,000	1,663,000	0
Loan Interest	8,252	8,170	(82)	98,000	98,000	0
Materials and Services	769,663	875,890	106,227	9,797,084	10,027,084	(230,000)
Other Expenses	1,762,375	1,886,510	124,135	3,830,180	3,830,180	0
Internal Charges Expense	18,333	18,330	(3)	220,000	220,000	0
Total Expenses	3,820,884	4,005,710	184,826	30,623,782	30,853,782	(230,000)
Net Operating Surplus/(Deficit) before:	28,998,448	28,466,410	532,038	8,998,736	9,078,736	80,000
Depreciation	951,010	947,780	(3,230)	11,373,600	11,373,600	0
Loss/(Profit) on Disposal of Assets	(9,235)	0	9,235	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	28,056,673	27,518,630	538,043	(2,774,864)	(2,694,864)	80,000
Interest	4,234	7,830	(3,596)	94,000	94,000	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
NET OPERATING SURPLUS/(DEFICIT)	28,060,907	27,526,460	534,447	(2,430,864)	(2,350,864)	80,000
Grants Capital	541,168	0	541,168	476,000	1,016,000	540,000
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
NET SURPLUS/(DEFICIT)	28,602,075	27,526,460	1,075,615	(954,864)	(334,864)	620,000
Underlying Result						
Grant Received in Advance	0	0	0	0	0	0
UNDERLYING RESULT	28,060,907	27,526,460	534,447	(2,430,864)	(2,350,864)	80,000
TOTAL CASH GENERATED	27,109,898	26,578,680	531,218	8,942,736	9,022,736	(80,000)

KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	24,345,870	24,302,500	43,370	24,450,000	24,450,000	0
Income Levies	1,701,946	1,663,000	38,946	1,663,000	1,663,000	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	6,867	7,080	(213)	85,000	85,000	0
Grants Recurrent	31,722	0	31,722	2,350,000	2,350,000	0
Contributions - Cash	16,651	9,170	7,481	110,000	110,000	0
Reimbursements	1,024,272	1,050,000	(25,728)	1,150,000	1,150,000	0
Other Income	441	250	191	273,000	273,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	27,127,769	27,032,000	95,769	30,081,000	30,081,000	0
Expenses						
Employee Costs	53,496	52,730	(766)	688,140	688,140	0
Expenses Levies	0	0	0	1,663,000	1,663,000	0
Loan Interest	0	0	0	0	0	0
Materials and Services	130,349	83,840	(46,509)	244,000	244,000	0
Other Expenses	1,196,191	1,298,780	102,589	2,121,200	2,121,200	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	1,396,688	1,435,350	38,662	4,716,340	4,716,340	0
Net Operating Surplus/(Deficit) before:	25,731,082	25,596,650	134,432	25,364,660	25,364,660	0
Depreciation	17,872	8,500	(9,372)	102,000	102,000	0
Loss/(Profit) on Disposal of Assets	(9,235)	0	9,235	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	25,722,444	25,588,150	134,294	24,862,660	24,862,660	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	100,000	100,000	0
Investment Copping	0	0	0	150,000	150,000	0
NET OPERATING SURPLUS/(DEFICIT)	25,722,444	25,588,150	134,294	25,112,660	25,112,660	0
Grants Capital	541,168	0	541,168	476,000	476,000	0
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SURPLUS/(DEFICIT)	26,263,612	25,588,150	675,462	26,588,660	26,588,660	0
TOTAL CASH GENERATED	25,704,572	25,579,650	124,922	25,010,660	25,010,660	0

KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement Corporate Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	13,530	25,270	(11,740)	303,200	303,200	0
User Fees	0	0	0	0	0	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	5,768	11,480	(5,712)	137,800	137,800	0
Internal Charges Income	12,500	12,500	0	150,000	150,000	0
Total Income	31,798	49,250	(17,452)	591,000	591,000	0
Expenses						
Employee Costs	224,788	210,070	(14,718)	2,753,110	2,753,110	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	8,252	8,170	(82)	98,000	98,000	0
Materials and Services	169,420	58,560	(110,860)	702,600	702,600	0
Other Expenses	478,251	457,370	(20,881)	981,600	981,600	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	880,711	734,170	(146,541)	4,535,310	4,535,310	0
Net Operating Surplus/(Deficit) before:	(848,913)	(684,920)	(163,993)	(3,944,310)	(3,944,310)	0
Depreciation	5,334	7,700	2,366	173,400	173,400	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(854,247)	(692,620)	(161,627)	(4,117,710)	(4,117,710)	0
Interest	4,234	7,830	(3,596)	94,000	94,000	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(850,013)	(684,790)	(165,223)	(4,023,710)	(4,023,710)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SURPLUS/(DEFICIT)	(850,013)	(684,790)	(165,223)	(4,023,710)	(4,023,710)	0
TOTAL CASH GENERATED	(844,679)	(677,090)	(167,589)	(3,850,310)	(3,850,310)	0

KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement Governance & Property Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	105,683	120,080	(14,397)	456,000	456,000	0
User Fees	8,061	10,190	(2,129)	124,440	124,440	0
Grants Recurrent	78,979	0	78,979	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	0	150	(150)	1,800	1,800	0
Internal Charges Income	0	0	0	0	0	0
Total Income	192,723	130,420	62,303	582,240	582,240	0
Expenses						
Employee Costs	138,402	123,600	(14,802)	1,678,850	1,678,850	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	23,408	33,300	9,892	449,675	449,675	0
Other Expenses	7,895	28,510	20,615	124,400	124,400	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	169,705	185,410	15,705	2,252,925	2,252,925	0
Net Operating Surplus/(Deficit) before:	23,018	(54,990)	78,008	(1,670,685)	(1,670,685)	0
Depreciation	32,376	100	(32,276)	1,200	1,200	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(9,358)	(55,090)	45,732	(1,671,885)	(1,671,885)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(9,358)	(55,090)	45,732	(1,671,885)	(1,671,885)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SURPLUS/(DEFICIT)	(9,358)	(55,090)	45,732	(1,671,885)	(1,671,885)	0
TOTAL CASH GENERATED	23,018	(54,990)	13,456	(1,670,685)	(1,670,685)	0

KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement Community Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	65,810	25,380	40,430	779,878	779,878	0
Grants Recurrent	30,254	0	30,254	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	7,214	8,490	(1,276)	101,900	101,900	0
Internal Charges Income	0	0	0	0	0	0
Total Income	103,278	33,870	69,408	881,778	881,778	0
Expenses						
Employee Costs	102,070	117,290	15,220	1,534,735	1,534,735	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	20,201	42,440	22,239	473,300	473,300	0
Other Expenses	12,960	21,530	8,570	189,400	189,400	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	135,231	181,260	46,029	2,197,435	2,197,435	0
Net Operating Surplus/(Deficit) before:	(31,952)	(147,390)	115,438	(1,315,657)	(1,315,657)	0
Depreciation	50,802	39,160	(11,642)	470,000	470,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(82,754)	(186,550)	103,796	(1,785,657)	(1,785,657)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(82,754)	(186,550)	103,796	(1,785,657)	(1,785,657)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SURPLUS/(DEFICIT)	(82,754)	(186,550)	103,796	(1,785,657)	(1,785,657)	0
TOTAL CASH GENERATED	(31,952)	(147,390)	115,438	(1,315,657)	(1,315,657)	0

KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement Development Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	130,639	106,670	23,969	1,280,000	1,280,000	0
User Fees	0	420	(420)	5,000	5,000	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	913	0	913	0	0	0
Internal Charges Income	0	0	0	0	0	0
Total Income	131,551	107,090	24,461	1,285,000	1,285,000	0
Expenses						
Employee Costs	182,625	189,600	6,975	2,480,750	2,480,750	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	11,162	13,660	2,498	164,000	164,000	0
Other Expenses	(1,728)	11,940	13,668	143,200	143,200	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	192,058	215,200	23,142	2,787,950	2,787,950	0
Net Operating Surplus/(Deficit) before:	(60,507)	(108,110)	47,603	(1,502,950)	(1,502,950)	0
Depreciation	534	660	126	8,000	8,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(61,041)	(108,770)	47,729	(1,510,950)	(1,510,950)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(61,041)	(108,770)	47,729	(1,510,950)	(1,510,950)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SURPLUS/(DEFICIT)	(61,041)	(108,770)	47,729	(1,510,950)	(1,510,950)	0
TOTAL CASH GENERATED	(60,507)	(108,110)	47,603	(1,502,950)	(1,502,950)	0

KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement Environmental Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	0	0	0	0	0	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	3,888	6,240	(2,352)	75,000	75,000	0
User Fees	0	0	0	0	0	0
Grants Recurrent	98,907	5,220	93,687	202,600	202,600	0
Contributions - Cash	10,250	5,170	5,080	62,000	(88,000)	(150,000)
Reimbursements	0	0	0	0	0	0
Other Income	0	1,290	(1,290)	15,500	15,500	0
Internal Charges Income	0	0	0	0	0	0
Total Income	113,044	26,250	86,794	455,100	305,100	(150,000)
Expenses						
Employee Costs	97,542	97,030	(512)	1,273,194	1,273,194	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	11,103	48,780	37,677	585,600	585,600	0
Other Expenses	7,010	9,570	2,560	114,800	114,800	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	125,905	155,380	29,475	1,973,594	1,973,594	0
Net Operating Surplus/(Deficit) before:	(12,860)	(129,130)	116,270	(1,518,494)	(1,668,494)	(150,000)
Depreciation	228	250	22	3,000	3,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(13,089)	(129,380)	116,291	(1,521,494)	(1,671,494)	(150,000)
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	(13,089)	(129,380)	116,291	(1,521,494)	(1,671,494)	(150,000)
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SURPLUS/(DEFICIT)	(13,089)	(129,380)	116,291	(1,521,494)	(1,671,494)	(150,000)
TOTAL CASH GENERATED	(12,860)	(129,130)	116,270	(1,518,494)	(1,668,494)	(150,000)

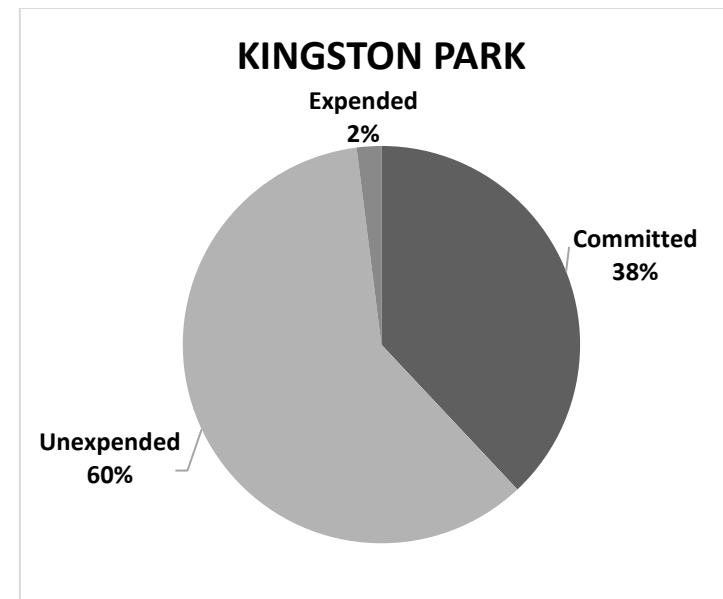
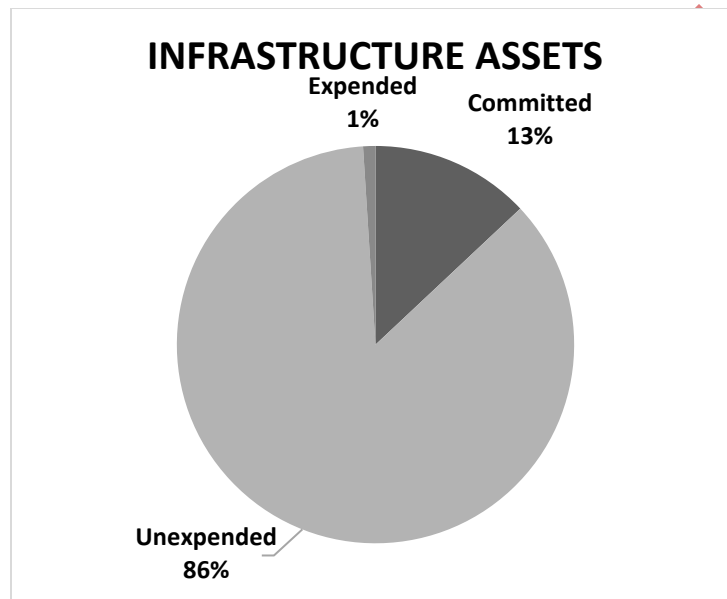
KINGBOROUGH COUNCIL – July 2020

Summary Operating Statement Infrastructure Services

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	5,077,676	5,042,800	34,876	5,080,000	5,080,000	0
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	6,166	5,250	916	63,000	63,000	0
Grants Recurrent	0	0	0	0	0	0
Contributions - Cash	0	420	(420)	5,000	5,000	0
Reimbursements	0	0	0	0	0	0
Other Income	29,493	47,270	(17,777)	628,400	628,400	0
Internal Charges Income	5,833	5,830	3	70,000	70,000	0
Total Income	5,119,168	5,101,570	17,598	5,846,400	5,846,400	0
Expenses						
Employee Costs	463,338	426,490	(36,848)	4,608,739	4,608,739	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	404,022	595,310	191,288	7,177,909	7,177,909	0
Other Expenses	61,795	58,810	(2,985)	155,580	155,580	0
Internal Charges Expense	18,333	18,330	(3)	220,000	220,000	0
Total Expenses	947,488	1,098,940	151,452	12,162,228	12,162,228	0
Net Operating Surplus/(Deficit) before:	4,171,680	4,002,630	169,050	(6,315,828)	(6,315,828)	0
Depreciation	843,864	891,410	47,546	10,697,000	10,697,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	3,327,816	3,111,220	216,596	(17,012,828)	(17,012,828)	0
Interest	0	0	0	0	0	0
Dividends	0	0	0	0	0	0
Share of Profits/(Losses) of Invest. In Assoc	0	0	0	0	0	0
Investment Copping	0	0	0	0	0	0
NET OPERATING SURPLUS/(DEFICIT)	3,327,816	3,111,220	216,596	(17,012,828)	(17,012,828)	0
Grants Capital	0	0	0	0	0	0
Contributions - Non Monetary Assets	0	0	0	0	0	0
Initial Recognition of Infrastructure Assets	0	0	0	0	0	0
NET SURPLUS/(DEFICIT)	3,327,816	3,111,220	216,596	(17,012,828)	(17,012,828)	0
TOTAL CASH GENERATED	2,483,952	2,219,810	264,142	(6,315,828)	(6,315,828)	0

**KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 37/07/2020**

	Budget				Actual			Remaining
	Carry Forward	2020/21	Grants Received	IMG Adjustments	Total	Actual	Commitments	Total
EXPENDITURE BY ASSET TYPE								
Roads	2,314,890	6,685,000	-	-	8,999,890	84,821	1,170,774	1,255,595
Stormwater	1,048,597	1,803,500	-	-	2,852,097	32,133	31,230	63,363
Property	687,343	1,610,000	-	-	2,297,343	47,575	644,769	692,344
Other	320,135	-	-	-	320,135	8,105	6,170	14,275
Sub total	4,370,965	10,098,500	-	-	14,469,465	172,634	1,852,943	2,025,577
Kingston Park	7,561,738	2,000,000	-	-	9,561,738	191,721	3,668,651	3,860,371
Bruny Island Tourism	1,450,731	-	-	-	1,450,731	3,242	1,125	4,367
Grand Total	13,383,434	12,098,500	-	-	25,481,934	367,597	5,522,718	5,890,315



