



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the
Kingborough Council will be held on
Monday, 23 November 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. 22 to be held on Monday, 23 November 2020 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Tony Ferrier
ACTING GENERAL MANAGER

Tuesday, 17 November 2020

Public Copy

Table of Contents

Item	Page No.
Open Session	
1 Audio Recording	1
2 Acknowledgement of Traditional custodians	1
3 Attendees	1
4 Apologies	1
5 Confirmation of Minutes	1
6 Workshops held since Last Council Meeting	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 Waste Strategy Implementation and Progress	2
10.2 Waste Management Focus	3
10.3 Changes to the Scenic Landscape Code	3
10.4 Significant Tree Register	5
10.5 Cherry Blossom Tree in Illawarra Road	6
11 Questions without Notice from Councillors	6
12 Questions on Notice from Councillors	6
12.1 Roadside Slashing on Bruny Island	6
12.2 Reinstating Recycling at the Civic Centre	7
12.3 Landscaping	7
12.4 Organisational Development Quarterly Report	9
12.5 Presentation to Councillors and Executive Management	9
12.6 Cost of Litigation	10
12.7 Huntingfield Subdivision	10
12.8 Implementation of FOGO	11
12.9 Waste	11
13 Officers Reports to Planning Authority	13
13.1 DA-2020-288 - Development Application for Dwelling at 31A Hinsby Road, Tarooma (CT 126472/2)	13
13.2 DA-2020-475 - Development Application for Bruny Island Ferry Terminal Upgrade (Ferry Road) at Ferry Road, Kettering	57
13.3 DAS-2020-18 - Subdivision of Three (3) Lots at 28 McDowall Street, Middleton	122
13.4 DA-2020-535 - Development Application for Extension to Dwelling (Deck and Swimming Pool) at 7 Orana Place, Tarooma	153

Table of Contents *(cont.)*

Item		Page No.
14	Notices of Motion	168
14.1	Recording of Workshops	168
15	Petitions still being Actioned	168
16	Petitions Received in Last Period	168
17	Officers Reports to Council	169
17.1	Request for consent to build outside a building envelope on Sealed Plan No. 40591 at 501 Tinderbox Road, Tinderbox	169
17.2	Community Grants Review	176
17.3	Stormwater Drain Blockage Policy	181
17.4	Enforcement Policy	191
17.5	Kingborough Community Safety Committee	204
17.6	Kingborough Bicycle Advisory Committee	225
17.7	Appointment of Members to Council Special Committees	234
17.8	Financial Report - October 2020	237
18	Confirmation of Items to be Dealt with in Closed Session	260

Appendix

A	Minutes of the Access Advisory Committee October 2020	263
B	Infrastructure Works Report: August - October 2020	266
C	Delegated Authority Report 28 October 2020 to 10 November 2020	279
D	Audit Panel Minutes dated 16 October 2020	282
E	Mayor's Communications	288

GUIDELINES FOR PUBLIC QUESTIONS

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

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

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

Questions on Notice

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

Questions Without Notice

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

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

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

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

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

AGENDA of an Ordinary Meeting of Council
Kingborough Civic Centre, 15 Channel Highway, Kingston
Monday, 23 November 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 publicly 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

Councillor S Wass

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No. 21 held on 9 November 2020 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

16 November - Our Watch
Community Halls Strategy

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 this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

9 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

10 QUESTIONS ON NOTICE FROM THE PUBLIC

10.1 Waste Strategy Implementation and Progress

Ms Judy Micklewright submitted the following question on notice:

Will Council employ a dedicated Waste Officer, part time if necessary, and provide a budget to further KC's Waste Management Strategy through the development and implementation of the recommended actions to achieve the stated Goals?

Officer's Response:

Council already funds a Waste Management Officer, based at Kingborough Waste Services, to assist with delivering action from Council's Waste Management Strategy. It is worthwhile noting some of the actions this position has helped achieve includes:

- 2019 -20 Waste Service Guide.
- 2020-21 Waste Services Guide.
- Public Place Recycling Kingston Beach.
- Public Place Recycling to Bruny Island.
- Support local community events with organics and comingled recycling.
- Howden Bin Strap Trial.
- Implementation of Kerbside Green Waste Collection Service.
- Kerbside Collection Bin Audits.
- Public Place Bin Audits.
- Home Composting Workshops.
- Community Garden Consultation program.
- Website, print and social media updates.
- Community consultation surveys.

- Investigated kerbside collection service extension to Kettering.
- Kerbside collection service extension to Sandfly Road and Leslie Vale.
- Upgrades to the Barretta transfer station infrastructure.
- Participation in investigations for a regional organics processing facility.
- Introduction of recycling programs for X-Rays, fluorescent tubes, household batteries and light globes.
- Recycling signage at the Kingborough Sports Centre

David Reeve, Executive Manager Engineering Services

10.2 Waste Management Focus

Ms Judy Micklwright submitted the following question on notice:

Will Council include engaging with businesses, developers and other organisations operating in the Kingborough municipality in waste campaigns and development and delivery of ongoing awareness and education programs?

Officer's Response:

The role for Council in engaging with businesses, developers and other organisations will become clearer once the draft State Government Waste Action plan is adopted. One of the proposals from the focus areas is to provide support to local government and regional waste groups for education and grant programs for schools, businesses and householders. In the meantime Council remains open to engaging with businesses and developers on a one on one basis to educate on and encourage waste minimisation.

In other community educational areas, Council has previously been involved in running practical information sessions on home composting and is also looking at opportunities to introduce a school educational program for the 2021/22 financial year.

David Reeve, Executive Manager Engineering Services

10.3 Changes to the Scenic Landscape Code

The **Blackmans Bay Community Association** submitted the following question on notice:

Could Council please advise what / if any changes are proposed to the current Scenic Landscape Code under the new planning scheme, and the implications of these changes for land under this current zoning on the Tinderbox peninsula?

Officer's Response:

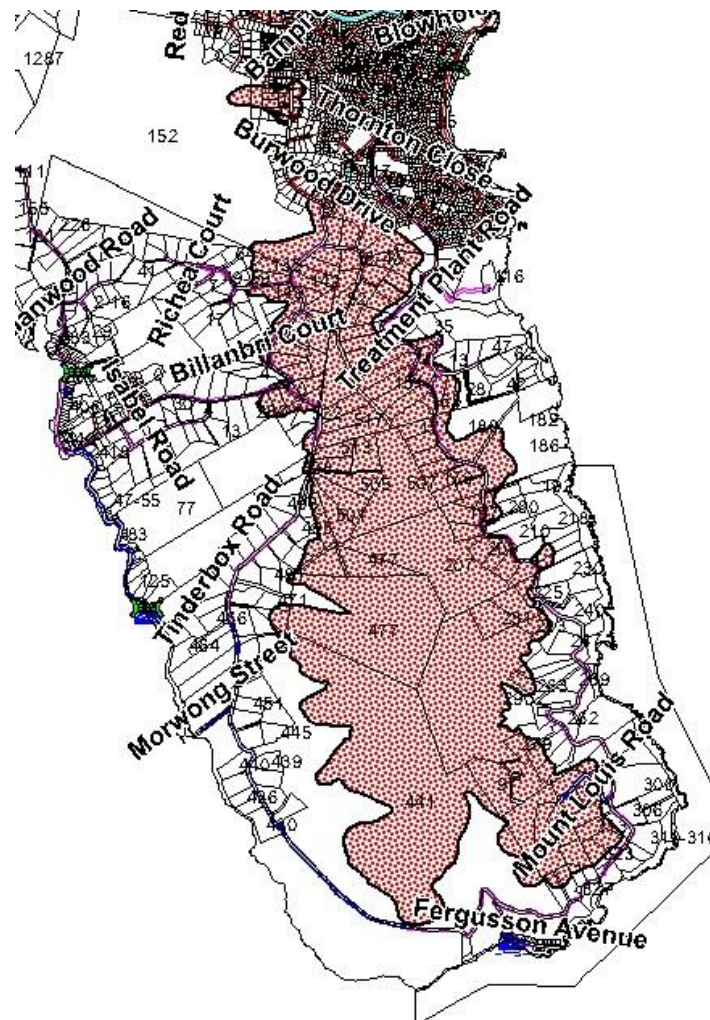
The Scenic Landscape Code of the *Kingborough Interim Planning Scheme 2015* restricts vegetation removal within landscape areas that are important for their scenic values. The code applies to specific elevated areas in the municipality that are mapped by the Scenic Landscape Overlay as a 'scenic landscape area' or 'scenic landscape corridor' and is not restricted to particular zones. The provisions within the code aim to reduce the removal or disturbance of bushland to ensure that it does not unreasonably change the scenic landscape values. The code also regulates the impact of buildings, works and removal of exotic vegetation within the mapped scenic landscape areas.

Under the new Tasmanian Planning Scheme the above will be replaced by a Scenic Protection Overlay and Scenic Protection Area Code. The main difference is, that the mapping will only apply to land with the following zonings:

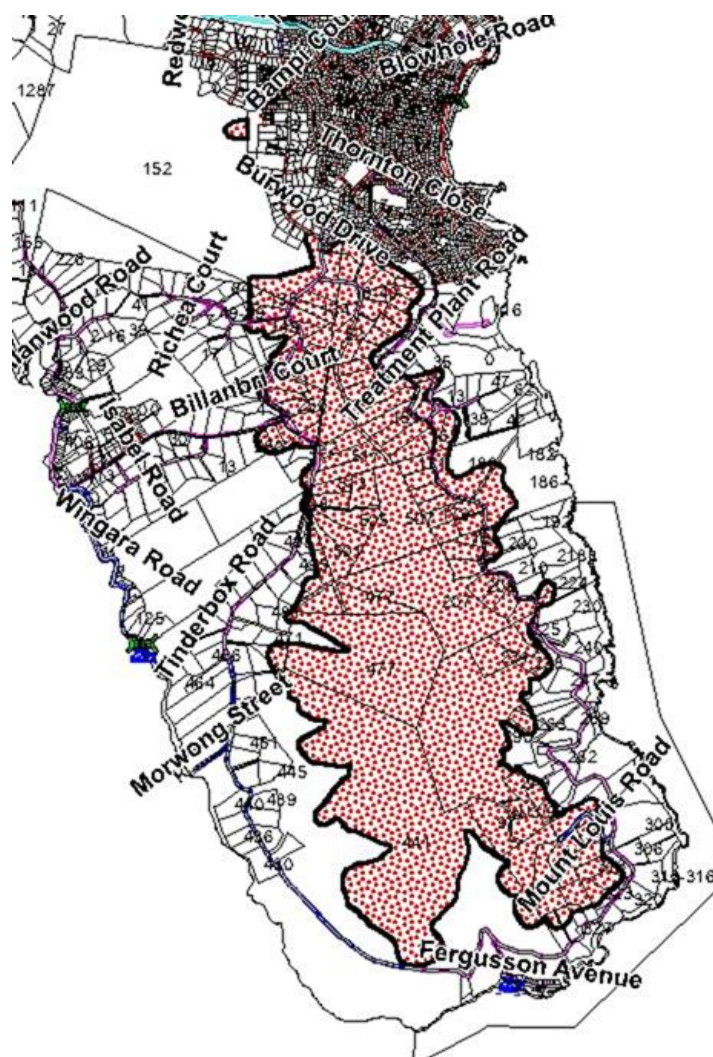
- (a) Rural Living Zone;
- (b) Rural Zone;
- (c) Agriculture Zone;
- (d) Landscape Conservation Zone;
- (e) Environmental Management Zone; or
- (f) Open Space Zone.

People are able to view the full detail and controls of the incoming Planning Scheme on The Planning Commission website – www.planningreform.tas.gov.au/scheme

Below is an extract of the current Scenic Landscapes Overlay Map of the *Kingborough Interim Planning Scheme 2015 (KIPS2015)* as it applies to the Tinderbox Peninsula, compared to the draft mapping for the Tasmanian Planning Scheme (LPS).



KIPS2015 – Scenic Landscape Overlay



LPS – Scenic Protection Overlay

Adriaan Stander, Strategic Planner

10.4 Significant Tree Register

The **Blackmans Bay Community Association** submitted the following questions on notice:

- a. *Does Council intend to adequately resource the Significant Tree Register as it seems currently non-functional, with nominations from July 2019 still not having been progressed?*
- b. *As a result of Council's inability to progress the Significant Tree Register, can Council provide a list of trees that have been nominated but not yet added to the register, noting those which may have been or are currently at risk from damage, development or removal?*

Officer's Response:

- a) Work for updating the Significant Tree Register commenced mid last year, with four nominations being received. Unfortunately the next steps for the nominations have not yet occurred due to work levels created by incoming and ongoing Development Applications. It is hoped that this may be finalised in early 2021. Part of that process will include reviewing the trees that are currently on the list, and ensuring that they are still in situ.

Members of the public are welcome to make nominations at any time. Council's Significant Tree Policy and the process for nominations is available on our website or, if people prefer, they may call the Planning team for more information.

- b) As the nominations have not yet be progressed, which includes informing any land owner where a tree may exist we are not able to publish the addresses in the Council agenda. Two of the trees are in Tarooma, one is in Allens Rivulet and the fourth one is in Kingston. Three of the trees are Eucalyptus species and the fourth is a Blackwood.

Tasha Tyler-Moore, Manager Development Services

10.5 Cherry Blossom Tree in Illawarra Road

Ms Rosalie Maynard submitted the following question on notice:

Is the beautiful and well-known large white cherry blossom tree on the top-side Northern corner of Illawarra Road and Wells Parade protected by the Significant Tree Register or by a planning condition during the current construction project underway on that site?

Officer's Response:

The cherry blossom at Wells Parade is not listed on the Significant Tree Register. Being a non-native tree in the General Residential Zone, there are no zone provisions triggered which require the tree to be retained or protected. While the tree appears on the plans submitted and approved for the development, it is not clear as to whether the tree is proposed for retention or removal (it is located outside the footprint of the development). The planning scheme does not provide for the retention of the tree, therefore there is no condition on the planning permit requiring its protection during construction.

Tasha Tyler-Moore, Manager Development Services

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Roadside Slashing on Bruny Island

At the Council meeting on 9 November 2020, **Cr Bastone** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

Is there a schedule for roadside slashing on Bruny Island and, if so, what is it?

Officer's Response:

The program for slashing on Bruny Island started in early November 2020 and included:

- State Growth main road from the ferry terminal to Lighthouse Road.
- Lighthouse Road and Cloudy Bay Road.
- Several other roads in the Alonnah area.

- Adventure Bay Road.
- All roads on North Bruny Island.

Estimated completion of the balance of slashing will be mid-January.

Darren Johnson, Manager Works

12.2 Reinstating Recycling at the Civic Centre

At the Council meeting on 9 November 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 will the Council reinstate the drop off bins for the batteries, mobile phones etc that used to be in the foyer of the Civic Centre?

Officer's Response:

The bins were removed in March in response to the Covid-19 pandemic to limit public interaction.

The advice from Council's Medical Officer of Health is not to reinstate this service at this stage.

Stuart Baldwin, Manager Kingborough Waste Services

12.3 Landscaping

At the Council meeting on 9 November 2020, **Cr Fox** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

At recent Council meetings, when acting as a planning authority, Councillors have voted to remove conditions on development applications relating to the maintenance of landscaping. Specifically, a standard clause that reads "The landscaping must be maintained for the life of the development to the satisfaction of the Council" has been repeatedly removed from the list of conditions for DAs recommended for approval. This landscaping clause was removed by vote on two occasions and now it appears it is being removed from all future DAs to avoid relitigating the same debate. This is by precedent and not by a motion of Council.