KINGBOROUGH COUNCIL

CAPITAL EXPENDITURE TO 31/07/2020

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2019/20	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
KINGSTON PARK														
1	KP	Overall Project budget	Kingston Park	New	-	2,000,000				2,000,000	-	-	-	2,000,000
2	Open	C00688 KP Boulevard Construction	Kingston Park	New	-	-		-		-	-	-	-	-
3	Open	C00689 KP Pardalote Parade Design & Construction	Kingston Park	New	46,122	-		-		46,122	-	(196)	(196)	46,318
4	Closed	C00690 KP Community Hub Design	Kingston Park	New	52,343	-		-		52,343	-	196	196	52,147
5	Open	C00691 KP Open Space Design (Playstreet)	Kingston Park	New	46,720	-		-		46,720	-	-	-	46,720
6	Closed	C01606 KP Parking Strategy	Kingston Park	New	(2,000)	-		-		(2,000)	-	-	-	(2,000)
7	Open	C03179 KP Temporary Car Park	Kingston Park	New	114,853	-		-		114,853	-	156,343	156,343	(41,490)
8	Open	C01618 Boulevard Construction Stage 1A	Kingston Park	New	320,154	-		-		320,154	-	419,340	419,340	(99,186)
9	Open	C01627 KP Site - Land Release Strategy	Kingston Park	New	53,185	-		-		53,185	6,413	-	6,413	46,772
10	Open	C01628 KP Site - General Expenditure	Kingston Park	New	212,722	-		-		212,722	11,038	898	11,936	200,786
11	Closed	C03068 Operational Expenditure	Kingston Park	New	6,489	-		-		6,489	-	-	-	6,489
12	Open	C03069 KP Community Hub Construction	Kingston Park	New	136,081	-		-		136,081	4,102	164,783	168,885	(32,804)
13	Open	C03175 KP Community Hub Plant & Equipment	Kingston Park	New	-	-		-		-	2,251	5,255	7,507	(7,507)
14	Open	C03173 KP Public Open Space - Playground	Kingston Park	New	3,632,894	-		-		3,632,894	163,300	2,911,541	3,074,841	558,053
15	Open	C03277 KP Public Open Space - Stage 2	Kingston Park	New	2,600,000	-		-		2,600,000	-	-	-	2,600,000
16	Open	C03293 Pardalote Parade Northern Section (TIP)	Kingston Park	New	342,175	-		-		342,175	-	-	-	342,175
17	Open	C03278 KP Perimeter shared footpath	Kingston Park	New	-	-		-		-	-	-	-	-
18	Open	C03174 KP Public Open Space - Hub link to Playground	Kingston Park	New	-	-		-		-	-	-	-	-
19	Open	C03279 KP Boulevard Construction Stage 1B	Kingston Park	New	-	-		-		-	-	-	-	-
20	Open	C03306 KP Road F design and construct	Kingston Park	New	-	-		-		-	1,906	-	1,906	(1,906)
21	Open	C03280 KP Stormwater wetlands	Kingston Park	New	-	-		-		-	2,711	10,490	13,201	(13,201)
22					-	-		-		-	-	-	-	-
23					7,561,738	2,000,000	-	-	-	9,561,738	191,721	3,668,651	3,860,371	5,701,367
24														
25														
26														
27	BI	Bruny Island Tourism Grant	Bruny Tourism	New	150,000			-		150,000	-	-	-	150,000
28	Open	C03282 Alonnah footpath - BI Tourism Grant	Bruny Tourism	New	471,870			-		471,870	2,217	-	2,217	469,653
29	Open	C03283 Dennes Point public toilets - BI Tourism Grant	Bruny Tourism	Upgrade	100,000			-		100,000	1,025	1,125	2,150	97,850
30	Open	C03284 Adventure Bay Road road safety measures - BI Touri	Bruny Tourism	New	118,765			-		118,765	-	-	-	118,765
31	Open	C03285 Waste disposal sites - BI Tourism Grant	Bruny Tourism	New	110,000			-		110,000	-	-	-	110,000
32	Open	C03286 Visitor information - BI Tourism Grant	Bruny Tourism	New	130,460			-		130,460	-	-	-	130,460
33	Open	C03287 Mavista Falls Track and picnic area - BI Tourism Gran	Bruny Tourism	New	300,000			-		300,000	-	-	-	300,000
34	Open	C03288 Nebraska Road road safety measures - BI Tourism G	Bruny Tourism	New	69,636			-		69,636	-	-	-	69,636
35														
36					1,450,731	-	-	-	-	1,450,731	3,242	1,125	4,367	1,446,364
37														
38	Open	C03005 Coningham Toilet Block Replacement	Property	Renewal	130,000	-		-	-	130,000	569	100,500	101,069	28,931
39	Open	C03111 Kelvedon Park Changerooms/Clubrooms	Property	Renewal	(26,739)	-		-	-	(26,739)	25,984	-	25,984	(52,723)
40	Open	C03192 Lunawanna Public Toilet Replacement	Property	Renewal	12,017	-		-	-	12,017	-	11,387	11,387	630
41	Open	C03218 Barretta Vehicle Washdown Facility	Property	New	99,575	-		-	-	99,575	938	131,240	132,177	(32,602)
42	Open	C03219 Barretta Pump Station	Property	New	190,923	-		-	-	190,923	1,206	182,099	183,304	7,619

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2019/20	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
43	Open	C03220	Replace Kerb -KWS	Property	Renewal	37,656	-	-	-	37,656	134	-	134	37,522
44	Open	C03222	Wash down facility for twin ovals workshop	Property	New	29,717	-	-	-	29,717	3,339	1,508	4,847	24,870
45	Open	C03223	Glensyn units -Septic system	Property	Renewal	22,450	-	-	-	22,450	-	-	-	22,450
46	Open	C03225	Trial Bay-Septic system	Property	Renewal	17,469	-	-	-	17,469	504	-	504	16,965
47	Open	C03265	Cat holding facility Bruny Island fit out	Property	Upgrade	7,123	-	-	-	7,123	-	9,619	9,619	(2,496)
48		C02373	Kettering Hall Disability Access	Property	Upgrade	7,000	-	-	-	7,000	-	-	-	7,000
49	Open	C03318	Blackmans Bay Foreshore Playground	Property	Renewal	64,790	-	-	-	64,790	-	64,790	64,790	-
50	Open	C03304	Blowhole Coastal Fence Replacement	Property	30% R / 70% U	89,446	-	-	-	89,446	536	87,045	87,581	1,865
51	Open	C03308	Barretta Walking Floor Blg Safety Upgrade	Property	New	14,366	-	-	-	14,366	14,366	-	14,366	-
52	Open	C03319	Heat Pumps for FDC building	Property	New	(8,450)	-	-	-	(8,450)	-	4,038	4,038	(12,488)
53		C09010	Playground renewal	Property	Renewal	-	50,000	-	-	50,000	-	-	-	50,000
54		C09011	Street furniture replacement	Property	Renewal	-	15,000	-	(15,000)	-	-	-	-	-
55	Open	C03396	Street Furniture Beach Rd Snug	Property	Renewal	-	-	-	15,000	15,000	-	11,584	11,584	3,416
56	Open	C03320	Adventure Bay Hall Wastewater Pump Out System	Property	New	-	73,000	-	-	73,000	-	-	-	73,000
57	Open	C03321	Baretta Re-use Station Security Cameras	Property	New	-	30,000	-	-	30,000	-	-	-	30,000
58	Open	C03322	Blackmans Bay Skate Park Irrigation	Property	New	-	10,000	-	-	10,000	-	-	-	10,000
59	Open	C03323	Blackmans Bay ForeshoreToilets - Upgrade	Property	Upgrade	-	81,500	-	-	81,500	-	-	-	81,500
60	Open	C03324	Civic Centre - Office Accommodation Design	Property	Upgrade	-	30,000	-	-	30,000	-	-	-	30,000
61	Open	C03325	Kettering Community Hall Public Toilets Upgrade	Property	Upgrade	-	45,000	-	-	45,000	-	-	-	45,000
62	Open	C03326	Kingston Beach Oval Changerooms Upgrade	Property	Upgrade	-	100,000	-	-	100,000	-	-	-	100,000
63	Open	C03327	Kingston View Drive Dog Park - Puppy Fencing	Property	New	-	5,000	-	-	5,000	-	-	-	5,000
64	Open	C03328	Barretta Re-Use Shop Toilet Upgrade	Property	Renewal	-	41,000	-	-	41,000	-	-	-	41,000
65	Open	C03329	Light Wood Park 2 Female Changerooms	Property	Upgrade	-	200,000	-	-	200,000	-	-	-	200,000
66	Open	C03330	Light Wood Park 2 cricket nets	Property	Renewal	-	30,000	-	-	30,000	-	-	-	30,000
67	Open	C03331	Light Wood Park 3 training lights	Property	Renewal	-	240,000	-	-	240,000	-	-	-	240,000
68	Open	C03332	Light Wood Park 3 Fencing	Property	New	-	10,000	-	-	10,000	-	-	-	10,000
69	Open	C03333	Middleton Cemetery Columbarium Wall	Property	New	-	12,000	-	-	12,000	-	-	-	12,000
70	Open	C03334	Nierinna Creek Track Steps Upgrade	Property	Renewal	-	46,000	-	-	46,000	-	40,960	40,960	5,040
71	Open	C03335	Public Recycling & Waste Enclosures	Property	New	-	40,000	-	-	40,000	-	-	-	40,000
72	Open	C03314	Silverwater Park Upgrade	Property	Upgrade	-	250,000	-	-	250,000	-	-	-	250,000
73	Open	C03336	Snug Hall Roof Replacement	Property	Renewal	-	50,000	-	-	50,000	-	-	-	50,000
74	Open	C03337	Snug Beach Access Steps	Property	Renewal	-	22,500	-	-	22,500	-	-	-	22,500
75	Open	C03338	Tingira Road Access Steps	Property	Renewal	-	49,000	-	-	49,000	-	-	-	49,000
76	Open	C03339	Twin Ovals Synthetic Area Pitch Covers	Property	New	-	10,000	-	-	10,000	-	-	-	10,000
77	Open	C03340	Christopher Johnson Park Toilet Upgrade	Property	Upgrade	-	60,000	-	-	60,000	-	-	-	60,000
78	Open	C03341	Woodbridge Hall Toilet Upgrade	Property	Renewal	-	110,000	-	-	110,000	-	-	-	110,000
79				Property		-	-	-	-	-	-	-	-	-
80						-	-	-	-	-	-	-	-	-
81						687,343	1,610,000	-	-	2,297,343	47,575	644,769	692,344	1,604,999
82														
83	Open	C03130	Multi-function devices - CC, Depot, KSC etc	IT	New	66,720	-	-	-	66,720	-	-	-	66,720
84	Open	C00613	Purchase IT Equipment	IT	New	-	-	-	-	-	-	4,897	4,897	(4,897)
85	Open	C00672	Digital Local Government Program	IT	New	67,518	-	-	-	67,518	7,486	-	7,486	60,032
86	Open	C01602	Financial Systems Replacement	IT	Renewal	163,931	-	-	-	163,931	619	-	619	163,312
87	Open	C03070	Desktop PC Replacement	IT	Renewal	12,364	-	-	-	12,364	-	1,273	1,273	11,091
88						-	-	-	-	-	-	-	-	-
89						310,533	-	-	-	310,533	8,105	6,170	14,275	296,258
90														
91	Closed	C90003	Design/survey for future works	Design		-	100,000	-	-	100,000	-	-	-	100,000
92	Open	C03199	Snug Tiers Reconstruction -Design	Design	Renewal	-	-	-	-	-	4,976	-	4,976	(4,976)
93	Open	C03090	Gormley Drive Extension /Spring Farm link road	Design	New	-	-	-	-	-	1,998	-	1,998	(1,998)

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2019/20	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
94	Open	C03093	Garnett Street, Blackmans Bay SW Upgrade Desi	Design	Upgrade					-	5,126	-	5,126	(5,126)
95				Design						-	-	-	-	-
96						100,000	-	-	-	100,000	12,100	-	12,100	87,900
97														
98			Reserves			-	-	-	-	-	-	-	-	-
99			Reserves			-	-	-	-	-	-	-	-	-
100			Reserves			-	-	-	-	-	-	-	-	-
101														
102						-	-	-	-	-	-	-	-	-
103														
104	Open	C03187	Brightwater Road stage 2	Roads	70% N / 30% R	152,791	412,000	-	-	564,791	6,966	492,276	499,243	65,548
105	Open	C03064	John Street Kingston - Reconstruction	Roads	Renewal	50,000	-	-	-	50,000	-	45,697	45,697	4,303
106	Open	C03066	Talone Road Construction	Roads	70% R / 30% U	1,173,958	-	-	-	1,173,958	49,178	559,579	608,757	565,201
107	Open	C03107	Channel Highway John St to Hutchins St	Roads	Upgrade	120,693	200,000	-	-	320,693	986	-	986	319,707
108	Open	C03201	Tower Court reconstruction-Design	Roads	Renewal	23,182	-	-	-	23,182	276	-	276	22,906
109	Open	C03205	Leslie Road widening	Roads	Renewal	42,946	-	-	-	42,946	880	-	880	42,066
110	Open	C03212	Pelverata Road	Roads	Upgrade	-	-	-	-	-	3,500	3,003	6,503	(6,503)
111	Open	C03216	Hinsby Road Pedestrian Improvements	Roads	50% R / 50% U	40,000	-	-	-	40,000	1,298	-	1,298	38,702
112	Open	C03276	Upgrade Street Lighting to LED	Roads	Upgrade	711,320	-	-	-	711,320	-	59,425	59,425	651,895
113	Open	C03342	Pelverata Road (vic 609) Reconstruction - Design	Roads	Upgrade	-	35,000	-	-	35,000	-	-	-	35,000
114	Open	C03096	Adventure Bay Road (vic 334) Realignment	Roads	Upgrade	-	570,000	-	-	570,000	4,173	3,900	8,073	561,927
115	Open	C03193	Barnes Bay Jetty Replacement	Roads	50% R / 50% N	-	52,500	-	-	52,500	-	-	-	52,500
116	Open	C01183	Beach Road (vic 2-14)Footpath	Roads	Renewal	-	265,000	-	-	265,000	-	-	-	265,000
117	Open	C03343	Besters Rd Junction Sealing	Roads	Renewal	-	20,000	-	-	20,000	-	-	-	20,000
118	Open	C03344	Browns-Proctors Road Sealing of Approaches to Bro	Roads	New	-	30,000	-	-	30,000	-	-	-	30,000
119	Open	C03311	Browns Road (vic 1 -51) Rehabilitation - Stage 1 Des	Roads	New	-	85,000	-	-	85,000	-	-	-	85,000
120	Open	C03345	Diamond Drive (vic 1-9) Pavement Rehabilitation	Roads	Renewal	-	210,000	-	-	210,000	173	-	173	209,827
121	Open	C03346	Gordon Jetty Fender Replacement	Roads	Renewal	-	16,000	-	-	16,000	-	5,725	5,725	10,275
122	Open	C03312	Groombridges Road (vic Oxleys Rd--99) Sealing	Roads	Renewal	-	840,000	-	-	840,000	-	-	-	840,000
123	Open	C03315	Kingston Beach Sailing Club Carpark Upgrade	Roads	new	-	366,000	-	-	366,000	-	-	-	366,000
124	Open	C03347	Kingston Heights (vic 2-22) Footpath & Kerb and Cha	Roads	50% R / 50% U	-	42,000	-	-	42,000	-	-	-	42,000
125	Open	C03313	Margate Oval Carpark Upgrade	Roads	New	-	55,000	-	-	55,000	-	-	-	55,000
126	Open	C03348	Middleton Esplanade (vic Beach Rd 24-26) Stabilisat	Roads	Upgrade	-	250,000	-	-	250,000	335	-	335	249,665
127	Open	C03349	Nubeena Crescent Pedestrian Refuge	Roads	New	-	45,000	-	-	45,000	-	-	-	45,000
128	Open	C03350	Opal Drive (vic 5) Pavement rehabilitation	Roads	New	-	160,000	-	-	160,000	-	-	-	160,000
129	Open	C03316	Osborne Esplanade (vic 25a) Pedestrian Crossing	Roads	Renewal	-	170,000	-	-	170,000	1,983	-	1,983	168,017
130	Open	C03351	Pengana Place (vic 1) footpath	Roads	New	-	36,000	-	-	36,000	-	-	-	36,000
131	Open	C03352	Sandfly Road (vic 520) Bridge Approach Correction	Roads	New	-	30,000	-	-	30,000	-	-	-	30,000
132	Open	C03353	Stratford Place (vic 8) Footpath & Kerb and Channel	Roads	Renewal	-	19,000	-	-	19,000	-	-	-	19,000
133				Roads		-	-	-	-	-	-	-	-	-
134														
135	Closed	C90006	Access ramps	Roads	New	-	20,000	-	-	20,000	-	-	-	20,000
136														
137	Closed	C90002	2020/21 Resheeting Program	Roads	Renewal	-	-	-	-	-	-	-	-	-
138		C03397	Watsons Road - Resheet	Roads	Renewal	-	109,000	-	-	109,000	-	-	-	109,000
139		C03398	Old Bernies Road - Resheet	Roads	Renewal	-	247,000	-	-	247,000	-	-	-	247,000