- a) *Without the inclusion of this clause, is there an increased risk that developers will not invest sufficient resources into the maintenance of landscaping in the long-term?*
- b) *The decision to remove the landscaping maintenance clause from all future DAs has been made by precedent and not by a motion of Council. By what authority is this clause being removed on an ongoing basis?*
- c) *Without the inclusion of this clause, what head of power does Council have to ensure that new developments are appropriately screened for privacy and amenity?*
- d) *Have any other LGAs undertaken to remove this clause?*
- e) *Has Council considered or undertaken any community consultation before the removal of this clause?*
- f) *What will be the outcome of the removal of this clause?*

- g) *Can Council staff provide a short report on the consequences of landscaping, describing what has and, what has not worked?*
- h) *What other options does Council have to green our residential areas?*
- i) *What other opportunities does Council have to beautify our urban environment?*

Officer's Response:

- a) The developer's responsibility is to prepare the site and plant the landscaping. It is the developer's responsibility to maintain the landscaping from the time of planting until the property changed possession. The developer may chose to install watering systems, however from experience that rarely occurs in Kingborough.
- b) The Planning Authority is able to amend recommendations of any planning report, as they wish (if agreed by way of vote). The conditions on permits are not prescribed by the Planning Scheme or the Act so they are able to be amended or modified. Care of course must be taken to ensure that the conditions of a permit are reasonable and have an appropriate nexus with the development and the provisions of the planning scheme. The position or opinion of the Planning Authority may vary over time with changes to who represents the community as a Councillor and thus as the Planning Authority.
- c) Screening in the form of landscaping is typically applied to soften the appearance of built form, such examples include where the building envelope has not been complied with; or the required setbacks have not been achieved; where the subject site sits higher than the neighbouring site exacerbating the bulk/scale of the built form; or there a need to minimise the appearance of built form where there may be scenic landscape code considerations. Screening for privacy from direct views from a window or balcony (in urban areas) is usually in a more permanent form, such as screens or frosted glazing. However, it is useful for perception of protection of overlooking and providing improved amenity. The various development standards within the planning scheme itself provides the head of power for such requirements to be imposed, as the vegetated screening enables the relevant performance criteria to be achieved. Using physical screens or structures to deal with reduced setback and bulk is typically fruitless as the hard materials themselves create further bulk.
- d) Planning permit conditions are not written by the State Government, which means that each Council is left to write their own Planning Permit conditions. Most Councils do have a landscaping condition, however they vary in their wording and application. Some councils require ongoing maintenance under certain circumstances but it appears that most don't.
- e) I am not aware of any community consultation to remove or use the planning permit condition.
- f) My understanding is that Councillors have not requested removal of the entire condition, it is only the part of the condition that requires the landscaping to be maintained. The outcome of removing the maintenance part of the condition is that it is less clear or direct that some care should be taken to allow the planting to become established. The direction given by the Planning Authority is that it should be up to the occupiers if they wish to have or maintain a garden or not or have the flexibility to change the planting theme. The position taken does not differentiate between rental properties, commercial/industrial properties, owner/occupier properties or single or multi dwelling developments. The outcome of the removal of the maintenance requirement is probably unknown as it was not previously enforced. Its inclusion was to encourage the establishment of a leafy streetscape and the internal amenity for occupants, but it is not known if this requirement did in fact have any impact on this.

- g) Yes, it can be provided.
- h) Apart from greening private land Council may seek to green public land. Typically this may be achieved by either requiring developers to plant or make payment for street trees/vegetation to be planted and/or Council could develop a street tree/greening open spaces policy. This would require an analysis of what exists, where the gaps and opportunities are to green open spaces (which would include road reservations). Accordingly, the project (which would likely be long term) would need allocation of funds through the Council budget (materials and labour). It is likely that this would be developed outside of the Development Services Department.
- i) There are many opportunities to beautify Kingborough's urban environment including through planning controls for new or refurbished development or in the public areas through landscaping; street furniture (benches, light poles, public fencing etc); treatment of finishes for footpaths, paving or roadways; installation of public art and so forth. Areas such as the Kingston Beach and Blackmans Bay foreshores of what can be done in public spaces.

Tasha Tyler-Moore, Manager Development Services

12.4 Organisational Development Quarterly Report

At the Council meeting on 9 November 2020, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I note there was a pulse survey around staff perceptions of management initial response to the pandemic. Does Council undertake a workplace culture survey? If so, when has this occurred?

Officer's Response:

Council generally undertakes a comprehensive staff survey every two years. The last survey was undertaken in November 2018 by external consultants. This year's survey has been deferred until next financial year. The consultants' budget for Organisational Development was reduced to meet the Council's efficiency dividend.

I expect that we will undertake shorter in-house pulse surveys on specific topics during the year. We do not have the capacity or funding to run a large scale staff survey.

Pene Hughes, Executive Manager Organisational Development

12.5 Presentation to Councillors and Executive Management

At the Council meeting on 9 November 2020, **Cr Midgley** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

I had a meeting last week with the Project Manager for Our Watch which has a focus on aiming to shift attitudes and behaviour that drive violence against women and it provides policy advice and support and input to governments. It also has a local government toolkit that provides information for gender equality and respect in the workplace. The Project Manager for this can give a presentation to Councillors and perhaps the Executive Team for approximately one hour and we are very lucky in Tasmania to have a Project Officer working in this area that directly aligns to our governments priorities. Could we fit in a workshop with her before the end of the year or perhaps early next year?

Officer's Response:

Our Watch presented their Local Government Toolkit to the workshop held on 16 November 2020.

Gary Arnold, General Manager

12.6 Cost of Litigation

At the Council meeting on 9 November 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 would like to have a full report on the exact amount of money that has been spent on the Tony Gamble case?

Officer's Response:

The costs in the matter to date (for the prosecution and both appeals) is \$50,605.71.

The Council presently holds a certificate of assessment against the defendants for the initial prosecution for \$11,728.04. On 12 November 2020, Chief Justice Blow ordered that the appellants pay Council's costs of and incidental to the appeals. Council will prepare a bill of costs for the first appeal and Full Court appeal, then arrange for them to be filed and served on the appellants.

It is predicted that Council's actual costs will be minimal once the matter is finalised.

Scott Basham, Manager Compliance & Community Development

12.7 Huntingfield Subdivision

Cr Westwood submitted the following question on notice:

Is there any update on the State Government's Huntingfield subdivision coming to the Planning Authority for approval?

Who will be responsible for the development and ongoing maintenance of the public open spaces as per the Huntingfield Master Plan?

Officer's Response:

Not at this stage. A development application has been received for the proposed roundabout access on the Channel Highway, together with all supporting documents. There has been no update on when the subdivision application is to be lodged.

No clear indication has yet been given as to who will be responsible for the development and maintenance of the proposed public open spaces.

Tony Ferrier, Deputy General Manager

12.8 Implementation of FOGO

Cr Westwood submitted the following question on notice:

Following the successful implementation of Kingborough's green waste collection service, what is the anticipated date for food organics to be added to this fortnightly kerbside collection service?

Officer's Response:

At this stage it is recommended that this commence in July 2022. This will give some time to consider regional options and provide a reasonable planning window for implementation of such a service.

Stuart Baldwin, Manager Kingborough Waste Services

12.9 Waste

Cr Midgley submitted the following questions on notice:

1. *Approximately how much organic waste is in household rubbish bins?*
2. *How many tonnes of waste goes to landfill each year?*
3. *What strategies have other Councils in Tasmania put in place to reduce their waste to landfill?*
4. *If FOGO is implemented what is the estimate of organic tonnes to be removed from landfill each year?*
5. *What is the timeline for FOGO implementation?*
6. *How much per tonne does it cost to take landfill to Copping?*
7. *What happens to our concrete and glass?*
8. *What are the goals of the Waste Strategy and are they reported against a target?*
9. *How much landfill has been reduced since the implementation of the Waste Strategy?*
10. *How do Council staff evaluate the Waste Strategy?*

Officer's Response:

1. The recent bin audit identified approximately 45% of the kerbside waste bins contents by weight were organic waste.
2. 10,572 tonnes of waste was sent to landfill during the 2019-20 financial year.
3. Some councils have adopted Waste Management strategies with various measures to reduce waste to landfill. Generally these strategies are similar to the one adopted by Kingborough Council, with typically a focus on garden organics (GO) and food organics (FOGO), education and other initiatives such as home composting.
4. This is difficult to say as the FOGO service for Kingborough would not be mandatory to all households on the kerbside service but to give an indication 5,594 tonnes of kerbside waste

was sent to landfill in the 2019-20 financial year which may contain up to 2517 tonnes of organic waste.

5. At this stage it is recommended that July 2022 would be a suitable date allowing time to investigate regional opportunities, monitor effectiveness of the current GO service, and to put in place the various requirements associated with the implementation of a FOGO service.
6. \$49.00 per tonne which includes transport and disposal.
7. All glass is transported to Hazell Brothers at Leslie Vale for crushing and re-use in bricks and road base materials. Due to the low levels of concrete received at Barretta it is transported to McRobies Gully for processing.
8. The goals of the Waste Strategy are contained within the public document listed on Council's website as follows:

Goal #1: Increase waste avoidance and reduction.

Goal #2: Increased recycling rates.

Goal #3: Best practice waste and resource recovery infrastructure.

Goal #4: Efficient and sustainable governance.

Goal #5: Effective community engagement

They are reported against by Bi monthly reports to the Kingborough Waste Service (KWS) Board and quarterly reports to Council with a listing of all the actions and progress with these actions.
9. It would be difficult to put an accurate number on this, although our total diversion (prior to the GO implementation) is about 45% .
10. As previously mentioned progress with the waste management strategy actions are discussed at each KWS board meeting and also with Council representatives prior to quarterly reports summarising progress being provided to Council.

David Reeve, Executive Manager Engineering Services

OPEN SESSION ADJOURNS

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 DA-2020-288 - DEVELOPMENT APPLICATION FOR DWELLING AT 31A HINSBY ROAD, TAROONA (CT 126472/2)

File Number: DA-2020-288
Author: Timothy Donovan, Senior Planning Officer
Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Mr P A Chapman and Mrs C J Chapman
Owner:	Mr P A Chapman and Mrs C J Chapman
Subject Site:	31A Hinsby Road, Taroona (CT 126472/2)
Proposal:	Single Dwelling
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Low Density Residential (Area C)
Codes:	E3.0 Landslide (low) E6.0 Parking and Access E7.0 Stormwater Management
Use Class/Category:	Residential/Single Dwelling
Discretions:	Clause 12.4.2 - Setbacks and Building Envelopes (A1, A2, A3) Clause 12.4.3 - Site Coverage and Private Open Space (A1, A2) Clause 12.4.4 - Sunlight and overshadowing (A1) Clause 12.4.5 - Width of Openings for Garage and Carports(A1) Clause 12.4.6 - Privacy (A1)
Public Notification:	Public advertising was undertaken between 25 July 2020 and 7 August 2020 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i> .
Representations:	25 submissions were received with 20 opposed to and 5 in support of the application. The submissions opposed were in relation to: <ul style="list-style-type: none"> - The Local Area Objectives for Taroona - The Desired Future Character Statement for Taroona - Setbacks and Building Envelope - Site coverage and private open space - Sunlight and overshadowing - Width of openings for garages and carports - Privacy - Development Standards for Subdivision and Lot Size
Recommendation:	Refusal

1. PROPOSAL

1.1 Description of Proposal

The application is for the construction of a single dwelling of 44.8m² on Lot 2 at 31A Hinsby Road Taroona. Lot 2 has an area of 48.1m². The dwelling is two storeys with an overall height of 5.2m. There is a roof terrace provided as a private open space for the occupants with a 1m high railing around its perimeter and a privacy screen over the back half of 1.7 m in height.

The dwelling has zero setback to the east (front) and south boundaries and 200mm setback from the north boundary and 150mm setback from the west boundary.

The ground floor of the dwelling contains the dwelling entrance, a single car garage, internal bin storage and a combined laundry and bathroom which is accessed through the garage. The first floor provides a studio room that contains an open plan single room accommodating a bed, dining/seating area and a kitchen. Internal stairs lead from the ground floor to the roof which contains a terrace over its entire area.

The ground floor walls are to be rendered brick in a beige colour. The front ground floor façade has a garage door and a front door. There are no other openings or windows on the other three ground floor facades. The first floor is to have cladding (boards) in a biscuit/beige colour. There is a large window on the front façade, a small vertical window in the south facade and a long narrow window in the north façade.

It is noted that in response to the issues raised by the representators the applicant has provided additional plans and information to Council - e.g. overshadowing, overlooking, car parking, etc. Where relevant this additional information has been included in the assessment of the proposal.



Figure 1 - Front elevation of proposed dwelling

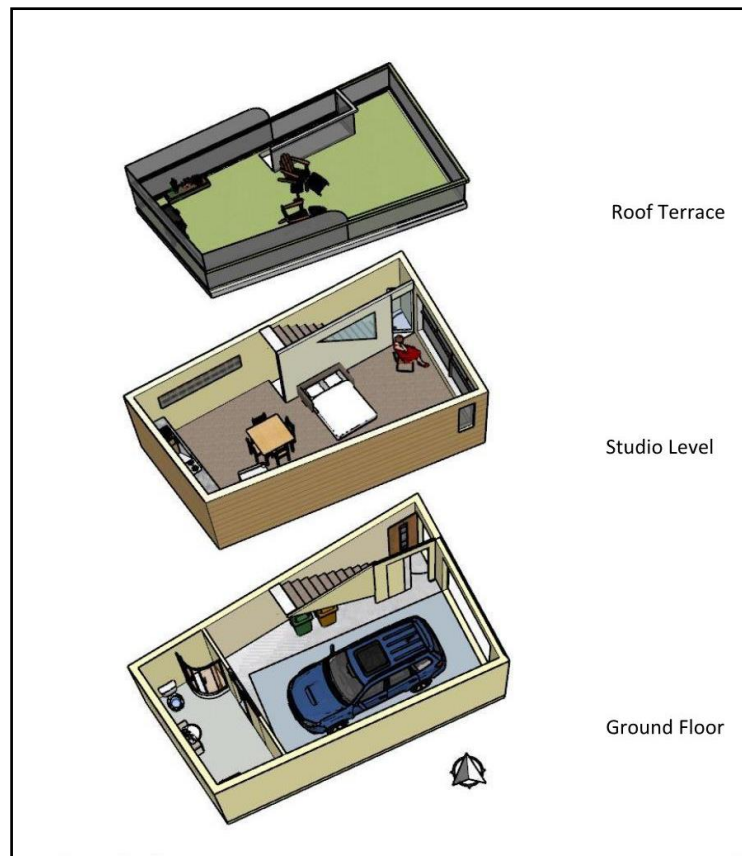


Figure 2 – Floor plans of proposed dwelling.



Figure 3 - Sketch of roof terrace on proposed dwelling.

1.2 Description of Site

The site is identified as 31A Hinsby Road but is located between No's 25 and 29 Hinsby Road. The site is very small with an area of 48.1m² with a maximum length of 9.61m and maximum width of 5.99m.

The site is level, cleared and unencumbered and partly enclosed with a timber paling fence.

Adjacent to the south boundary of the site is a lot with a double-storey dwelling setback approximately 2.5m from the shared boundary and approximately 4m from the front boundary. The north boundary faces an area of trees and vegetation on the adjoining lot which contains a dwelling at the rear and setback approximately 30m from the frontage.

The surrounding area contains predominantly single dwellings of a variety of architectural styles consistent with the period immediately post WWII. The blocks are mostly consistent in size and houses are typically single storey and modest in size and clad in painted weatherboard. Front gardens and front setbacks are typically generous and often have no or low fencing in keeping with the architectural style and period of the houses.



Figure 4 – Aerial photo of 31A Hinsby Road Taroona.



Figure 5 - Photo of 30A Hinsby Road, Taroom.

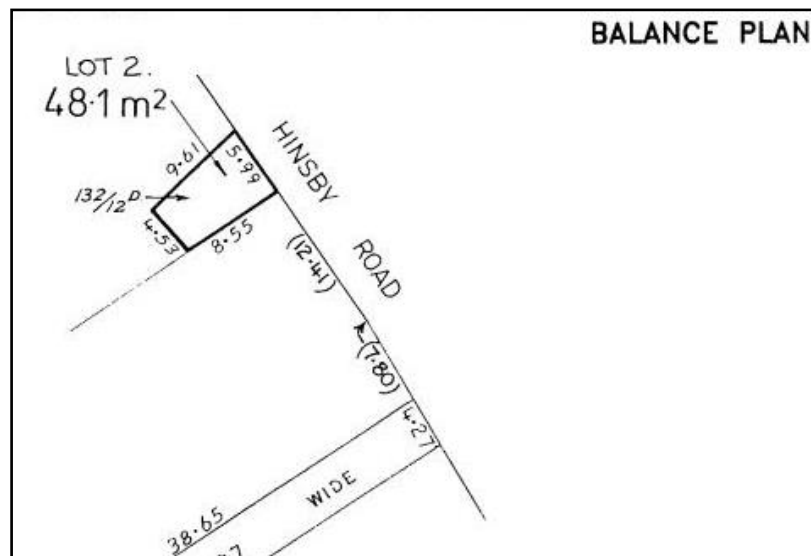


Figure 6 - Extract from title plan P126472 showing Lot 2.

1.3 Background

Council records indicate that the subject Lot 2 (P126472) was associated with Lot 1 (P126472) to the south on Hinsby Road. Lot 1 is also identified as 31A Hinsby Road, Taroom and it has the same Property ID number as Lot 2. Lot 1 has an area of 997 m² and contains a single dwelling constructed in 1953. Access to Lot 1 is obtained along a roadway of 4.12m which is shown on the title plan.

Due to the configuration and slope of Lot 1 an area of land of 48.1m² to function as a garage was created between No's 25 and 29 Hinsby Road with frontage to Hinsby Road. Lot 2 was indicated on the earlier title plan showing Lot 1 being SP 1587 (dated 27/5/63) and fully described and included on the Title Plan P126472/2 dated 12 Nov 1996. Lot 2 is not adhered to Lot 1.

The Survey Notes dated 17/09/2003 indicated that a structure ("v.b. garage") was on Lot 2 however the lot is currently cleared. A search of Council records has not revealed any further information on the lot.

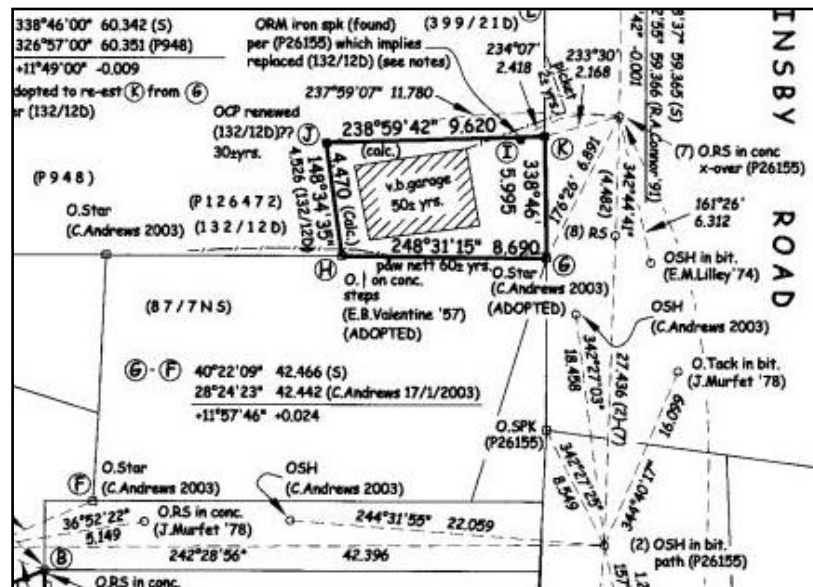


Figure 7 – Extract from Surveyors Notes dated 17/09/2003.

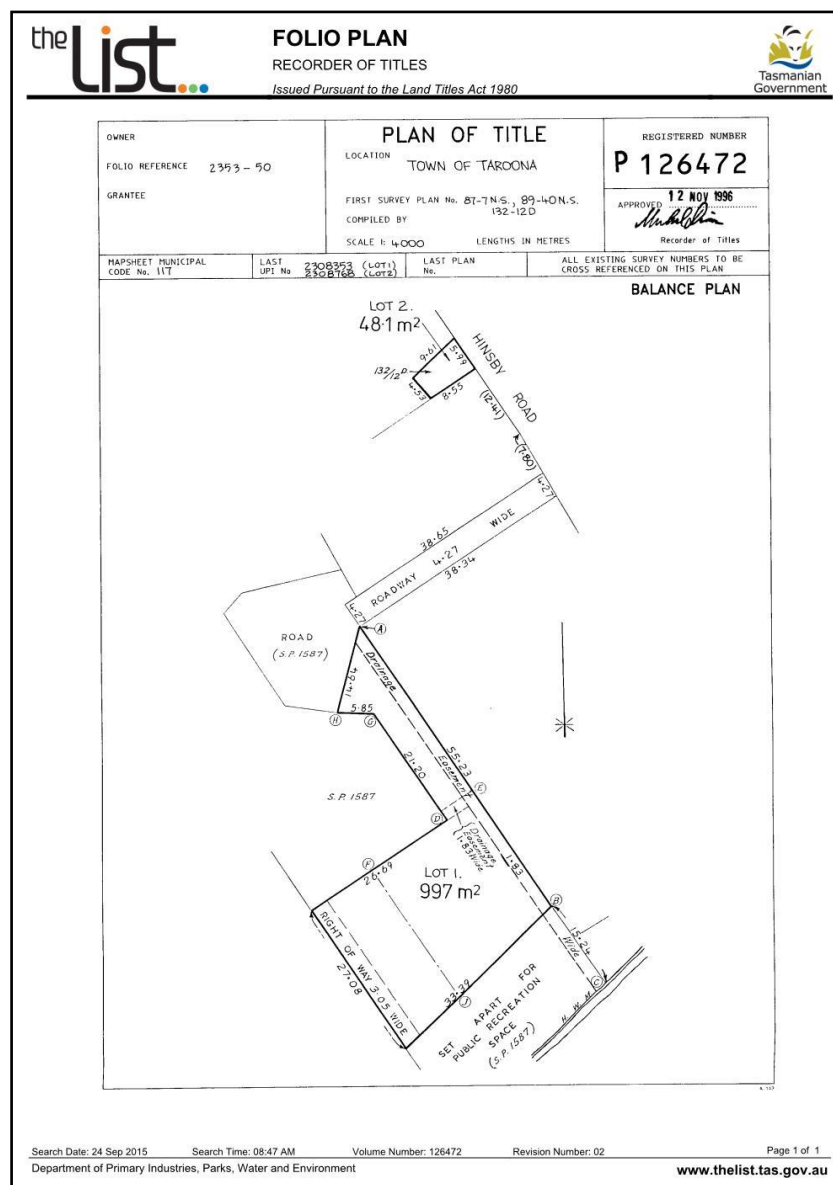


Figure 8 - Certificate of Title CT 126472 Folio 2.



Figure 9 – Aerial photo highlighting Lot 1 and Lot 2 (31A Hinsby Road, Taroona) – Property ID 5715822.

Following advertising, the applicant provided additional information and plans to try and address the concerns raised by Council and the representors. The changes were not considered to address the concerns, so that plans were not formally substituted by the applicant. Therefore, the assessment is based upon the plans that were advertised.

2. ASSESSMENT

2.1 State Policies and Act Objectives

The provisions of the Planning Scheme, including the zone and code overlays derive from the State Policies and the approval of the Scheme by the Planning Minister is on the basis it is compliant with those policies. On that basis a separate assessment against those policies is not required.

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

The proposal is not consistent with the objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993 as it conflicts with the Local Area Objectives for Taroona in the Low Density Residential Zone, and fails to satisfy the Performance Criteria for a number of development standards of the Kingborough Interim Planning Scheme 2015. Further discussion on these matters is provided in the report below.

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Low Density Residential zone

The relevant zone purpose statement of the Low Density Residential zone is:

- 12.1.1.1 To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

Clause 12.1.2 – Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
(a)	The relative low residential density of Tarooma will be maintained and any significant change to higher densities is to be avoided	(a)	Infill development should only be encouraged on sites convenient to urban facilities and services
(b)	Areas within Tarooma that are zoned Low Density Residential are to be developed so that both visual landscape and natural environmental values are protected.	(b)	Existing larger lot sizes are to be retained in order that there is sufficient land to accommodate substantial vegetation on site and provide for the desired landscape and natural amenity with only minimal expansion of the existing urban footprint permitted
Desired Future Character Statements		Implementation Strategy	
(a)	Tarooma is to continue to be a seaside suburb mainly containing single detached dwellings with established landscaped gardens.	(a)	Multi-unit housing is to be discouraged other than in the vicinity of the Tarooma shopping centre.
(b)	The existing neighbourhood character that is associated with the area's landscape and environmental values should be protected	(b)	The visual amenity of hillsides and skylines is retained by providing for larger lots that are able to retain sufficient native vegetation. Native vegetation is to be protected along the coastline and alongside gullies and watercourses. In some cases these areas also provide a buffer or transition between more closely settled urban areas and other areas with high natural values.

The proposal does not comply with the above-mentioned statements and objectives as follows:

- The proposed dwelling creates a development with a high density (1 dwelling per 48m²) whereas the Low Density Residential Area C is designed to achieve significantly lower densities (e.g. lots to have a minimum lot size and density of 1000m²).
- The visual landscape in Hinsby Road and the area generally is not protected as the subject site is not able to accommodate any garden and landscaping which is characteristic of the area. Furthermore, the proposal introduces built form on the street frontage which does not allow for landscaping to soften its built form.
- The lack of landscaping and a front garden detracts from the desired future character of the area.

2.3 Statutory Planning

The use is categorised as Residential (Single Dwelling) under the Scheme which is a No Permit Required use in the Low Density Residential zone. Whilst the application is classified as a No Permit Required use, it relies on Performance Criteria to comply with the Scheme provisions, and is therefore discretionary.

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

2.4 Use and Development Standards

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

Low Density Residential Zone

Clause 12.4.2 Setbacks and building envelope (A1)

Acceptable Solution
<p>A1- Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6 m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, at least 4.5 m, or, if the setback from the primary frontage is less than 4.5 m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or if the frontage is not a primary frontage, at least 3 m, or (b) if the setback from the frontage is less than 3 m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or (c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street.
Performance Criteria P1
<p>P1- A dwelling must:</p> <ul style="list-style-type: none"> (a) be compatible with the relationship of existing buildings to the road in terms of setback or in response to slope or other physical constraints of the site; and (b) have regard to streetscape qualities or assist the integration of new development into the streetscape.
Proposal
<p>The proposal does not comply with A1. The required frontage is 4.5m and proposed dwelling is located on the front boundary with 0.0m setback.</p>

The applicant submits that the dwelling complies to Performance Criteria P1 in that:

- (a) *the proposed dwelling is compatible with the physical constraints of the site; and*
- (b) *the proposed dwelling has been designed to complement the streetscape qualities e.g. No. 29 Hinsby Rd and other dwellings in Hinsby Rd that are close to the street.*

However, the proposed variation cannot be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- It is not compatible with the relationship of existing buildings to the road in terms of setback. The street and adjacent areas in Taroona contain predominantly single dwellings setback from the street with front gardens. The site does not have any slope constraints requiring a setback on the street frontage.
- The small physical size of the site at 48.1m² however, with a frontage of 5.99m and a depth of 9.61m, is a considerable constraint in relation to being able to erect a complying and practicable dwelling. Provision of a 4.5m front setback provides a very small building area on the site with a depth of a maximum 5.1m. This area needs to be considered further in relation to the side and rear setbacks which are considered below in the report.
- It does not have regard to the streetscape qualities in Hinsby Road and does not assist the integration of new development into the streetscape. The presence of a 5.2m high building on the frontage with the same height walls extending down both side boundaries projects a sizable building element into the streetscape. The streetscape is composed of a range of elements including:
 - Houses are typically single storey.
 - Front gardens and front setbacks that are typically generous and often have no, or low fencing in keeping with the architectural style and period of the house. Houses that are close to the street still have a low fence and front garden or landscaping.
 - Front fences are typically absent altogether or low timber railing fences or dwarf concrete or brick fences.
- Very few properties in the street have visible outbuildings and are further characterised by an absence of free standing garage or carport structures forward of the building line. Of the 32 properties in Hinsby Road with frontages to the street (excluding internal lots) there are four properties with a garage, carport or outbuilding located on or near the front boundary and these are all single storey structures. Of the 26 properties in the adjacent Jenkins Street there are two.
- The number of dwellings that are on or within 4.5m of the front boundary in Hinsby Road is approximately seven (based on aerial photo analysis). Some of these are due to slope or other physical constraints. The majority also have some setback and landscaping in the frontage area.



Figure 10 - Aerial view of Hinsby Road and Jenkins Street, Taroom

Low Density Residential Zone

Clause 12.4.2 Setbacks and building envelope (A2)

Acceptable Solution

A2 - A garage or carport must have a **setback** from a **frontage** of at least:

- (a) 5.5 m, or alternatively 1m behind the **façade** of the **dwelling**; or
- (b) the same as the **dwelling** **façade**, if a portion of the **dwelling gross floor area** is located above the garage or carport; or
- (c) 1m, if the **natural ground level** slopes up or down at a gradient steeper than 1 in 5 for a distance of 10 m from the **frontage**.

Performance Criteria

P2 - The setback of a garage or carport from a frontage must:

- (a) provide separation from the frontage that complements or enhances the existing streetscape, taking into account the specific constraints and topography of the site; and
- (b) allow for passive surveillance between the dwelling and the street.

Proposal

The proposal does not comply with the required setback of at least 5.5 m in A1(a). It is located on the front boundary with a 0.0m setback. There is a portion of the **dwelling gross floor area** located above the garage and this allows the garage to be 1m back from the dwelling frontage. This is not the case with the garage being on the frontage and the garage door being setback 0.5m from the front of the dwelling.

The applicant submits that the dwelling complies to Performance Criteria P2 in that:

- (a) *taking into account the specific constraints of the site the garage is integral to the dwelling and the frontage complements the streetscape; and*
- (b) *the garage allows for passive surveillance between the dwelling and the street.*

The proposed garage does not comply to the extent that there is no separation from the frontage that complements or enhances the existing streetscape however the specific constraints of the site, i.e. the small area and dimensions, in reality means that there is no alternative in relation to the location of a garage. The garage shares the same frontage as the dwelling façade which is possible under A2(b) as a portion of the dwelling gross floor area is located above the garage. However the dwellings front facade does not comply with the required setbacks in Clause 12.4.2 A1.

The design of the garage and the front façade does not provide any opportunities for passive surveillance between the dwelling and the street except at times when the garage door is open. This is likely to be limited to times when a vehicle is entering or leaving the property for security reasons. However the other features in the front façade, being the front door and the large first floor window, combine to provide passive surveillance over the street.

Low Density Residential Zone

Clause 12.4.2 Setbacks and building envelope (A3)

Acceptable Solution
<p>A3 - A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope (refer to diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D) determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and (b) only have a setback within 1.5m of a side boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).
Performance Criteria
<p>P3 - The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause unreasonable loss of amenity by: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or (ii) overshadowing the private open space of a dwelling on an adjoining lot; or (iii) overshadowing of an adjoining vacant lot; or (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and

- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Proposal

The proposal does not comply to A1(a) in relation to the required building envelope. The front, side and rear setbacks and the height of the building on the primary frontage, side and rear boundaries are all outside the building envelope. While the height of the building at 5.2m to the roof is under the maximum 8.5m a significant portion of the first floor and the roof is outside a line projected at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary.

The applicant submits that the dwelling complies to Performance Criteria P3 in that:

- (a) *there will be no reduction in sunlight to a habitable room of the adjacent dwelling on No 29 Hinsby Rd;*
- (b) *there will be no overshadowing of the private open space of dwellings on the adjacent lots;*
- (c) *there are no adjoining vacant lots;*
- (d) *it is anticipated that there will be no unreasonable loss of amenity by visual impacts of the dwelling. The applicant advises that a carport is being planned on No 29 Hinsby Rd adjacent to the common side boundary which in his view will effectively obscure the view of the dwellings ground floor from the south. There are established trees on the property No 25 Hinsby which effectively obscure the entire dwelling from the north. The scale and proportions of the western wall with the topography of the adjoining land should provide a small and reasonable loss of visual amenity.*
- (e) *the separation between the dwellings on the adjoining lots will be compatible with that prevailing in the surrounding Taroom area.*



Figure 11 - Building Envelope (in red) for the primary frontage

In relation to P3(a)(i) overshadowing of the adjacent dwelling the shadow diagrams submitted by the applicant indicate that overshadowing will occur between the hours

of 9.00am and 3.00pm on 21st June. The majority of the overshadowing occurs between 9.00am to 12.00pm.

The applicant submits that P3 is complied with as:

- the windows facing the boundary are not in habitable rooms.
- There is partial filtered shadows through the proposed privacy screening on the roof terrace of the proposed dwelling.
- There is no overshadowing of No 29's stairway passage windows
- There is partial shadowing of windows but these are usually covered with a blind on the upper two panes.
- Shading from a typical complying house built on the adjacent land (i.e. No. 25) would have a significantly greater impact and impact on habitable windows.
- The habitable rooms in No 29 have expansive views and glass doors overlooking the Derwent River to the south east and the private open space to the south west.



Figure 12 - Shadow Diagrams by the applicant for winter solstice 9am, 12pm, 3.00pm (21 June).

In relation to the Performance Criteria P3(a) the proposal complies to (i), (ii), and (iii) as:

- (i) there is no reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot that results in any unreasonable loss of amenity.
- (ii) there is no overshadowing of the private open space of a dwelling on an adjoining lot; or
- (iii) there is no adjoining vacant lot

The dwelling at No.29 Hinsby Road has been designed with windows in the stairwell to capture sunlight and to allow daylight into the interior of the double-storey dwelling. However, the Performance Criteria is specific in relation to the impact on habitable rooms and not other areas and rooms.