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget						Actual			Remaining
					Carry Forward	2019/20	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	
140	C03399	Snug Falls Road -- Resheet	Roads	Renewal	-	171,000	-	-	-	171,000	-	-	-	171,000
141	C03400	Dulcia Road - Resheet	Roads	Renewal	-	212,000	-	-	-	212,000	-	-	-	212,000
142	C03401	Killora Road – CH2475 to Nebraska Road - Reshe	Roads	Renewal	-	339,000	-	-	-	339,000	-	-	-	339,000
143			Roads	Renewal	-	-	-	-	-	-	-	-	-	-
144											-	-	-	-
145	Closed	C90001 2020/21 Resealing Program	Roads	Renewal	-	-	-	-	-	-	-	-	-	-
146	Open	C03376 Crystal Downs Drive	Roads	Renewal	-	202,000	-	-	-	202,000	-	-	-	202,000
147	Open	C03377 Murlali Court	Roads	Renewal	-	30,000	-	-	-	30,000	-	-	-	30,000
148	Open	C03378 Taroo Court	Roads	Renewal	-	18,000	-	-	-	18,000	-	-	-	18,000
149	Open	C03379 Baringa Road	Roads	Renewal	-	80,000	-	-	-	80,000	-	66	66	79,934
150	Open	C03380 Cartwright Lane	Roads	Renewal	-	15,000	-	-	-	15,000	-	1,043	1,043	13,957
151	Open	C03381 Churchill Road	Roads	Renewal	-	90,000	-	-	-	90,000	-	-	-	90,000
152	Open	C03382 Coolamon Road	Roads	Renewal	-	47,000	-	-	-	47,000	-	-	-	47,000
153	Open	C03383 Elandra Road	Roads	Renewal	-	36,000	-	-	-	36,000	-	-	-	36,000
154	Open	C03384 Karingal Court	Roads	Renewal	-	69,000	-	-	-	69,000	-	-	-	69,000
155	Open	C03385 Spring Farm Road	Roads	Renewal	-	98,000	-	-	-	98,000	-	-	-	98,000
156	Open	C03386 Sandfly Road at Peverata Road	Roads	Renewal	-	32,000	-	-	-	32,000	-	-	-	32,000
157	Open	C03387 Cutana Parade	Roads	Renewal	-	67,000	-	-	-	67,000	825	-	825	66,175
158	Open	C03388 Beach Road Snug	Roads	Renewal	-	117,000	-	-	-	117,000	2,148	61	2,208	114,792
159	Open	C03389 Howden Road	Roads	Renewal	-	161,000	-	-	-	161,000	-	-	-	161,000
160	Open	C03390 Conningham Road - Hopwood St to Albert Rd	Roads	Renewal	-	40,000	-	-	-	40,000	-	-	-	40,000
161	Open	C03391 Conningham Road - Old Station Rd to No. 100	Roads	Renewal	-	15,000	-	-	-	15,000	-	-	-	15,000
162	Open	C03392 Sandfly Road - Huon Hwy to Allens Rivulet Rd	Roads	Renewal	-	99,000	-	-	-	99,000	-	-	-	99,000
163	Open	C03393 Van Morey Road	Roads	Renewal	-	116,000	-	-	-	116,000	-	-	-	116,000
164	Open	C03394 Willuna Close	Roads	Renewal	-	9,000	-	-	-	9,000	-	-	-	9,000
165	Open	C03395 Prep works 2021/22	Roads	Renewal	-	237,500	-	-	-	237,500	-	-	-	237,500
166			Roads	Renewal	-	-	-	-	-	-	-	-	-	-
167														
168					2,314,890	6,585,000	-	-	-	8,899,890	72,720	1,170,774	1,243,495	7,656,395
169														
170	Open	C03161 Community Road Safety Grant - Driving Simulator	Other	Renewal	9,602	-	-	-	-	9,602	-	-	-	9,602
171											-	-	-	-
172					9,602	-	-	-	-	9,602	-	-	-	9,602
173														
174	Open	C03023 Tyndall Beach Erosion Stabilisation	Stormwater	New	8,138	-	-	-	-	8,138	1,084	5,334	6,418	1,720
175	Open	C03026 Algona Road Stage 1 SW Upgrade	Stormwater	50% R / 50% U	628,705	-	-	-	-	628,705	2,153	-	2,153	626,552
176	Open	C03129 Blackmans Bay stormwater low flow diversion	Stormwater	Upgrade	103,589	-	-	-	-	103,589	4,284	-	4,284	99,305
177	Open	C03163 Stormwater Regional Flood Gauge Network	Stormwater	New	-	-	-	-	-	-	4,015	-	4,015	(4,015)
178	Open	C03236 Milford Road stormwater upgrade	Stormwater	New	-	-	-	-	-	-	1,270	537	1,807	(1,807)
179	Open	C03239 Taroona Crescent stormwater upgrade	Stormwater	50% N / 50% R	100,000	-	-	-	-	100,000	3,451	23,141	26,591	73,409
180	Open	C03241 Burwood Drive stormwater upgrade	Stormwater	50% N / 50% R	94,168	-	-	-	-	94,168	1,487	-	1,487	92,681
181	Open	C03242 Leslie Road Stormwater Upgrade	Stormwater	New	41,000	-	-	-	-	41,000	4,626	193	4,819	36,181
182	Open	C03244 Van morey Road stormwater upgrade (vic 279)	Stormwater	Renewal	-	-	-	-	-	-	850	-	850	(850)
183	Open	C03245 Allens Rivulet Road Stormwater upgrade	Stormwater	Renewal	-	-	-	-	-	-	1,350	2,024	3,374	(3,374)
184	Open	C03246 Leslie Road (vic 645) SW Upgrades	Stormwater	Upgrade	-	-	-	-	-	-	1,364	-	1,364	(1,364)
185	Open	C03249 Allens Rivulet Road (vic 279)	Stormwater	Upgrade	-	-	-	-	-	-	1,200	-	1,200	(1,200)
186	Open	C03250 Algona Road Stage 2 SW Upgrade-design only	Stormwater	50% N / 50% R	23,504	-	-	-	-	23,504	3,765	-	3,765	19,739
187	Open	C03251 Hillside Catchment Investigation	Stormwater	50% N / 50% R	15,684	-	-	-	-	15,684	-	-	-	15,684
188	Open	C03256 CBD Catchment Investigation	Stormwater	50% N / 50% R	33,809	-	-	-	-	33,809	-	-	-	33,809
189	Open	C03354 Pit replacement & upgrade 2020/21	Stormwater	50% N / 50% R	-	50,000	-	-	-	50,000	-	-	-	50,000
190	Open	C03355 Algona Road Stage 2 Stormwater Upgrade - Reline	Stormwater	Renewal	-	383,000	-	-	-	383,000	-	-	-	383,000

						Budget					Actual				
Closed		Capital Project No.	Description	Department	Renewal, Upgrade, or New	Carry Forward	2019/20	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commitments	Total	Remaining
191	Open	C03356	Beach Road, Kingston Stage 2 Stormwater Upgrade	Stormwater	Upgrade	-	242,000	-	-	-	242,000	747	-	747	241,253
192	Open	C03357	Boronia-Sherburd-CBD Stormwater Survey	Stormwater	New	-	47,000	-	-	-	47,000	-	-	-	47,000
193	Open	C03358	Coffee Creek Erosion Repair	Stormwater	50% R / 50% U	-	16,500	-	-	-	16,500	-	-	-	16,500
194	Open	C03359	Coffee Creek Hydraulic Assessment	Stormwater	New	-	55,000	-	-	-	55,000	487	-	487	54,513
195	Open	C03360	Ewing Avenue Outfall DTS	Stormwater	50% R / 50% U	-	54,000	-	-	-	54,000	-	-	-	54,000
196	Open	C03361	Flinders Esp Stormwater EXTENSION	Stormwater	New	-	116,000	-	-	-	116,000	-	-	-	116,000
197	Open	C03362	Flowerpot, Blackmans Bay DTS	Stormwater	New	-	59,000	-	-	-	59,000	-	-	-	59,000
198	Open	C03363	Harpers Road Stormwater Upgrade - ROAD ONLY	Stormwater	New	-	168,000	-	-	-	168,000	-	-	-	168,000
199	Open	C03364	Leslie Road (viz 48) Stormwater Upgrade	Stormwater	50% R / 50% U	-	25,000	-	-	-	25,000	-	-	-	25,000
200	Open	C03365	Margate Rivulet Hydraulic Assessment	Stormwater	New	-	77,000	-	-	-	77,000	-	-	-	77,000
201	Open	C03366	Palmers Rd Culvert Upgrade	Stormwater	50% R / 50% U	-	21,500	-	-	-	21,500	-	-	-	21,500
202	Open	C03367	Pear Ridge, Margate Stormwater Upgrade	Stormwater	New	-	31,000	-	-	-	31,000	-	-	-	31,000
203	Open	C03368	Roslyn-Pearsall-Wells-Ocean Stormwater Survey	Stormwater	New	-	30,000	-	-	-	30,000	-	-	-	30,000
204	Open	C03369	Snug Falls Rd Culvert Upgrades	Stormwater	50% R / 50% U	-	27,000	-	-	-	27,000	-	-	-	27,000
205	Open	C03370	Talbots Road Culvert Upgrades (vic 146)	Stormwater	New	-	34,500	-	-	-	34,500	-	-	-	34,500
206	Open	C03371	Jindabyne Road stormwater improvements	Stormwater	New	-	15,000	-	-	-	15,000	-	-	-	15,000
207	Open	C03372	Kingston Heights vicinity of house number 37	Stormwater	New	-	15,000	-	-	-	15,000	-	-	-	15,000
208	Open	C03373	Taroona Crescent Stormwater Upgrade STAGE 2	Stormwater	New	-	217,000	-	-	-	217,000	-	-	-	217,000
209	Open	C03374	Timbertop Drive Stormwater Upgrade	Stormwater	New	-	57,000	-	-	-	57,000	-	-	-	57,000
210	Open	C03375	Yacht Club Kingston Beach DTS	Stormwater	Upgrade	-	63,000	-	-	-	63,000	-	-	-	63,000
211				Stormwater	New	-	-	-	-	-	-	-	-	-	-
212												-	-	-	-
213						1,048,597	1,803,500	-	-	-	2,852,097	32,133	31,230	63,363	2,788,734
214		B00000	Capital Balancing Account	Other						-	-	-	-	-	-
215			On costs on capital project				505,000				505,000		505,000		
TOTAL CAPITAL EXPENDITURE						13,383,434	12,603,500	-	-	-	25,986,934	367,597	5,522,718	5,890,315	20,096,619

	Budget	Actual incl Commitments
Renewal	7,977,896	946,204
Upgrade	4,018,377	345,471
New	3,078,194	736,051
	15,074,467	2,027,726
Kingston Park New	9,561,738	3,860,372
Bruny Island tourism grant New	1,350,731	2,217
	25,986,936	5,890,315

NOTE: Classification is an estimate at the start of a project and may change on completion of job.

Kingston Park Expenditure 2020/21

	Budget & Carried Forward Expenditure		Actual	Commit- ments	Total	Variance
Overall Project budget (yet to be allocated)	2,000,000					2,000,000
C00688 KP Boulevard Construction	0		0	0	0	0
C00689 KP Pardalote Parade Design & Construction	46,122		0	(196)	(196)	46,318
C00690 KP Community Hub Design	52,343		0	196	196	52,147
C00691 KP Open Space Design (Playstreet)	46,720		0	0	0	46,720
C01606 KP Parking Strategy	(2,000)		0	0	0	(2,000)
C03179 KP Temporary Car Park	114,853		0	156,343	156,343	(41,490)
C01618 Boulevard Construction Stage 1A	320,154		0	419,340	419,340	(99,186)
C01627 KP Site - Land Release Strategy	53,185		6,413	0	6,413	46,772
C01628 KP Site - General Expenditure	219,211		11,038	898	11,936	207,275
C03069 KP Community Hub Construction	136,081		4,102	164,783	168,885	(32,804)
C03175 KP Community Hub Plant & Equipment	0		2,251	5,255	7,507	(7,507)
C03173 KP Public Open Space - Playground	3,632,894		163,300	2,911,541	3,074,841	558,053
C03277 KP Public Open Space - Stage 2	2,600,000		0	0	0	2,600,000
C03293 Pardalote Parade Northern Section (TIP)	342,175		0	0	0	342,175
C03278 KP Perimeter shared footpath	0		0	0	0	0
C03174 KP Public Open Space - Hub link to Playground	0		0	0	0	0
C03279 KP Boulevard Construction Stage 1B	0		0	0	0	0
C03306 KP Road F design and construct	0		1,906	0	1,906	(1,906)
C03280 KP Stormwater wetlands	0		2,711	10,490	13,201	(13,201)
Total	9,561,738		191,721	3,668,651	3,860,371	5,701,367

17 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*

Tender Report AB2009 Road F Construction Kingston Park

Regulation 15 (2)(d) *contracts, and tenders, for the supply and purchase of goods and services and their terms, conditions, approval and renewal.*

Public Copy

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	
Tender Report AB2009 Road F Construction Kingston Park	

CLOSURE

Public Copy

APPENDIX

- A. Mayor's Communications for the Period 10 July 2020 to 8 August 2020
- B. Delegated Authority List for the Period 29 July 2020 to 11 August 2020
- C. Minutes of the Kingborough Community Safety Committee dated 3 August 2020

Public Copy

A MAYOR'S COMMUNICATIONS FOR THE PERIOD 10 JULY 2020 TO 8 AUGUST 2020

Date	Place	Meeting/Activity
21 July	Channel Court	Met with Mr Bill Blaik from Channel Court Shopping Centre to discuss Kingston Place Strategy
	Video conference	Attended Greater Hobart Mayor's Forum.
22 July	Civic Centre	Met with Mr Boyd Reynolds to discuss planning changes.
	Video Conference	Attended LGAT AGM and General Meetings
24 July	Civic Centre	Met with Mr Ken Unsworth regarding Harvey Road, Bruny Island
16 July	Dru Point	Attended opening of new dog agility equipment by the Kingborough Dog Walking Association.
29 July	The Hub	Attended Citizenship Ceremony
	Video Conference	Attended TasWater Owner's Representative Group Information Session
31 July	Channel Men's Shed	Met with Margate Men's Shed to discuss carpark resurfacing project.
1 August	Taroona	Launched Taroona Community worm farm
3 August	Lightwood Park	Met with Mr Brian Downs of the Kingborough Lions
	Southern Lights Hotel	Met with Mr Barry Dodge to discuss development opportunities at the Southern Lights Hotel.
4 August	Kingston Neighbourhood House	Met with the Manager of Kingston Neighbourhood House, David Morse, to discuss the Maranoa Reserve.
8 August	Margate	Attended Road Users Group gathering organised by the Margate Hills Community Group
	Margate	Met with Mr Peter Srdic and Mr Gorge Bajada re: the Kaoota Track parking
	Civic Centre	Met with Ms Joan McGovern of 123V to discuss the businesses' application to the Tasmanian Government's Hydrogen energy grants program.