The proposed variation is not supported pursuant to Performance Criteria P3(a)(iv) and P3(b) of the Zone. The objectives of this Development Standard seeks to control the siting and scale of dwellings to achieve a number of outcomes. The proposed dwelling does not meet the objectives as there is not:

- A reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage. The adjacent dwellings are setback from the frontage and provide front areas for a range of uses including open space, gardens, and on ground parking.
- Provision of a consistency in the apparent scale, bulk, massing and proportion of the dwelling. The provision of a building occupying nearly 100% of its site with zero setbacks and displaying two storey walls with higher roof elements will create visual impacts on the adjacent properties and from the street causes an unreasonable loss of amenity.

The development standards all work to achieving the objectives of the Taroona area and collectively they do not provide for a double-storey dwelling built over nearly 100% of a site with zero setbacks. The intent of the development standards is to maintain the existing neighbourhood character and visual landscape and seek development that achieves the desired future character of the area.

Low Density Residential Zone

Clause 12.4.3 Site coverage and private open space (A1)

Acceptable Solution
<p>A1 - Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 25% (excluding eaves up to 0.6m); and (b) a site area of which at least 25% of the site area is free from impervious surfaces; (c) for multiple dwellings, a total area of private open space of not less than 60 m² associated with each dwelling.
Performance Criteria
<p>P1 - Dwellings must have:</p> <ul style="list-style-type: none"> (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants; and

- (ii) operational needs, such as clothes drying and storage
- (b) have reasonable space for the planting of gardens and landscaping
- (c) not be out of character with the pattern of development in the surrounding area; and
- (d) not result in an unreasonable loss of natural or landscape values.

Proposal

The proposal does not comply with A1(a) in that the site coverage is 92%.

The proposal does not comply with A1(b) in that only 8% of the site is free from impervious surfaces.

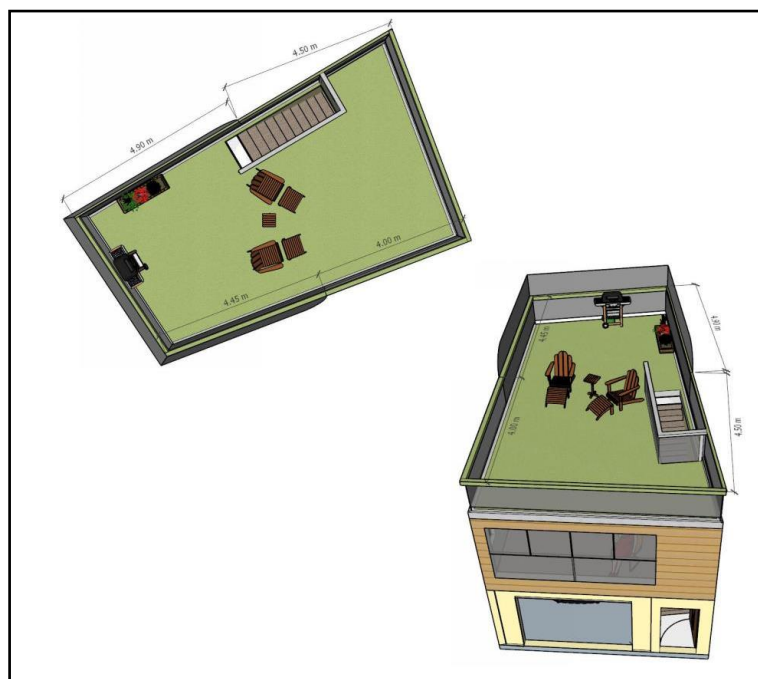


Figure 13 – Proposed private open space on the roof terrace.

The applicant submits that the dwelling complies to P1 in that:

The dwellings roof terrace is designed to be a private open space and is directionally proportional to the site coverage. With the area of the private open space being over 38m² it is approximately 80% of the site area and appropriate for the size of the dwelling.

The roof terrace can accommodate the projected requirements of the occupants.

The lot is adjacent to the pedestrian access track to Hinsby Beach which the occupants would frequent for additional recreation.

The area of the roof terrace can accommodate operational needs for clothes drying and storage.

There is room for planter boxes and raised garden beds and the Taroona Neighbourhood Garden is nearby.

The lot size is unique in the surrounding area and the design of the dwelling is in character with the diverse patterns of development in the Taroona area.

Being on a cleared lot there is no unreasonable loss of natural or landscape values.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- *The private open space is solely contained on the roof of the dwelling and does not provide outdoor recreational space consistent with the projected requirements of the occupants of a single dwelling and does not meet operational needs of a dwelling. The reliance of a roof top terrace, at the exclusion of any other open space, is not consistent with the provisions and intent of the Planning Scheme for a single dwelling on a low density residential lot and is more in keeping with a multiple dwelling in higher density zones.*
- *There is not a reasonable space for the planting of gardens and landscaping. While there is area for planter boxes, pot plants etc the Planning Scheme seeks to have gardens and landscaping planted on site in keeping with the objectives and desired future character of the area and maintaining natural and landscape values.*
- *The creation of a roof top area for private open space, with no other areas on the site being provided for landscaping and a garden, is not in keeping and is out of character with the pattern of development in the surrounding area. This is predominantly one of low density housing on lots with substantial vegetation on site and providing desired landscape and natural amenity, with typically generous front gardens and front setbacks with often have no, or low fencing in keeping with the architectural style and period of the houses. Very few properties have visible outbuildings and are further characterised by an absence of free standing garage or carport structures forward of the building line.*
- *The reliance on external open space and recreation areas such as beaches and parks is not a valid criteria in demonstrating compliance with the requirements of the Planning Scheme for 'private open space'. Such areas, by definition, are not private but public. Likewise, the use of community gardens does not demonstrate compliance with the performance criteria for on-site private open space.*

Low Density Residential Zone

Clause 12.4.3 Site coverage and private open space (A2)

Acceptable Solution
<p>A2 - A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least</p> <ul style="list-style-type: none"> (i) 24 m²; or (ii) 12 m², if the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and <p>(b) has a minimum horizontal dimension of:</p> <ul style="list-style-type: none"> (i) 4 m; or (ii) 2 m, if the dwelling has a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p>

<p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and</p> <p>(e) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>
Performance Criteria
<p>P2 - A dwelling must have private open space that:</p> <p>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:</p> <p>(i) conveniently located in relation to a living area of the dwelling; and</p> <p>(ii) orientated to take advantage of sunlight.</p>
Proposal
<p>The proposal complies with A2(a) and (b) with an area of 36m² and minimum dimensions.</p> <p>The proposal does not comply with A2(c) in that it is not directly accessible from a habitable room (other than a bedroom).</p> <p>The proposal complies with A2(d), (c), (f) and (g).</p>

The applicant submits that the dwelling complies to P2 in that:

- The private open space on the roof top terrace serves as an extension of the dwelling for outdoor relaxation, dining entertaining and children's play. It is conveniently located in relation to the living area, being accessible by the stairway and is oriented to take advantage of sunlight.*

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons

- Private open space is not usually provided solely on a roof terrace for single dwellings. The proposed roof terrace is of a size (38m²) that can serve as an extension of the dwelling however such roof top gardens/open spaces are a feature that usually occurs on a range of higher density dwelling types – e.g. apartments, town houses etc.
- It can be considered that the roof is not conveniently located in relation to a living area of the dwelling (i.e. the first floor) as it is accessed from the dwellings "studio" room by internal stairs.

Low Density Residential Zone

Clause 12.4.4 Sunlight and overshadowing (A1)

Acceptable Solution
A1- A dwelling must have at least one habitable room (other than a bedroom) window that faces between 30 degrees west of north and 30 degrees east of north (see diagram 12.4.4A).
Performance Criteria
P1 - A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

Proposal

The proposal does not comply with A1 in that the north wall is more than 30 degrees west of north. It is acknowledged that this marginally over being 30.87 degrees west of north. The proposal does not comply in relation to reliance on the 'studio' room receiving sunlight from the north wall window. The studio room includes the bedroom for the dwelling.

The applicant submits that the dwelling complies with P1 in that:

- *The north wall is fire rated and has a section of glass blocks to allow sunlight into the western side of the studio. The east wall of the studio has a large window (4m x 1.8m) and the studio wall near the stairwell has a glass section to allow light in.*

It is considered that the proposed dwelling complies to the performance criteria to the extent that dwelling it is sited and designed so as to allow sunlight to enter. However, the criteria requires this to be to a habitable room (other than a bedroom). There is only one room on the first floor and it contains a bedroom. This room is described as a "studio" room by the applicant as it also contains a lounge area and kitchen. This arrangement is more like a motel room or a self-contained apartment.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- There is no separate habitable room (other than a bedroom) that receives sunlight. The use of a multi purpose studio room is not considered to comply to the requirements of the Planning Scheme for single dwellings in the Low Density Residential Zone. The Acceptable Solution A1 seeks to provide for sunlight in habitable rooms other than bedrooms to ensure there is adequate sunlight provided to the inhabitants. A studio room, being multi-functional, is similar to the type of rooms provided in motels and short stay rental accommodation.

Low Density Residential Zone**Clause 12.4.5 Width of openings for garages and carports (A1)****Acceptable Solution**

A1 - A garage or carport within 12 m of a **primary frontage** (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the **primary frontage** not exceeding 6m or half the width of the frontage (whichever is the lesser).

Performance Criteria

P1 - A garage or carport must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.

Proposal

The proposal does not comply to A1 in that the width of the garage is 3.0m and it is required to be no more than half the width of the **frontage** i.e. 2.99m. It is acknowledged that this is only marginally over.

The applicant submits that the garage is approximately half the frontage, is balanced horizontally with the aperture of the front door and vertically with the large studio

window. Further for aesthetics the garage wall is set back 0.5m each side of the opening.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The location and size of the garage door and associated driveway garage dominates the street frontage and occupies approximately 50% of the frontage.

The Acceptable Solution is designed for consideration with standard lots which under the Low Density Residential (Area C) Zone may be a minimum size of 1000m² and with a frontage of 30m. A garage or carport would then have a maximum width of 6m and not dominate a streetscape. It is acknowledged that in light of the size of the lot and the small frontage that the garage door is the minimum size it can be to comply for access. Also, there are no alternatives to size and location if a parking space is to be provided on the lot.

Low Density Residential Zone Clause 12.4.6 Privacy (A1)

Acceptable Solution
<p>A1 - A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space or carport has a setback of at least 4m from the rear boundary;</p>
Performance Criteria
<p>P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining lot or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space; or</p> <p>(c) an adjoining vacant residential lot.</p>
Proposal
<p>The proposal does not comply with A1 as there is a roof terrace more than 1m above natural ground level and a privacy screen has only been provided for part of the roof terrace.</p>

The applicant has proposed a privacy screen 1.7m high over the back half of the roof terrace – it is across the west side and extends 4.9m down the north side and 4.45m down the south side. The balance of the terrace has a translucent balustrade 1.0m high. In relation to the two adjacent properties the applicant submits:

- *The dwelling at No 25 Hinsby Rd is distant from the proposed dwelling.*
- *The dwelling at No. 29 Hinsby Rd does not include a habitable room or private open space within 9m of the boundary.*

The applicant has also considered an alternative design to the roof terrace to address the performance criteria. This would replace the 1.7m privacy screen with a gabled roofed walled enclosure of similar dimensions over the back half of the roof. The total height of the building would be extended to 8.2m. The applicant contends that such a structure is in keeping with the character of Taroona and would increase the amenity of the dwelling and protect the enclosed stairwell.



Figure 14 - Alternative designs by the applicant for the roof terrace private open space area and façade.

The proposed variation is not supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The roof terrace is not fully screened and does not contain design elements that prevent overlooking and overlooking is not minimised. A1 states that a dwelling on an adjoining lot should not be overlooked. The acceptable solution does not provide exceptions based on the type of rooms or the distance from a boundary.
- The dwelling at No 25 Hinsby Road is located at the rear of the lot some 44m from the frontage and the lot is also vegetated include several tall trees. It is not considered that overlooking is of concern. However, there is direct overlooking of the dwelling at No 29 Hinsby Road which has a number of rooms and windows facing the subject site.

A privacy screen could be conditioned to be provided around the roof terrace. This would prevent overlooking but would add to the height and bulk of the building and also increase overshadowing. The applicants alternative gable roofed walled enclosure does not change the overlooking and significantly adds to the height and bulk of the building and overshadowing.

Low Density Residential Zone Clause 12.4.6 Privacy (A2)

Acceptable Solution
<p>A2 - A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of at least 3 m from a side boundary (ii) is to have a setback of at least 4 m from a rear boundary

- (b) The window or glazed door:
- (i) is to be offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling; or
 - (ii) is to have a sill height of at least 1.7 m above the floor level or has fixed obscure glazing extending to a height of at least 1.7 m above the floor level; or
 - (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7 m above floor level, with a uniform transparency of not more than 25%.

Performance Criteria

P2 - A window or glazed door, to a habitable room of a dwelling, that has a floor level more than 1 m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:

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

Proposal

The proposal does not comply with A1(a) as there is a floor level more than 1m above natural ground level and the windows are not screened or setback the required distances from the side boundaries.

The proposal complies with A1(b) in relation to the south wall window as it is offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling.

The applicant submits that there are no direct views from the window at the first floor level in the south wall to a habitable room in the adjacent dwelling at 29 Hinsby Road. The window has been included to capture the view of the public path to Hinsby Beach.

The proposal complies with A1(b) in relation to the south wall window as it is offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of the dwelling at 29 Hinsby Road. The offset to the façade facing the proposed dwelling is more than 1.5 m from the edge of the first floor south wall window and the closest room is not a habitable room.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 25 July 2020 to 7 August 2020). A total of 25 representations were received during the public exhibition period with 20 opposed and 5 in favour of the proposed development. A number of the submissions opposed to the development were of a pro-forma nature with identical or similar grounds.

The following issues were raised by the submitters opposed to the application:

2.5.1 The aspirations of the Taroona Local Area Objectives (cl.12.1.2) challenge the community in relation to the application, and the spirit and direction of the Interim Planning Scheme for low density development means that this minimal area lot should not be considered for development.

This issue is discussed in detail in sections 2.2 and 2.4 of this report. Due to the extent of non-compliance with the acceptable solutions and

performance criteria in the Planning Scheme it is considered that the proposed development conflicts with the Local Area Objectives for Taroona.

- 2.5.2 The aspirations of the Desired Future Character Statement for Taroona (cl.12.1.3) challenge the community in relation to the application, and the spirit and direction of the Interim Planning Scheme for low density development means that this minimal area lot should not be considered for development.**

This issue is discussed in detail in sections 2.2 and 2.4 of this report. Due to the extent of non-compliance with the acceptable solutions and performance criteria in the Planning Scheme it is considered that the proposed development conflicts with the Desired Future Character Statement for Taroona.

The proposed development does not protect the visual landscape and natural environmental values of Taroona. The design and impact of the proposed dwelling is not in keeping with the Desired Future Character.

- 2.5.3 The proposal for a dwelling over a garage cannot be considered to have achieved “consistent separation” between dwellings on adjacent sites and a dwelling and its frontage.**

This issue is discussed in detail in sections 2.4 of this report. Compliance with the Objectives for Development Standard Clause 12.4.2 - Setbacks and building envelope - is determined by compliance with the acceptable solutions and performance criteria.

- 2.5.4 The proposed building in excess of 6m in height and close to 6m wide does not fulfil the objective to provide consistent bulk, massing and proportion in relation to neighbouring dwellings**

This issue is discussed in detail in sections 2.4 of this report.

- 2.5.5 Proposing a building 6m high on the north boundary of a neighbouring dwelling allows for the casting of a shadow of approximately 13m, at midday in winter and over 2m in summer. During winter a shadow would be cast up to 3m up a wall placed 6.5m from the proposed building. The construction of this proposed building would reduce enjoyment of the front open space and front and side windows of the adjoining dwelling during the coldest months of the year in Hobart**

This issue is discussed in detail in sections 2.4 of this report.

- 2.5.6 A building on the street alignment within a residential area where all of the dwellings are free standing cottages that are set back from the street alignment does not conform with maintaining neighbourhood character and adds nothing to the natural environment . The application does not address any matter in relation to the natural environment nor to addressing issues of sustainability.**

This issue is discussed in detail in sections 2.4 of this report. The proposed dwelling does not maintain neighbourhood character. An application in the Low Density Residential Zone is not required to address the natural environment or sustainability. There are no Overlays on the site requiring this.

- 2.5.7 The proposal provides no argument for compatibility with any existing dwelling in the immediate vicinity and cannot make claims to be considered as a suitable solution in the planning framework.**

This issue is discussed in detail in sections 2.4 of this report.

- 2.5.8 The proposal looks like “visitor accommodation” under the guides of a “dwelling” which will result in complaints from neighbours**

This is not a valid issue and the application must be assessed on its merits under the Planning Scheme. Any unlawful use in the future is a matter for compliance action.

- 2.5.9 Approval of the application will create a precedent for in-fill which is not appropriate in the Low Density Residential Zone**

The Planning Scheme Tarooma Objectives encourage infill development on vacant lots provided they are convenient to urban facilities and services. They are required to comply to the Development Standards for Buildings and Works.

- 2.5.10 CI 12.4.2 Setbacks and building envelope, A1(a) and (b) are not complied with as the building has a zero setback from the frontage and has a zero setback from the side and rear boundaries.**

This issue is discussed in detail in sections 2.4 of this report. The proposed dwelling does not comply with the development standards and does not provide consistency in the apparent scale, bulk, massing and proportion of dwellings nor maintain the neighbourhood character.

- 2.5.11 CI 12.4.2 Setbacks and building envelope, A2 is not complied with as the garage is located on the ground floor of the building and is directly off the street – i.e. there is no setback from the frontage.**

This issue is discussed in detail in sections 2.4 of this report. The garage does not provide separation from the frontage that complements or enhances the existing streetscape. However, the specific constraints of the site – i.e. being only 48.1m² - provide no alternative other than to place the garage in the location it is in. The suitability of the garage depends on consideration of the dwellings zero setback from the primary frontage under Clause 12.4.2 A1.

- 2.5.12 CI 12.4.2 Setbacks and building envelope, A3 is not complied with as the dwelling covers the entire site and has two floors with a roof top outdoor area. The walls on all boundaries are 5.2m high. There is exceedance of the building envelope on all boundaries. The side setbacks are not complied with. The building is only allowed to be within 1.5m of side boundaries if the length of the dwelling does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). The length of the side boundaries are 9.63m and 8.55m therefore the building may only be 3.21m and 2.85m respectively. The proposed dimensions are the full length of the side boundaries.**

This issue is discussed in detail in sections 2.4 of this report. The proposed dwelling has an unreasonable loss on amenity through the visual impacts

caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot.

- 2.5.13 CI 12.4.3 Site coverage and private open space, A2, is not complied with as the site cover is effectively 100%. The roof terrace is of a reasonable size but is restricted in its use. It is not suitable or designed for natural landscaping. The screening does not comply with the requirements. Exposed clothes drying should not be tolerated.**

The private open space area is on the roof above the first floor of the dwelling and accessed by internal stairs. The first floor contains a combined kitchen, bedroom and living room.

Being on the roof the open space area has a 360 degree exposure and is on the same zero frontage as the dwelling.

This issue is discussed in detail in sections 2.4 of this report. The proposed private open space on the roof terrace is considered to not comply with the requirements of the Planning Scheme for a single dwelling on a Low Density Residential lot.

- 2.5.14 CI 12.4.4 Sunlight and overshadowing is not complied with as there is only one room (a combined kitchen/bedroom/living room) in the building on the first floor with windows.**

This issue is discussed in detail in sections 2.4 of this report. There is no separate habitable room (other than a bedroom) that receives sunlight. The use of a multi-purpose studio room is not considered to comply to the requirements of the Planning Scheme for single dwellings in the Low Density Residential Zone. A studio room, being multi-functional, is similar to the type of rooms provided in motels and short stay rental accommodation.

- 2.5.15 CI 12.4.5 Width of openings for garages and carports is not complied with as the garage must have a total width of openings facing the primary frontage not exceeding 6m or half the width of the frontage (whichever is the lesser). The frontage is only 5.99m resulting in a requirement of 2.99m. The width of the garage door is a dominant element of the primary frontage. This does not satisfy A1 or P1. There is no provision for electricity supply and meter box, nor a letterbox**

This issue is discussed in detail in sections 2.4 of this report. The Acceptable Solution is designed for consideration with standard lots which under the Low Density Residential (Area C) Zone may be a minimum size of 1000m² and with a frontage of 30m. A garage or carport would then have a maximum width of 6m and not dominate a streetscape. It is acknowledged that in light of the size of the lot and the small frontage that the garage door is the minimum size it can be to comply for access. Also, there are no alternatives to size and location if a parking space is to be provided on the lot.

- 2.5.16 CI 12.4.6 Privacy objectives ("To provide reasonable opportunity for privacy for dwellings") are not met. If the 1.7m screen was extended full length of the southern edge of the roof terrace this creates unacceptable increase in overshadowing of neighbouring prime open space. The height of the roof terrace has significant impact on privacy of adjacent property and dwelling which has been designed to maximise capture of natural light into the core of the living spaces on the first and second floors. Windows have been installed to facilitate**

transfer of natural light and heat on the western side of the property. The large stairway window at the front (north) of neighbouring property provides light to the larger living room. Natural vegetation provides filtered shading but the proposal will provide a complete barrier to natural light and heat.

This issue is discussed in detail in section 2.4 of this report. The proposed dwelling complies to A2(b).

2.5.17 CI 12.4.7 Frontage fences is not complied with as the dwelling has zero frontage and the front boundary contains the 5.2m front wall of the building.

There is no requirement in the Planning Scheme to provide a front fence. If one is proposed then it must comply to the development standards. The dwelling setback is considered under other development standards in this report.

2.5.18 CI 12.5.1 Development Standards for Subdivision are not complied with as:

- The lot does not have adequate area for a dwelling.
- The lot was originally subdivided as a garage for access to 31A Hinsby Road.
- The lot is too small for any other use except a vehicle garage or carport.
- The lot is below the minimum lot size in the Interim KPS 2015 of 400/450m².

This is not a valid ground as the development application is not for subdivision and is for an existing lot.

The following issues were raised by the representors in support of the application:

- General statement of support for the project.
- Will not impact on anyone's view.
- Will add to the street appeal and enhance the streetscape. The dwelling will enhance the 1960's character of the Taroona suburb.
- Subject site has been empty with weeds and rubbish until the recent owners cleaned it up.
- A micro house is a unique and positive 21st Century concept.
- There is no effect on traffic flow which is limited to a few cars a day except for summertime.

These issues are included in the discussions on the various Development Standards discussed in detail in section 2.4 of this report. Of the items that were raised in support of the proposal, impacts on views, weeds and rubbish and uniqueness of microhouse are not elements that the planning scheme allows consideration of.

3. CONCLUSION

The proposal for a dwelling on the subject site has proved problematic due to the small size of the lot being only 48.1m². This has created a range of non-compliances with the development standards for dwellings within the Low Density Residential Zone. While it appears that the lot was originally created to provide car parking for another lot it now exists as a separate title but does not mean that development of a dwelling is as of right.

In seeking to design a viable and complying dwelling the applicant has been innovative in addressing the needs of future occupants of the dwelling. However, the impacts of the proposed dwelling on the adjacent properties and its non-compliance to a number of performance criteria are substantial and significant.

The proposed development does not protect the visual landscape and natural environmental values of Tarooma. The design and impact of the proposed dwelling is not in keeping with the Desired Future Character. The proposed dwelling does not provide consistency in the apparent scale, bulk, massing and proportion of dwellings nor maintain the neighbourhood character and natural landscape.

The proposal fails to satisfy the requirements of the objectives for the Low Density Residential Zone (Area C), Clause 12.4.2 - Setbacks and building envelope, Clause 12.4.3 - Site coverage and private open space, Clause 12.4.4 - Sunlight and overshadowing, Clause 12.4.5 – Width of openings for garages and carports, and Clause 12.4.6 – Privacy of the *Kingborough Interim Planning Scheme 2015*.

It is therefore recommended that the proposed development for a single dwelling at 31A Hinsby Road, Tarooma be refused.

4. RECOMMENDATION

That the Planning Authority resolves that the development application dwelling at 31A Hinsby Road, Tarooma (CT 126472/2) for Mr P A Chapman and Mrs C J Chapman be refused for the following reasons:

1. The proposal is inconsistent with the Desired Future Character Statements of the Low Density Residential Zone (Area C) for Tarooma of the *Kingborough Interim Planning Scheme 2015*.

The proposal does not comply with the Desired Future Character Statements (Cl.12.1.3) that require that the low residential density of Tarooma will be maintained and visual landscape and natural environmental values are protected. Due to the size of the lot and the size and height of the proposed dwelling the visual landscape in Hinsby Road and the area generally is not protected, the lack of landscaping and a front garden detracts from the desired future character of the area, and the development creates a lot with a high density (1 dwelling per 48m²).

2. The proposal fails to demonstrate compliance with Clause 12.4.2 Setbacks and Building Envelope, Performance Criteria (P1) (a) and (b) of the *Kingborough Interim Planning Scheme 2015* as the building has a zero frontage and is not compatible with the relationship of existing buildings in the road, does not have regard to streetscape qualities, and does not assist in the integration of new development into the streetscape.

The proposed dwelling is located with zero setback on the front boundary (4.5m required). The street and adjacent areas in Tarooma contain predominantly single dwellings setback from the street with front gardens.

3. The proposal fails to demonstrate compliance with Clause 12.4.2 Setbacks and Building Envelope, Performance Criteria (P3) of the Kingborough Interim Planning Scheme 2015 in relation to the required building envelope as the proposed double-storey dwelling occupies over 93% of the site and has zero setbacks on two boundaries.

The front, side and rear setbacks and the height of the building on the primary frontage, side and rear boundaries are all outside the building envelope. While the height of the building at 5.2m to the roof is under the maximum 8.5m a significant portion of the first floor and the roof is outside a line projected at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary.

The proposed dwelling does not comply as it does not provide a reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage. The adjacent dwellings are setback from the frontage and provide front areas for a range of uses including open space, gardens, and on ground parking.

The proposed dwelling does not comply as it does not provide a consistency in the apparent scale, bulk, massing and proportion of the dwelling. The provision of a building occupying over 93% of its site with zero setbacks and displaying two storey walls with higher roof elements will create visual impacts on the adjacent properties and from the street causes an unreasonable loss of amenity.

4. The proposal fails to demonstrate compliance with Clause 12.4.3 Site Coverage and Private Open Space (P1) and (P2) of the Kingborough Interim Planning Scheme 2015 in that the private open space area for the proposed dwelling is not directly accessible from the living area, does not have reasonable space for the planting of gardens and landscaping and is out of character with the pattern of development in the surrounding area.

The private open space is solely contained on the roof of the dwelling, is not directly accessible from the living area and does not provide outdoor recreational space consistent with the projected requirements of the occupants of a single dwelling and does not meet operational needs of a dwelling. The reliance of a roof top terrace, at the exclusion of any other open space, is not consistent with the provisions and intent of the Planning Scheme for a single dwelling on a low density residential lot

There is not a reasonable space for the planting of gardens and landscaping. While there is area for planter boxes, pot plants etc the Planning Scheme seeks to have gardens and landscaping planted on site in keeping with the objectives and desired future character of the area and maintaining natural and landscape values.

The creation of a roof top area for private open space, with no other areas on the site being provided for landscaping and a garden, is not in keeping and is out of character with the pattern of development in the surrounding area.

5. The proposal fails to demonstrate compliance with Clause 12.4.4 Sunlight and Overshadowing, Performance Criteria (P1) of the Kingborough Interim Planning Scheme 2015 in relation to being sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).

There is no separate habitable room (other than a bedroom) that receives sunlight. The use of a multi purpose studio room is not considered to comply to the requirements of the Planning Scheme for single dwellings in the Low Density Residential Zone. The Acceptable Solution A1 requires the provision of sunlight in

habitable rooms other than bedrooms to ensure there is adequate sunlight provided to the inhabitants.

6. The proposal fails to demonstrate compliance with Clause 12.4.6 Privacy, Performance Criteria (P1) of the Kingborough Interim Planning Scheme 2015 as there is a roof terrace more than 1m above natural ground level and a privacy screen has only been provided for part of the roof terrace. The roof terrace is not fully screened and does not contain design elements that prevent overlooking and overlooking is not minimised. There is direct overlooking of the dwelling at No 29 Hinsby Road which has a number of rooms and windows facing the proposed dwelling.

ATTACHMENTS

1. **Assessment checklist**
2. **Locality Plan**
3. **Proposal plans**

Public Copy

ASSESSMENT CHECKLIST

ZONE PROVISIONS

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Use class: Single Residential					
Setbacks and Building Envelope (Cl.12.4.2)	<ul style="list-style-type: none"> A1 setback from frontage 		✓		A1 – does not comply – Required frontage setback is 4.5m and proposed dwelling is located on the front boundary with 0.0m setback.
	<ul style="list-style-type: none"> A2 setback from frontage for carport/garage 		✓		<p>A2 – does not comply - a garage or carport must have a setback from a frontage of at least 5.5 m, or alternatively 1m behind the façade of the dwelling, or the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport.</p> <p>The garage has a 0.0m setback and is integrated into the dwelling on the ground floor and there is a portion of the dwelling located above the garage. The garage does not comply pending the assessment of the dwelling setback under the Performance Criteria P1.</p>
	<ul style="list-style-type: none"> A3 containment within the building envelope 		✓		<p>A3 – does not comply - the proposed dwelling is built with zero setbacks on the east (front) and south boundary and only 200mm and 150mm on north and west boundaries respectively. The required setbacks from the front and rear boundaries are 4.5m and 4.0m respectively.</p> <p>The height of the building on the two side boundaries exceeds the 3m building envelope requirement being 5.2m. The proposed privacy screen on the roof terrace increases the perceived height of the side and rear boundary walls by 1.7m to a total height of 6.9m.</p> <p>The side boundary setback requirements only allow a setback within 1.5m of the side boundary for a length of 3.21m on the north</p>

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
				side boundary (9.63m) and 2.85m on the south side boundary (8.55m). The building is entirely within the 1.5m setback.
• A4 Impact on trees	✓			A4 - complies – The lot is completed cleared.
Site coverage and private open space (Cl.12.4.3)		✓		A1(a) -does not comply - The proposed dwelling has a site coverage of 93.3%.
• A1(b) pervious surfaces 25%		✓		A1(b) – does not comply - there is only 6.7% of the site area free from impervious surfaces.
• A2 - Area of POS: (a) Area (b) Minimum dimension (c) Directly accessible & adjacent to habitable room (d) Location/orientation (e) Location/frontage (f) Gradient (g) Vehicle access/parking		✓		A2 (a) Complies. The roof terrace has a total area of 39m ² of which 27m ² complies as POS. (b) Complies with minimum dimension of 3.2m. (c) Does not comply - The POS on the roof is accessed from the first floor room via the internal stairs. The first floor room is a combined bedroom, dining room and kitchen. (d) Complies - the POS occupies most of the roof (e) Complies - (f) Complies - the POS is located on the roof (g) Complies - the POS is located on the roof
Sunlight and overshadowing (Cl. 12.4.4)		✓		A1 – does not comply - the north wall is more than 30 degrees west of north. It is acknowledged that this marginally over being 30.87 degrees west of north. The proposal does not comply in relation to reliance on the 'studio' room receiving sunlight from the north wall window. The studio room includes the bedroom for the dwelling.
• A2 – location of multiple dwelling to the north of a habitable room of another dwelling on the same site			✓	NA

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
			✓	NA
Width of openings for garages and carports (Cl. 12.4.5)		✓		A1 – does not comply - the width of the garage is 3.0m and it is required to be no more than half the width of the frontage i.e. 2.99m. It is acknowledged that this is only marginally over
Privacy (Cl. 12.4.6)		✓		A1 – does not comply - the roof terrace has a permanently fixed screen to a height of 1.7 m above the finished roof level that covers the back half of the roof. The balance of the roof area is not screened and overlooking of both adjoining properties occurs.
	✓			A2 - (a) Does not comply – however (b) Complies- windows on first floor are offset, in the horizontal plane, at least 1.5 m from the edge of a window or glazed door, to a habitable room of another dwelling.
Frontage Fences (Cl. 12.4.7)	✓			A1 – complies - There is no front fence. [Note is made that there is no front fence due to the dwelling being constructed on the front boundary. The front façade extends across the entire frontage and is 5.2m in height.]