B DELEGATED AUTHORITY LIST FOR THE PERIOD 29 JULY 2020 TO 11 AUGUST 2020

DEVELOPMENT APPLICATIONS FOR PERMITTED DEVELOPMENT/USE		
DA-2020-330	Mr R A Williams 178 Nebraska Road DENNES POINT	Change of use from residential to visitor accommodation
DEVELOPMENT APPLICATIONS FOR DISCRETIONARY DEVELOPMENT/USE		
DA-2019-480	G Hills & Partners Architects 41 Roslyn Avenue KINGSTON BEACH	Demolition of existing dwelling, new dwelling
DA-2020-280	Creative Homes Hobart 2 Henwood Drive KINGSTON	Dwelling
DA-2020-282	Assetsafe 27 Churchill Road TAROONA	Dwelling
DA-2020-291	Mr M J Burgess 52 Redwood Road KINGSTON	Extension and alterations to dwelling, and roofed deck
DA-2020-294	Maveric Builders P/l 14 Wyburton Place MARGATE	Extension to dwelling including new upper storey
DA-2020-297	Kings Outdoor Living 8 Turquoise Way KINGSTON	Extension to dwelling (awning)
DA-2020-305	SJM Property Developments P/l 15 Henwood Drive KINGSTON	Dwelling
DA-2020-309	Tassie Homes P/l 27 Rodway Court KINGSTON	Dwelling
DEVELOPMENT APPLICATIONS FOR STRATA/ ADHESION ORDER		
ADHORD-2020-4	Mr W Truesdale & Ms G Nathan 1 Victoria Avenue & 82 Bruny Island Main Road, Dennes Point	Adhesion of two titles
STR-2018-16	Leary & Cox P/L 1 Gilies Street SNUG	Strata – Units 1 and 2
DEVELOPMENT APPLICATIONS FOR MINOR AMENDMENTS TO PERMIT		
DA-2019-480	G Hills & Partners Architects 41 Roslyn Avenue KINGSTON BEACH	Demolition of existing dwelling, new dwelling

DA-2019-614	Designful 200 Bruny Island Main Road NORTH BRUNY	Amendment to size, setbacks, layout and building heigh
DEVELOPMENT APPLICATIONS FOR NO PERMIT REQUIRED		
DA-2020-327	Mr J I Dunbabin 30 Flinders Esplanade TAROONA	Extension to dwelling
DA-2020-372	SJM Property Developments P/L 77 Hollyhock Drive KINGSTON	Dwelling
DA-2020-381	Mr A Schiebel & Ms B Strong 34 Cleburne Street KINGSTON	Outbuilding (garage)

Public Copy

**C MINUTES OF THE KINGBOROUGH COMMUNITY SAFETY COMMITTEE DATED
3 AUGUST 2020**

MINUTES

Kingborough Community Safety Committee

Meeting No. 2020-4

Monday 3 August 2020

Kingborough

MINUTES of a Meeting of the Kingborough Community Safety Committee held at the Kingborough Civic Centre, Kingston, on Monday 3 August 2020 at 10.34am

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 Jason Elmer	✓	
Kingborough Access Advisory Committee Representative	Ms Julie Alderfox	✓	
Council Officers In Attendance:			
Cadet Civil Engineer	Mr Matthew Snow	✓	
Executive Officer Engineering Services	Mr Anthony Verdouw	✓	

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 met 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: Tanya Flakemore
 SECONDED: Rodney Street

That the Minutes of the Committee meeting held on Monday 17 February 2020, 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 previous meetings.

Regarding Item number 2020-1-1, Cr Jo Westwood indicated that she would be merging this correspondence to schools the announcement of the "Safer Speeds for Schools – Kingborough" project.

Regarding Item number 2020-1-3, the Committee decided that the matter of the pedestrian crossing required following up to ensure appropriate progress is made.

Action Item (1): Invite Council's Media and Communications officer to next meeting.

Action Item (2): Rod Street to follow up regarding bus stops in Firthside with Department of State Growth.

Action Item (3): Matthew Snow to request intersection visibility issues from Australia Post.

Action Item (4): Matthew Snow to follow up intersection visibility at Edison Avenue/Garnet Street and Garnett Street/Roslyn Avenue intersections.

2. Tasmanian Police Crime & Traffic Statistics (Jason Elmer)

Insp Jason Elmer discussed Kingborough's crime statistics (Appendix A). Insp Elmer noted positive clearance rates for crimes throughout the Kingston district (Kingborough and Huon combined). The committee noted that this was a very positive statistic and agreed the community should be aware of this fact.

Action Item (5): Jason Elmer and Jo Westwood to discuss possible opportunities for further communicating clearance rates.

Action Item (6): Write a letter to Inspector David Wiss in appreciation for his assistance on the committee.

3. Road Safety Advisory Council Grant Funding (Jo Westwood / Rod Street)

Rod Street and Jo Westwood discussed the success of the grant application and securing of \$32,900 for the Safe Speeds for Schools – Kingborough project. The project will allow the purchase of four trailer-mounted speed radar signs to be placed at the schools around Kingborough to aid in educating road users of the need for reduced traffic speeds.

4. Project update – Safe Speeds for Schools – Kingborough (Jo Westwood)

Jo Westwood announced that the funding has been secured and progress has started on the purchase of components. The project aims to be ready for roll-out in the fourth school term of 2020.

Action Item (7): Matthew Snow to provide Neil Broomfield information on schools' 40-zone timing.

Action Item (8): Jo Westwood to pursue the concept of opening the link from Jindabyne Road to Hutchins Street.

Action Item (9): Add Jindabyne Road/Hutchins Street link to Agenda for the Committee's 2020-5 meeting.

5. Monitoring of Parking Around Schools (Michael Hughes)

Michael Hughes discussed concerns around non-compliance of lawful parking around schools primarily around collection time at the end of the school day. The committee agreed that this was a concern.

Action Item (10): Jason Elmer to discuss increased monitoring with patrol teams.

6. 2020/21 Capital Works items

(Jo Westwood / Matthew Snow)

Cr Jo Westwood announced items from the 2020/21 Capital Works program that directly relate to the items in the Committee's Action Plan.

7. Correspondence

Cr Jo Westwood briefly listed the correspondence sent and received relating to the activities of the committee.

8. Other Business

The committee discussed potential initiatives for National Road Safety Week which has been rescheduled to 16-23 November 2020 due to Covid-19 restrictions earlier in the year.

Action Item (11): Jo Westwood to discuss initiatives with the Road Safety Advisory Council and request their presence at the committee's next meeting.

Action Item (12): Discuss media options with Sarah Wilcox regarding promotion of Safe Speeds for Schools project as a Road Safety Week item.

Action Item (13): Matthew Snow to add Freeman Street crossing to the footpath painting register – "Look right" at the access ramps

Action Item (14): Respond to schools regarding student presentations early in the year along with announcement of the Safe Speeds for Schools project.

NEXT MEETING

The next meeting of the Committee is to be held at 10:30am, Monday 5 October 2020.

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 11:57am.

(Appendix A)

Tasmania Police Crime Statistics**Kingborough Municipality Crime - Total Offences**

Period: 01-Jul-19 to 30-Jun-20 As at: 30-Jul-20 11:34

Total Offences

Suburb	Last YTD	This YTD	Change	
Adventure Bay	9	8	-1	-11.1%
Allens Rivulet	3	3	0	0.0%
Alonnah	3	5	+2	66.7%
Barretta	0	11	+11	
Birchs Bay	0	4	+4	
Blackmans Bay	120	152	+32	26.7%
Bonnet Hill	2	2	0	0.0%
Coningham	9	4	-5	-55.6%
Dennes Point	3	2	-1	-33.3%
Electrona	4	6	+2	50.0%
Gordon	3	4	+1	33.3%
Great Bay	0	2	+2	
Howden	3	6	+3	100.0%
Huntingfield	13	44	+31	238.5%
Kettering	6	5	-1	-16.7%
Kingston	385	525	+140	36.4%
Kingston Beach	34	28	-6	-17.6%
Leslie Vale	6	1	-5	-83.3%
Longley	1	2	+1	100.0%
Lower Longley	5	5	0	0.0%
Lower Snug	2	7	+5	250.0%
Lunawanna	2	1	-1	-50.0%
Margate	39	47	+8	20.5%
Neika	2	0	-2	-100.0%
North Bruny	2	3	+1	50.0%
Oyster Cove	0	2	+2	
Sandfly	2	9	+7	350.0%
Simpsons Bay	2	0	-2	-100.0%
Snug	27	53	+26	96.3%
South Bruny	6	2	-4	-66.7%
Taroona	25	38	+13	52.0%
Tinderbox	8	3	-5	-62.5%
Woodbridge	4	10	+6	150.0%
Kingston Division Total	730	994	+264	36.2%