Code Provisions

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
E3.0 Landslide Code					
E3.4 Use or Development Exempt from this Code.	The following use or development is exempt from this Code: (a) ... (b) ... (c) buildings within a Low Landslide Hazard Area;...	✓			The site is located within the Low Landslide Hazard Area and is exempt
E6.0 Parking and Access Code					
Use standards – number of car parking spaces (Cl.E6.6.1)	• A1 - Number of on-site car parking spaces complies with table	✓			A1 – complies The dwelling requires 1 car parking space in accordance with Table E6.1 Number of Car Parking Spaces.
Number of vehicular accesses (Cl.E6.7.1)	• A1 – Number of vehicle access points complies	✓			A1 - complies – There is one vehicle access point.
Design of vehicular accesses (Cl.E6.7.2)	• A1 - Design of vehicle access points complies	✓			A1 - Complies – Condition of approval required to comply with designed and constructed to comply with: section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking.
Vehicular Passing Areas Along an Access (Cl.E6.7.3)	• A1 - Vehicular passing areas along an access.			✓	A1 – NA
On-Site Turning (CL.6.7.4)	• A1 - On-site turning must be provided to exit a site in a forward direction, except if it serves no more than two dwelling units	✓			A1 – Complies – there is 1 dwelling unit.
Layout of Parking Areas (CL.6.7.5)	• A1 - layout in compliance with Australian Standard.	✓			A1 – complies – to be built to Australian Standard.

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Surface Treatment of Parking Areas (CL.6.7.6)	<ul style="list-style-type: none"> A1 - Parking spaces and vehicle circulation roadways provided 	✓			A1 – complies - paved or treated with a durable all-weather pavement
Lighting of Parking Areas (CL.6.7.7)	<ul style="list-style-type: none"> A1 - Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting 	✓			A1 – complies - there is 1 dwelling unit with 1 car parking space.
Landscaping of Parking Areas (CL.6.7.8)	<ul style="list-style-type: none"> Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed 	✓			A1 – complies - there is 1 dwelling unit with 1 car parking space
Access to a road (CL.6.7.14)	<ul style="list-style-type: none"> A1 - -- Access to a road complies with road authority requirements 	✓			A1 - Complies – Condition of approval required to comply with Council standards.
E7.0 Stormwater Management Code					
Stormwater drainage and disposal (CL.E7.7.1)	<ul style="list-style-type: none"> A1 - Disposal of stormwater to public infrastructure 	✓			A1 - Complies – Stormwater is to be to the existing public stormwater infrastructure
	<ul style="list-style-type: none"> A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles 			✓	A2 - NA
	<ul style="list-style-type: none"> A3 – Design of minor stormwater drainage system 			✓	A3 - NA
	<ul style="list-style-type: none"> A4 – Design of major stormwater drainage system 			✓	A4 - NA

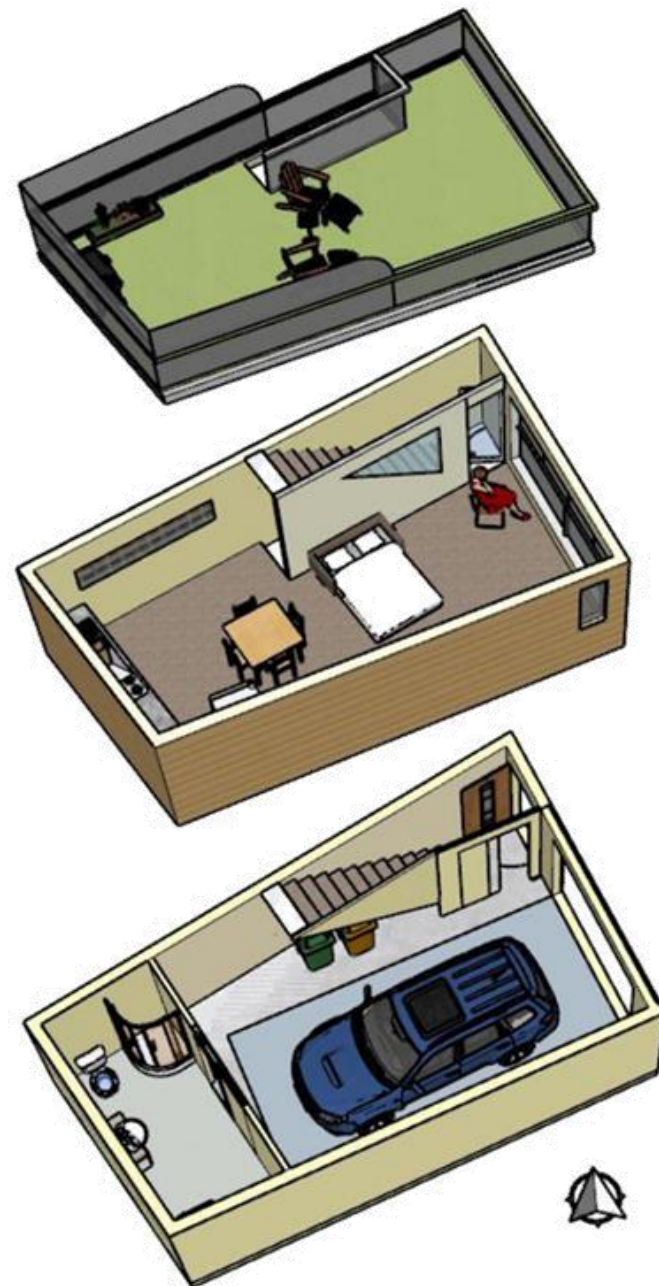
Note: All other codes were reviewed and are not applicable to the proposed use/development.

Attachment C: Locality Plan



Proposed Dwelling

Lot 2 31A Hinsby Road, Taroona, 7053



Roof Terrace

Studio Level

Ground Floor



Road Frontage

Dwelling to be constructed to relevant codes and standards

Development Application: DA-2020-288
Plan Reference no.: P3
Date Received: 20-07-2020
Date placed on Public Exhibition: 25-07-2020



Proposed Dwelling

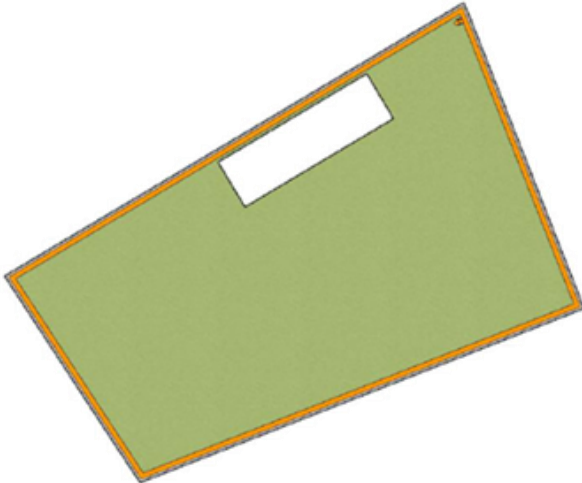
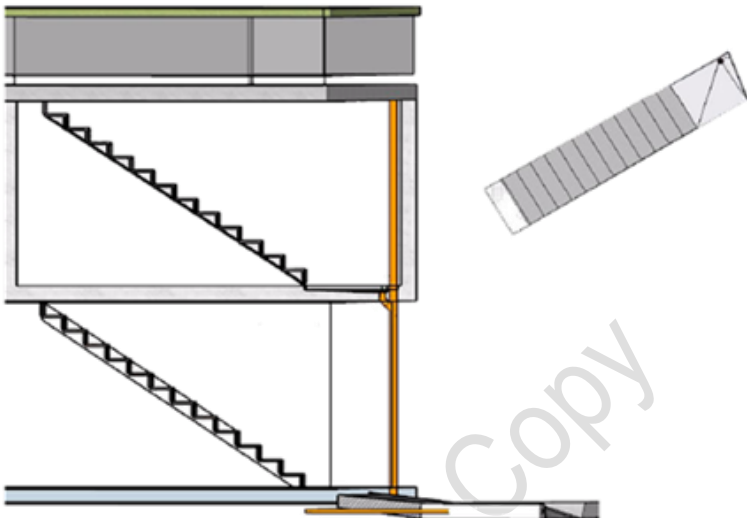
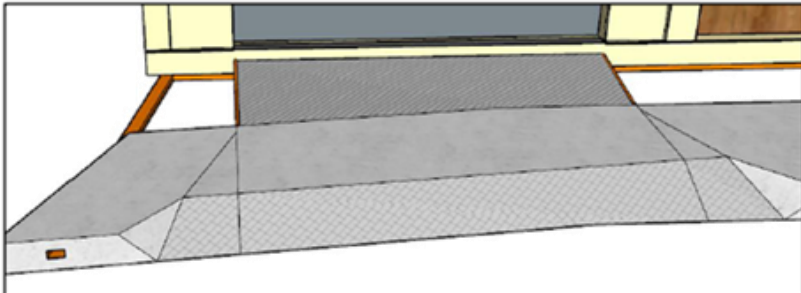
Lot 2 31A Hinsby Road, Taroona, 7053.

Development Application: DA-2020-288
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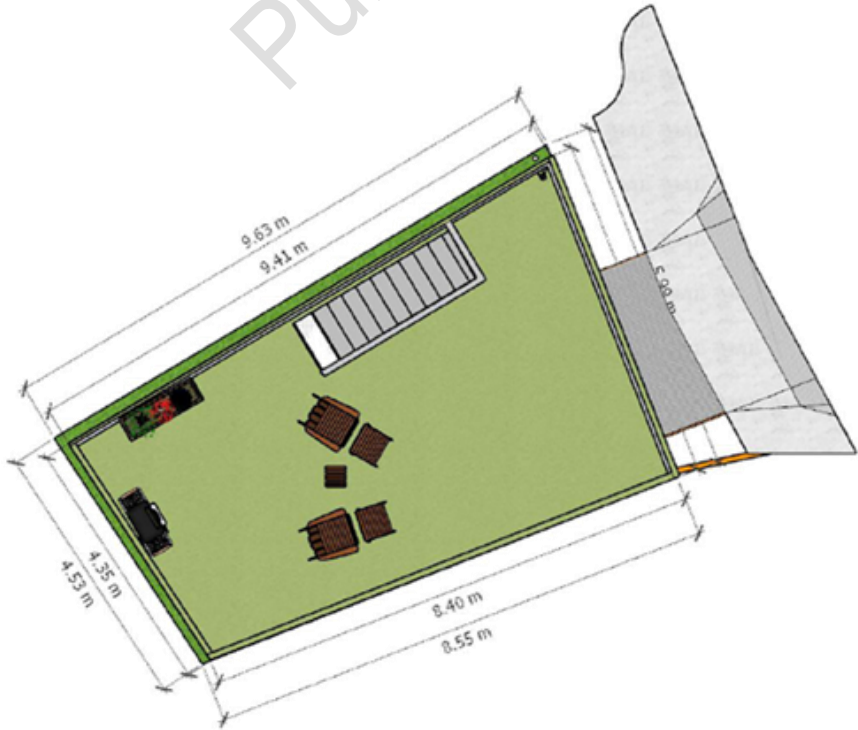
Page 2 of 3

Stormwater Drainage

Impervious Surfaces

<p>Roof Deck Area ≈ 42.0m²</p>  <p>Perimeter channel draining to downpipe. Roof Deck appropriately inclined or cambered.</p>	<p>Stairwell to Roof Deck Area ≈ 4.1m²</p>  <p>A waterproof backing plate on the stair stringers, with waterproof joins to the stairwell walls, drains water to the sump below the lower landing.</p>	<p>Crossover Area ≈ 3.0m²</p>  <p>Crossover formed with lip on each side to drain to kerb.</p>
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Subsoil Drainage.
Subsoil drainage is accommodated within the NW and SW boundary.

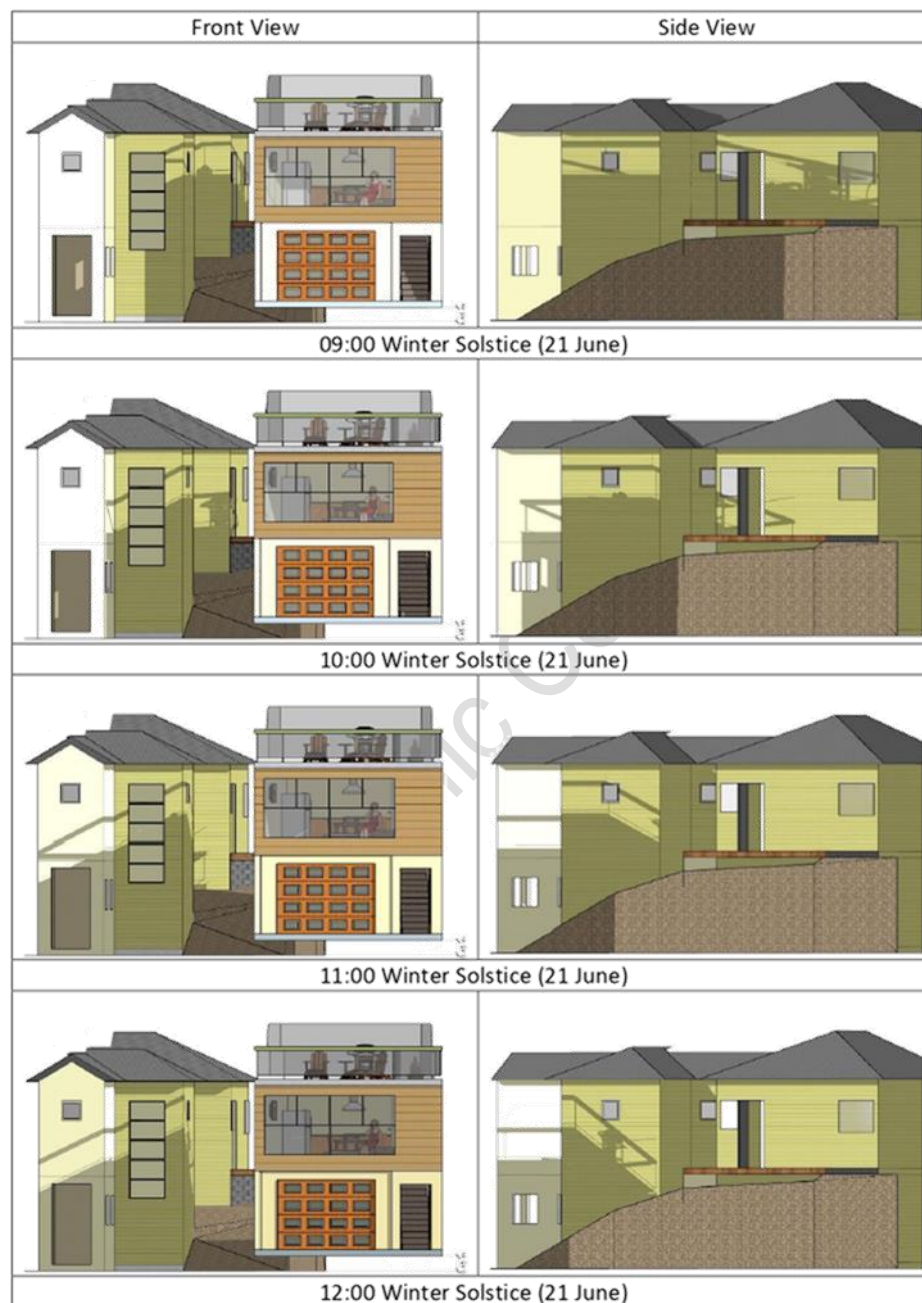


Development Application: DA-2020-288
Plan Reference no.: P3
Date Received: 20-07-2020
Date placed on Public Exhibition: 25-07-2020

Proposed Dwelling

Lot 2 31A Hinsby Road, Taroona, 7053.

The Shadow Analysis below has been made with Sketchup, encompassing the Winter Solstice at hourly intervals between the hours of 09:00 and 15:00. The images below shows the overshadowing on the impacted areas of the adjacent property at 29 Hinsby Road.



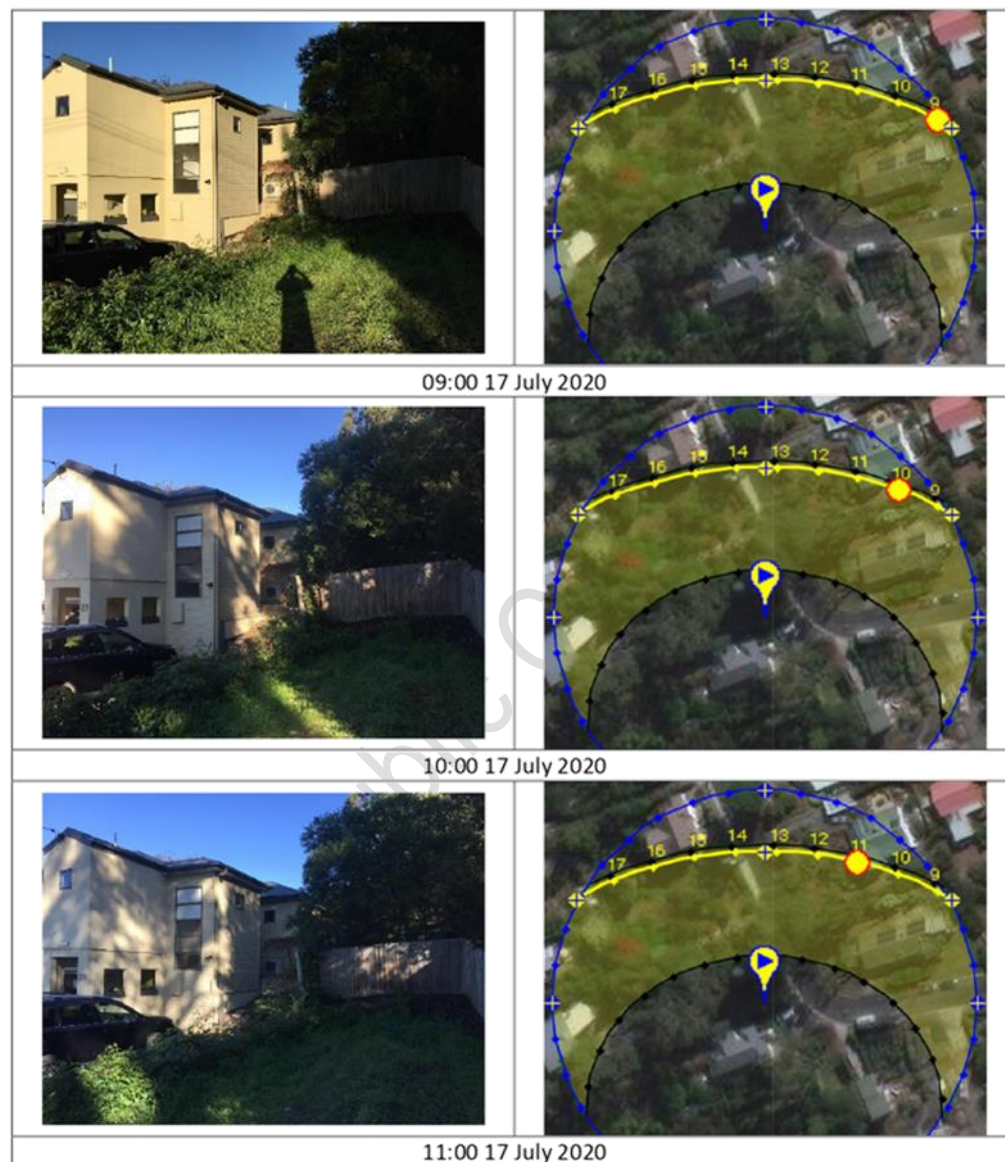
Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
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These Sketchup images have been constructed without reference to the shadow implications of the topography and surrounding vegetation.

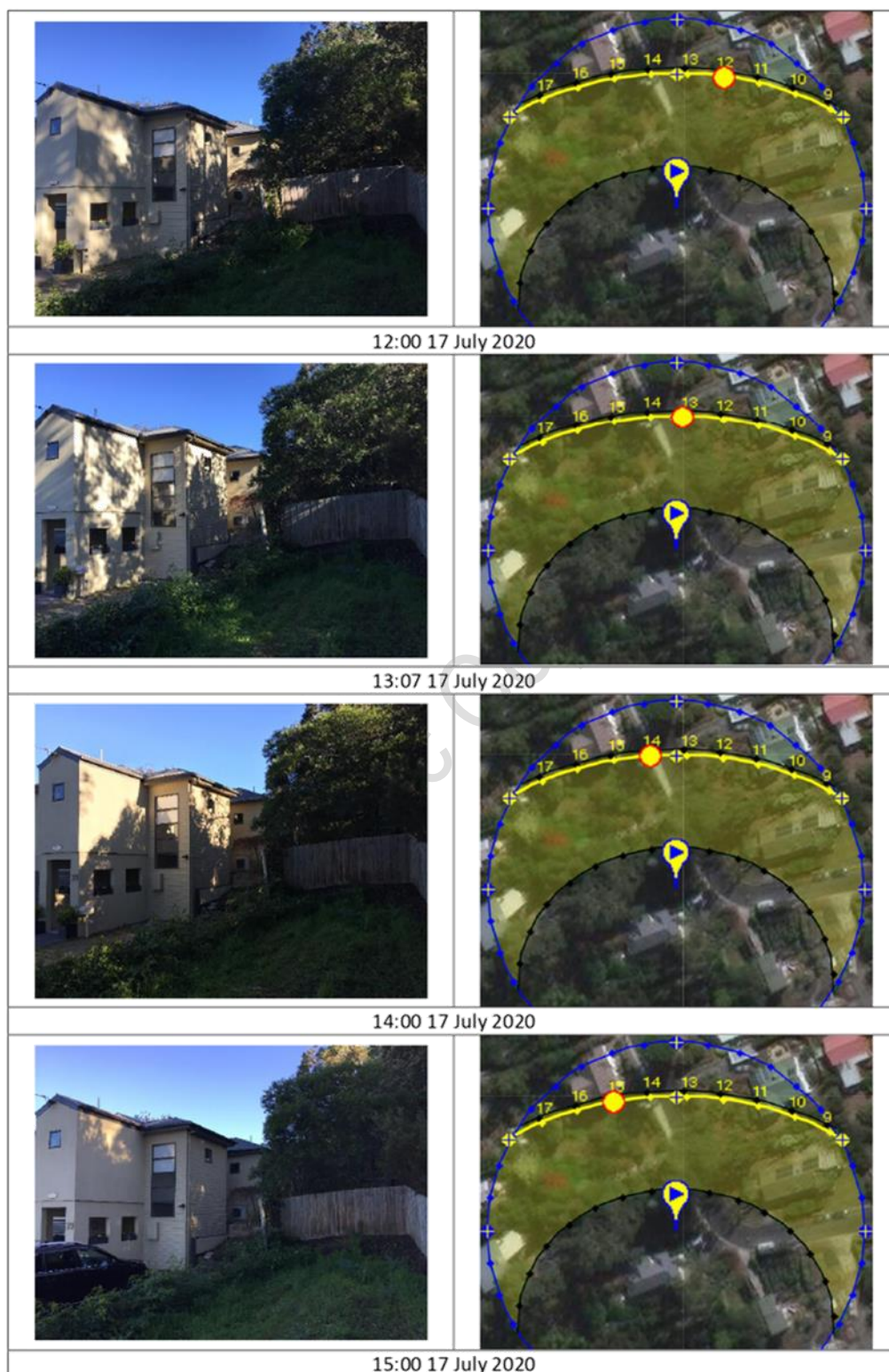
Development Application: DA-2020-288
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 Date Received: 20-07-2020
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The shadowing of the surrounding vegetation on the adjoining dwelling can be assessed by the series of photographs taken on 17 July 2020. Whilst not during the Winter Solstice, it can be seen from the Sun Path diagram (in which the Sun's path for that day is shown in yellow), that the Sun was $2\frac{1}{2}^{\circ}$ higher and there is no appreciable difference from its shading.



Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
 Date placed on Public Exhibition: 25-07-2020

Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
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Shadow Analysis

Proposed Dwelling - Lot 2, 31A Hinsby Road, Taroona.

Page 5 of 7

Performance Criteria related to Overshadowing

12.4.2 Setbacks and building envelope

Objective:

To control the siting and scale of dwellings to:

- (a) provide reasonably consistent separation between dwellings on adjacent sites and a dwelling and its frontage; and
- (b) provide consistency in the apparent scale, bulk, massing and proportion of dwellings; and
- (c) provide separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space.
- (d) maintain the neighbourhood character and natural landscape.

P3

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Development Application: DA-2020-288
 Plan Reference no.: P3
 Date Received: 20-07-2020
 Date placed on Public Exhibition: 25-07-2020

The preceding analyses of overshadowing from the proposed development onto the dwelling and private open space of the adjoining lot at 29 Hinsby Road suggests there will be no unreasonable loss of amenity.

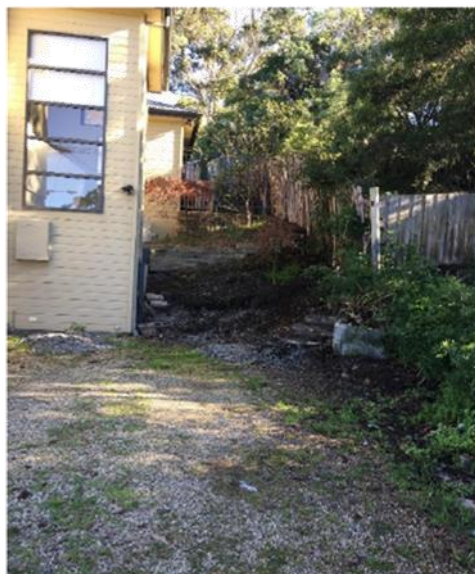
Specifically:

P3 (a) (i) There will be no reduction in sunlight to a habitable room. The rooms on which the proposed dwelling's shadow is cast are the laundry, stairwell and bathroom. The proposed dwelling's morning winter shadow over parts of the north east face of the stairwell is partial and soon obscured by the shadow from nearby trees.



P3 (a) (ii) There will be no overshadowing from the proposed dwelling of the private open space of the dwelling of the adjoining lot. The private open space of the dwelling of the adjoining lot is positioned on the other side of the dwelling.

P3 (a) (iii) There will be no overshadowing of an adjoining vacant lot as the adjoining lots are not vacant.



Paul & Cate Chapman

20 July 2020

Public Copy

Development Application: DA-2020-288
Plan Reference no.: P3
Date Received: 20-07-2020
Date placed on Public Exhibition: 25-07-2020

13.2 DA-2020-475 - DEVELOPMENT APPLICATION FOR BRUNY ISLAND FERRY TERMINAL UPGRADE (FERRY ROAD) AT FERRY ROAD, KETTERING

File Number: DA-2020-475
 Author: Darshini Bangaru, Planning Officer
 Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Department of State Growth
Owner:	Department of Infrastructure Energy & Resources
Subject Site:	Ferry Road, Kettering
Proposal:	Bruny Island Ferry Terminal Upgrade (Ferry Road)
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Port and Marine, Environmental Management and Utilities
Codes:	E5.0 Road and Railway Assets E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E11.0 Waterway and Coastal Protection (Class 1) E15.0 Inundation Prone Areas (High- medium hazard) E17.0 Signs E24.0 Significant Trees E25.0 Local Development
Use Class/Category:	Port and Shipping
Discretions:	Clause 31.3.2 Noise (A1) Clause 31.3.3 External lighting Clause 31.4.1 Building height Clause 31.4.3 Design Clause 29.4.1 Building height Clause 29.4.3 Design (A1) and (A3) Clause E11.7.1 Buildings and works (A1) and (A4) Clause E11.7.2 Buildings and works dependent on a coastal location (A1) and (A2) Clause E15.7.6 Development dependent on a Coastal Location (A1) and (A2) Clause E24.6.1 Lopping, pruning, removal or destruction of significant trees (A1)
Public Notification:	Public advertising was undertaken between 17 October 2020 and 2 November 2020 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Four (4) objections relating to: - Noise; - Traffic; - Parking;

	<ul style="list-style-type: none"> - Signage; - Light pollution; - Air quality; - Loss of vegetation; - Stormwater; - Gantry- visual impacts; - Public toilets; and - Construction Environmental Management Plan.
Recommendation:	Approval subject to conditions

1. PROPOSAL

1.1 Description of Proposal

A development application has been received for the upgrade of the existing Kettering Terminal for the Bruny Island Ferry at 79 Ferry Road, Kettering and the adjacent waters of Little Oyster Cove. The proposal includes the construction of a second ferry berth and associated ferry infrastructure. The proposal is aimed at improving the reliability of the ferry service and managing the traffic conditions more efficiently.

The demand for the ferry service has steadily grown in recent years and the incremental growth is expected to continue. A new additional ramp is proposed to meet the vehicle demands, reduce wait times and the length of the queued vehicles. Operating two ramps with a two-speed ferry service is proposed to deliver an increase in the number of vehicles that can be carried per hour from 81 to 104. Furthermore, the proposal includes infrastructure to support flexibility for users through a new pre-booking ticket system additional to the current non-book system, which will be retained. Real time information is proposed to be improved via the usage of signs for ferry queuing and operations through active on-road information.

The proposed infrastructure upgrades includes:

- Construction of a new roll on - roll off ferry berth and associated access ramp and rock armouring;
- New berthing dolphins adjacent to the south of the new berth;
- New pedestrian shelter;
- Formalised DDA carpark, footpath and associated retaining wall;
- New boom gate, ticket scanner, bollards and bypass lane;
- Adjustments to the existing gantry and revised signage to suit;
- Upgraded terminal lighting; and
- New Digital Display Sign to be installed on Ferry Road, approximately 400m to the west of the gantry.

The land affected by the proposed development and associated works is described below under Table 1. A more detailed description of the land is discussed in the following section.

Title Reference	Address	Owner	Extent of works
PID 2633223	79 Ferry Road (access lanes)	State Growth	Landside infrastructure including ticket scanning devices, boom gates and electronic signage.
PID 2633223	79 Ferry Road (existing berth and adjacent water below high-water mark)	State Growth	New berthing, mooring, loading and operational support infrastructure.
	Adjacent waters of Little Oyster Cove	Crown Land Services	New berthing, mooring, loading and operational support infrastructure.
	Ferry Road Casement	State Growth	New digital display sign 400m west of gantry and formalisation of an accessible car parking space.

Table 1: Land and associated works (as submitted by the applicant)

The ferry terminal upgrade design has been developed in accordance with the Department of State Growth Specifications, Austroads Guidelines and Australian Standards. The supporting information submitted with the application include a Planning Statement, Traffic Impact Assessment, Coastal Vulnerability Assessment, Natural Values Assessment, Marine Environmental Assessment, Environmental Noise Assessment, Lighting Study and Stormwater Management Plan prepared by qualified professionals.

Operational upgrades proposed include changes to the ferry timetable and operation of the ferries – for example, after completion of the second berth, the ferry operator SeaLink proposes to replace the Mirambeena with a second vessel similar to the Nairana, while the MV Bowen will be retained for occasional use during peak times and while other vessels are undergoing maintenance. However, these are not planning matters.

Description of Site

An aerial image of the existing Ferry Terminal at Kettering is shown overleaf under Figure 1. The existing terminal and proposed works are predominantly contained within the land owned by the Crown and administered by the Department of State Growth (PID 2633223). Some works are proposed to partly encroach within land owned by Crown Land Services (waters of Little Oyster Cove).

The Kettering terminal is located off Ferry Road about 730m east of the Channel Highway. The terminal currently consists of a gantry with signage, existing toll booth, queuing lanes, café and public toilets, 1 x ferry berth, jetty and a ramp. There is a roundabout within the Ferry Road casement, opposite to the terminal, to manage off-loading vehicular traffic. The existing arrangement plan is under Figure 2 overleaf.

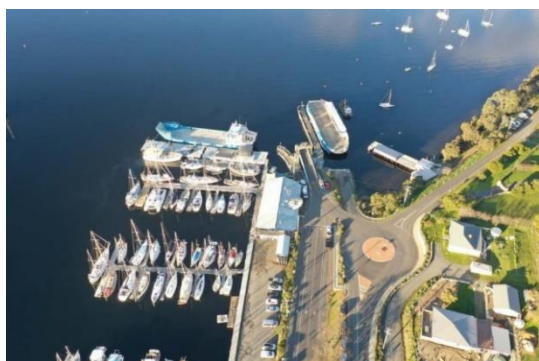


Figure 1: Aerial image of the Bruny Island Ferry Terminal at Kettering

The terminal currently has an off-road marshalling area that can accommodate approximately 60 vehicles (six metre vehicle length equivalents) in four queuing lanes, before the vehicles are loaded onto the ferry. Currently each of the users purchase tickets from the attendant at the toll booth before entering the queuing lanes. The attendant at the ticket booth also specifies which lane the vehicle should proceed to, for loading purposes, as heavy vehicles and long vehicles require special positioning on the ferries.



Figure 2: Extract of existing arrangement plan at Kettering Terminal for the Bruny Island Ferry



Photos 1 & 2: Aerial image of the Kettering Ferry Terminal and view of existing gantry and entry to Kettering marshalling areas looking east from Ferry Road (Source: TIA, Burbury Consulting)

The proposed upgrades are to be located predominantly within the land zoned Port and Marine (PID 2633223) under the Kingborough Interim Planning Scheme 2015 (the Scheme). The proposed works would also partly fall within the water outside the 79 Ferry Road parcel which is within the Environmental Management zone (owned by Crown Land Services). Minor works are proposed within the Ferry Road casement which is zoned Utilities under the Scheme. These minor works within the Utilities Zone include the formalisation of an existing car parking space to function as an accessible car parking space and a new digital display sign 400m to the west of the gantry. The lands subject to the development and their zoning is shown below under Figure 3.