Kingston Division Crime Overview - Main Indicators

Current Year Period: 01-Jul-19 to 30-Jun-20 As at: Thu, 30 Jul 2020 3:35 PM

Indicator	5 Year AVG YTD	2018-19 YTD	2019-20 YTD	Change	
Total Offences	1,084	1,093	1,396	+303	27.7%
Serious Crime	34	46	34	-12	-26.1%
Offences Against the Person	179	212	192	-20	-9.4%
Public Place Assault	29	38	27	-11	-28.9%
Offences Against Property	852	821	1,130	+309	37.6%
Property Damage Offences	125	131	132	+1	0.8%
Building Burglary Offences	183	136	161	+25	18.4%
- Home Burglary Offences	99	65	46	-19	-29.2%
- Business Burglary Offences	32	23	47	+24	104.3%
- Other Building Burglary Offences	52	48	68	+20	41.7%
Conveyance Burglary Offences	46	53	165	+112	211.3%
- Motor Vehicle Burglary Offences	45	56	173	+117	208.9%
- Other Conveyance Burglary Offences	2	1	-	-1	-100.0%
Stolen Motor Vehicle Offences	45	68	65	-3	-4.4%
SMVs Recovered	30	52	60	+8	15.4%
Shoplifting Offences	76	65	73	+8	12.3%
Fraud and Similar Offences	35	37	62	+25	67.6%
Other (Miscellaneous) Offences	16	23	12	-11	-47.8%

Crime Clearance Rate

Offence Status/Clearance

Indicator	5 Year AVG	2018-19 YTD cleared	2018-19 YTD	2019-20 YTD cleared	2019-20 YTD
Total Offences	49.6%	594	54.3%	681	48.8%
Serious Crime	87.8%	39	84.8%	33	97.1%
Offences Against the Person	94.3%	195	92.0%	183	95.3%
Public Place Assault	95.9%	35	92.1%	26	96.3%
Offences Against Property	38.9%	361	44.0%	448	39.6%
Property Damage Offences	42.0%	75	57.3%	50	37.9%
Building Burglary Offences	31.5%	52	38.2%	57	35.4%
- Home Burglary Offences	27.2%	28	43.1%	15	32.6%
- Business Burglary Offences	42.5%	11	47.8%	21	44.7%
- Other Building Burglary Offences	32.8%	13	27.1%	21	30.9%
Conveyance Burglary Offences	23.5%	6	11.3%	61	37.0%
- Motor Vehicle Burglary Offences	24.0%	8	14.3%	62	35.8%
- Other Conveyance Burglary Offences	15.4%	-	0.0%	-	-
Stolen Motor Vehicle Offences	41.2%	23	33.8%	34	52.3%
Shoplifting Offences	76.4%	54	83.1%	56	76.7%
Fraud and Similar Offences	65.7%	22	59.5%	39	62.9%
Other (Miscellaneous) Offences	81.0%	16	69.6%	11	91.7%

- DPFEM-IN-CONFIDENCE -

Kingston Division Traffic Overview - Crash Indicators

Current Year Period: 01-Jul-19 to 30-Jun-20 As at: Thu, 30 Jul 2020 4:01 PM

Indicator	5 Year AVG YTD	2018-19 YTD	2019-20 YTD	Change	
Total Crashes	451	513	429	-84	-16.4%
- Fatal	2	1	4	+3	300.0%
- First Aid	56	69	41	-28	-40.6%
- Minor	83	82	64	-18	-22.0%
- Not known	1	3	3	0	0.0%
- Property Damage Only	288	339	296	-43	-12.7%
- Serious	21	19	21	+2	10.5%
Fatal and Serious Injury Crashes	23	20	25	+5	25.0%
- Fatal Crashes	2	1	4	+3	300.0%
- Serious Injury Crashes	21	19	21	+2	10.5%
Crash Fatalities	1	1	4	+3	300.0%
- Driver	1	1	2	+1	100.0%
- Pedestrian	-	-	1	+1	
- Rider	-	-	1	+1	
Serious injuries	20	23	25	+2	8.7%
- Driver	10	10	9	-1	-10.0%
- Left front	4	5	3	-2	-40.0%
- Left rear	1	2	-	-2	-100.0%
- Other position	-	1	1	0	0.0%
- Pedestrian	2	1	1	0	0.0%
- Pillion	-	-	2	+2	
- Rider	3	2	9	+7	350.0%
- Right rear	-	2	-	-2	-100.0%

Pub

(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*

5 October

7 December

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Action Items					
Meeting #	Item Number	Description	Responsibility of	Due Date	Complete
2020-4	1	Invite Council's Media and Communications Officer to next meeting	Jo Westwood	5/10/2020	<input type="checkbox"/>
2020-4	2	Follow up with DSG regarding bus stops in Firthside	Rod Street	5/10/2020	<input type="checkbox"/>
2020-4	3	Discuss with Australia Post any concerns it has regarding intersection visibility.	Matthew Snow	5/10/2020	<input type="checkbox"/>
2020-4	4	Follow up intersection visibility concerns at Edison/Garnet and Garnett/Roslyn intersections	Matthew Snow	5/10/2020	<input type="checkbox"/>
2020-4	5	Discuss possible opportunities for further advertising police clearance rates	Jason Elmer / Jo Westwood	5/10/2020	<input type="checkbox"/>
2020-4	6	Write letter to David Wiss in appreciation for his assistance on the committee	Jo Westwood	5/10/2020	<input type="checkbox"/>
2020-4	7	Provide information to Neil Broomfield regarding school zone timing	Matthew Snow	5/10/2020	<input type="checkbox"/>
2020-4	8	Pursue concept of opening link from Jindabyne Road to Hutchins Street	Jo Westwood	5/10/2020	<input type="checkbox"/>
2020-4	9	Add Jindabyne/Hutchens link to Agenda for next meeting	Matthew Snow	5/10/2020	<input type="checkbox"/>
2020-4	10	Discuss increased monitoring of schools with police patrol teams	Jason Elmer	5/10/2020	<input type="checkbox"/>
2020-4	11	Discuss initiatives with RSAC and invite to next meeting	Jo Westwood	5/10/2020	<input type="checkbox"/>
2020-4	12	Discuss promotion of Safe Speeds for Schools project with Council's Media and Communications Officer	Matthew Snow	5/10/2020	<input type="checkbox"/>
2020-4	13	Add Freeman Street to footpath painting register	Matthew Snow	5/10/2020	<input type="checkbox"/>
2020-4	14	a) Liaise with schools in the Kingborough municipality to arrange rollout of safe speeds for schools project in Term 4, 2020. b) As part of these communications, respond to schools who presented to the Committee about safety issues in their area – Illawarra Primary, Kingston Primary, Tarroona Primary and St Aloysius College.	Matthew Snow/Jo Westwood	5/10/20	<input type="checkbox"/>

2020-1	2	Contact RACT to confirm role in attending Committee	Jo Westwood	6/04/2020	✓
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	✓
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	✓
2020-1	5	Discuss promotion of "Snap, Send, Solve" app with Council's Media and Communications Advisor.	Matthew Snow	6/04/2020	✓
2020-1	6	Seek further information regarding bus stop issue at Firthside.	Matthew Snow/Roger McGinnis	6/04/2020	✓
2020-1	7	Discuss with Australia Post any concerns it has regarding intersection visibility.	Matthew Snow	6/04/2020	-
2020-1	8	Check adherence to 80 km/h speed limit on Southern Outlet.	Insp David Wiss	6/04/2020	✓
2020-1	9	Contact RSAC regarding initiatives for Road Safety Week.	Jo Westwood	6/04/2020	✓
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	✓
2019-3	3	Follow up safety issues raised by students.	Matthew Snow	3/02/2020	ongoing
2019-1	1	Collate suggested changes to ToR	Matthew Snow	30/06/2020	ongoing