The Road and Railway Assets, Parking and Access, Stormwater Management, Biodiversity, Waterway and Coastal Protection (Class 1), Inundation Prone Areas (High- medium hazard), Signs, Significant Trees and Local Development Codes apply to the lands.

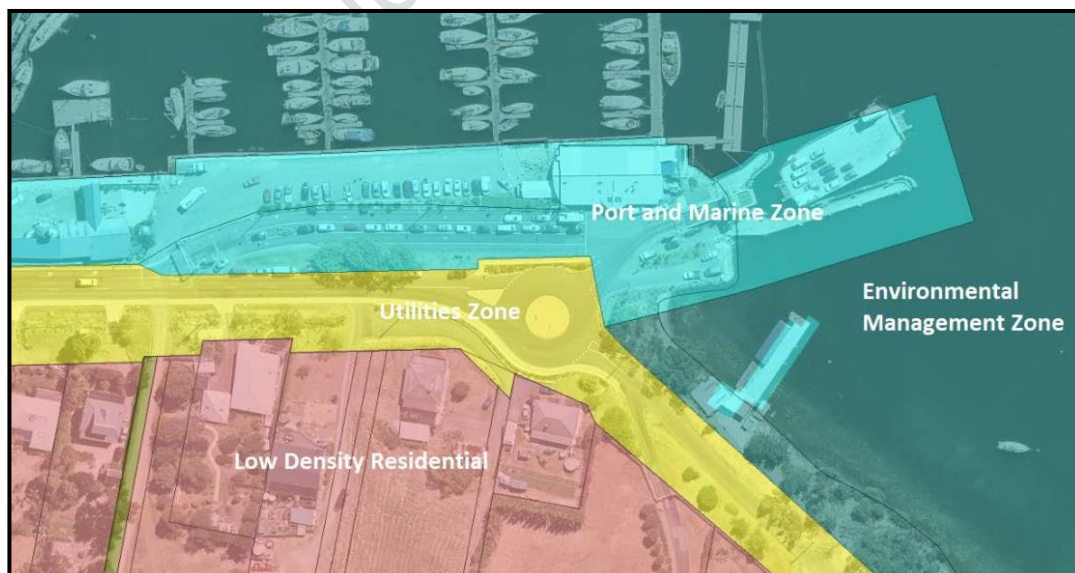


Figure 3: Land zoning within and surrounding the proposed development site

1.2 Background

This application is seeking approval for the Bruny Island Ferry Terminal Upgrades at Ferry Road, Kettering (the subject site). Council recently approved the upgrades to the Bruny Island Roberts Point Ferry Terminal under DA-2020-476. The concurrent application for the Roberts Point Terminal received no representations.

This project involves the additions of a second roll on-roll off berth adjacent to the existing Bruny Island Ferry Terminals at both Kettering and Roberts Point including an upgraded access road to the berth and dual lane loading ramp as well as installation of signage and new ticketing control infrastructure to support planned operational upgrades in line with the new vessels.

Ferry Road between the Channel Highway and the end of the ferry terminal at Kettering (the subject site) is a State maintained road. Some eight years ago the Department of State Growth upgraded Ferry Road by widening the road carriageway to implement an additional traffic lane and “Keep clear” zones in the eastbound direction. Implementing these measures significantly improved the amenity and accessibility for the residential and commercial properties along the road until a few years ago. With the increase in demand and tourism, traffic queues and management has become more challenging, especially in the busy periods.

2. ASSESSMENT

2.1 State Policies and Act Objectives

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

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

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Port and Marine zone

The relevant zone purpose statements of the Port and Marine zone are:

- 31.1.1.1 *To provide for port and marine activity related to shipping and other associated transport facilities and supply and storage.*
- 31.1.1.2 *To provide for major ports and associated marine activities of regional strategic importance that are reliant on a waterfront location, and to allow for other uses that support the port and marine purpose.*

The rationale for the proposed development is to implement additional loading and unloading ramps at both the Kettering and Roberts Point ferry terminals to meet the vehicular demands to access Bruny Island and manage traffic more efficiently. This ferry service provides the only access to Bruny Island and it is crucial the service is able to meet and manage the demand. The additional ramp will also facilitate regular routine maintenance to be scheduled to the ramp infrastructure which is required to preserve its operational performance.

Clause 31.1.2 and Clause 31.1.3 – Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
Kettering			
(a)	The foreshore area north of Ferry Road at Kettering will continue to serve as a working port with a mix of commercial and recreational uses.	(a)	Future activities must complement the existing marine based uses along this waterfront. Residential or visitor accommodation uses are inappropriate as they unduly fetter commercial and recreational uses.
Desired Future Character Statements		Implementation Strategy	
Kettering			
(a)	The Kettering foreshore areas will continue to provide for a range of commercial functions with public access provided to the maximum extent possible.	(a)	Waterfront and foreshore development must be sensitively designed to allow for public access, complement neighbouring development, be accessible and be of a scale that suits Kettering's rural village character.
(b)	The height, scale and bulk of development within this part of Kettering must be consistent with surrounding development and not be too obtrusive when viewed from Ferry Road or the waterway.	(b)	Waterfront and foreshore development must be designed so that its height and scale is in keeping with other neighbouring buildings and structures.

The proposal complies with the above-mentioned statements and objectives as it provides for an extension to complement and support an existing important transport infrastructure asset. The proposed upgrades will improve functionality of the terminal and improve public access. The proposed development would be of similar scale to the existing terminal and would not cause unreasonable visual impacts when viewed from Ferry Road.

Zone Purpose Statements of the Environmental Management zone

The relevant zone purpose statements of the Environmental Management zone are:

29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.

The proposed works partly encroach into the lands zoned Environmental Management. However, the proposal is for an important extension to an existing transport infrastructure asset in an existing disturbed area. It is considered a complementary activity consistent with the Zone Purpose.

Clause 29.1.2 and Clause 29.1.3 – Local Area Objectives and Desired Future Character Statements

There are no Local Areas Objectives or Desired Future Character Statements for the area specified in the Scheme.

2.3 Statutory Planning

Transport infrastructure typically falls within the 'Utilities' use class, which is defined under the Scheme as:

"Use of land for utilities and infrastructure including:

- (a) telecommunications;*
- (b) electricity generation;*
- (c) transmitting or distributing gas, oil, or power;*
- (d) transport networks;*
- (e) collecting, treating, transmitting, storing or distributing water; or*
- (f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.*

Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir."

However, in this case upgrades to the existing terminal could also fit within the 'Port and Shipping' use class, which is defined as:

"Use of land for:

- (a) berthing, navigation, servicing and maintenance of marine vessels which may include loading, unloading and storage of cargo or other goods, and transition of passengers and crew; or*
- (b) maintenance dredging.*

Examples include berthing and shipping corridors, shipping container storage, hardstand loading and unloading areas, passenger terminals, roll-on roll-off facilities and associated platforms, stevedore and receipt offices, and a wharf."

In such cases where the development fits the definition of more than one use class, as per Clause 8.2.3 of the Scheme, the use most specifically describing the use applies. It is considered the proposal is most specifically described by the 'Port and Shipping' use class for the purpose of this assessment.

The proposed upgrades are predominantly within land zoned Port and Marine, and partly within land zoned Environmental Management and Utilities.

The 'Port and Shipping' use class is categorised as a permitted use in the Port and Marine zone, and as a discretionary use in the Environmental Management zone, only if an existing facility.

The 'Port and Shipping' use class is a prohibited use in the Utilities zone. However, the only works proposed within the Utilities Zone include the formalisation of an existing car parking space to function as an accessible car parking space and a new digital display sign 400m to the west of the gantry. The proposed signage within this zone is assessed against Code E17.0 Signs of the Scheme. Given the car parking space is existing, no new discretions are triggered. These are minor components which directly relate to the existing transport network and provide access and service the key ferry infrastructure within the Port and Marine zone. Furthermore, in

accordance with Clause 9.6.1 of the Scheme, the use status of the application is to be determined disregarding the use status of the access and services in the Utilities zone. The proposal does not involve structures or disturbance of environmental values within the Utilities zone and therefore the development standards under this zone are not applicable to the proposed development.

The proposed development and works would intensify the existing use, with the increased number of ferries operating between the terminals. The following assessment will have regard to this.

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

2.4 Use and Development Standards

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

Port and Marine Zone Clause 31.3.2 Noise

Acceptable Solution
<p>A1</p> <p>Noise emissions measured at the boundary of a residential zone must not exceed the following:</p> <ul style="list-style-type: none"> (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAm_{ax}) at any time. <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>
Performance Criteria
<p>P1</p> <p>Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.</p>
Proposal
<p>A noise assessment report has been submitted with the application, which confirms the proposal does not meet the acceptable solution. However, the assessment confirms that noise emissions and impacts will not increase significantly from an existing and long-standing situation.</p>

Council's Environmental Health Officer has advised that an environmental noise assessment (written by a suitably qualified acoustic engineer) has been submitted with the application. Noise emissions from the existing use of the terminal were monitored and then used to model predicted noise levels from the proposed upgraded terminal. Several noise monitoring locations were used, including at residences closest to the terminal.

The report found that with the operation of the upgraded terminal with two new vessels, even though the second berth is closer to residences, noise levels are predicted to decrease slightly compared to existing levels. The report found that the noise from the Nairana vessel while operating at the proposed new berth would be lower than existing noise levels from the Mirambeena and the MV Bowen vessels operating at the current berth. The report also recommended changes to the operation of the MV Bowen and further silencing of its engine exhausts to allow it to continue to be used in combination with the new vessels. In particular, the MV Bowen should never be used at the proposed new berth (berth 2). These recommendations should be included as conditions of approval in any permit issued for the development.

The noise report concludes that although the proposed frequency of operation of the terminal will increase, overall noise levels would be decreased. As such the proposed development will not increase impacts within the residential zone and will not cause environmental harm within the residential zone. Therefore, subject to the recommended conditions of approval, the proposed development complies with the Performance Criteria.

Several representations were raised in relation to noise. A detailed discussion of the issues and recommendations from Council's Environmental Health Officer are discussed below under Section 2.5.1 of this report.

Port and Marine Zone

Clause 31.3.3 External lighting

Acceptable Solution
<p>A1</p> <p>External lighting within 50m of a residential zone must comply with all of the following:</p> <ul style="list-style-type: none"> (a) be turned off between 10.00 pm and 6.00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.
Performance Criteria
<p>P1</p> <p>External lighting within 50 m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) level of illumination and duration of lighting; (b) distance to habitable rooms in an adjacent dwelling.
Proposal
<p>Lighting Plans have been submitted with the application. The proposal involves street, navigation and security lighting which includes installation of six new 6m high pedestrian light poles, which do not meet the acceptable solution.</p>

Council's Environmental Health Officer has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone which can be met by the inclusion of a condition in any permit issued that will require that the new 6m high pedestrian lights are fitted with a timer so that they turn off automatically before 10pm. A condition is also recommended in any permit issued requiring the security lighting be baffled to ensure they do not cause emission of light outside the zone.

Port and Marine Zone
Clause 31.4.1 Building height

Acceptable Solution
A1 Building height must be no more than: 6 m.
Performance Criteria
P1 Building height must satisfy all of the following: (a) be consistent with any Desired Future Character Statements provided for the area;
Proposal
The proposed jacking towers that will facilitate the adjustment of the height of the roll on- roll off ramp for the new berth will be approximately 7.6m above NGL.

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

- The proposed jacking tower is of similar height to the existing gantry over the ramp for the existing berth.
- The proposal forms a part of the crucial transport network, providing access to visitors and residents of Bruny Island. The new terminal is grouped with the existing terminal facilities. The proposed jacking tower is subservient to the scale of the associated ferry and would not significantly impact on the natural landscape of the area, given there is an existing terminal currently operating at the site.
- The height of the structure is necessary to cater for the functional requirements of the ferry operations. An extract of the elevation is under *Figure 4* below.
- The proposal is considered to remain complementary to the existing maritime character of Kettering and therefore consistent with the Desired Future Character.

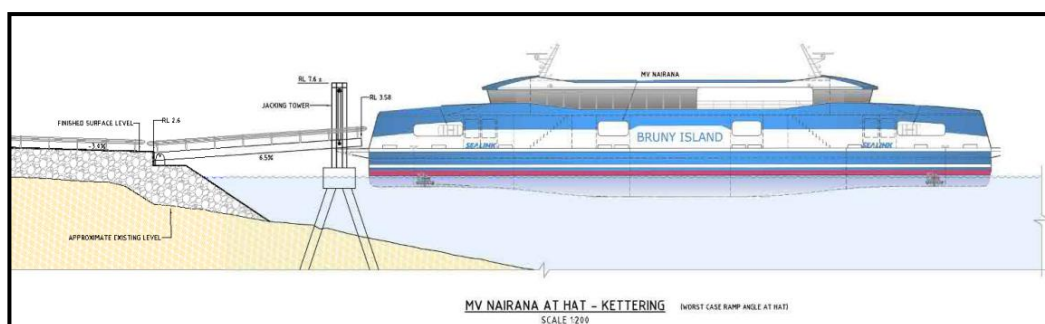


Figure 4: Elevation showing the proposed jacking tower with max RL 7.6

**Port and Marine Zone
Clause 31.4.3 Design**

Acceptable Solution
<p>A1</p> <p>Building design must address the street by complying with all of the following:</p> <ul style="list-style-type: none"> (a) provide the main pedestrian entrance to the building at the frontage; (b) screen mechanical plant from view from the street and other public spaces; (c) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof.
Performance Criteria
<p>P1</p> <p>Building design must satisfying all of the following:</p> <ul style="list-style-type: none"> (a) provide the main access to the building in a way that is visible from the street; (b) ensure the visual impact of mechanical plant is limited when viewed from the street; (c) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;
Proposal
<p>The proposed jacking tower and ramp would involve associated mechanical plant which would not be completely screened from view from public spaces/ street.</p>

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

- The mechanical plant will be limited and integral to the proposed roll on roll off infrastructure.
- Mechanical plant is limited to where required for functional purposes.
- The proposal is considered to remain complementary to the existing maritime character of Kettering and therefore consistent with the Desired Future Character.

**Environmental Management Zone
Clause 29.4.1 Building height**

Acceptable Solution
<p>A1</p> <p>Building height comply with any of the following:</p> <ul style="list-style-type: none"> (a) as proscribed in an applicable reserve management plan; (b) be no more than 7.5 m.
Performance Criteria
<p>P1</p> <p>Building height must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area;

- | |
|---|
| (b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: <ul style="list-style-type: none"> (i) overlooking and loss of privacy; (ii) visual impact when viewed from adjoining lots, due to bulk and height; (c) be reasonably necessary due to the slope of the site or for the functional requirements of infrastructure. |
|---|

Proposal

There is no applicable reserve management plan. The proposed jacking tower would be located partly over the Environmental Management zone and a height of 7.6m above NGL.

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

- The proposal is for an important extension to an existing transport infrastructure asset in an existing undisturbed area.
- The proposed jacking tower is of similar height to the existing gantry over the ramp for the existing berth.
- The proposal forms a part of a crucial transport network. The new terminal is grouped with the existing terminal facilities. The proposed jacking tower is subservient to the scale of the associated ferry and would not significantly impact on the natural landscape of the area, given there is an existing terminal currently operating at the site.
- The height of the structure is necessary to cater for the functional requirements of the ferry operations. An extract of the elevation is under Figure 4 above.
- There are no immediately adjoining residential lots, therefore the proposal would not impact on residential amenity such as overshadowing, loss of sunlight, visual impacts caused due to bulk and scale.
- Visual impacts when viewed from residential lots across the road on Ferry Road (separation distance of at least 60m from the closest residence to the jacking tower) can be mitigated with the implementation of screening landscaping to the south of the location of the new terminal. However, given there is an existing terminal operating at this site, there would be no significant additional visual impacts.
- The proposal is considered to remain complementary to the existing maritime character of Kettering and therefore consistent with the Desired Future Character.

A condition has been recommended by Council's Environmental Planner in any permit issued requiring a landscaping plan showing screening from residential buildings and the terminals.

Environmental Management Zone
Clause 29.4.3 Design

Acceptable Solution

A1

The location of buildings and works must comply with any of the following:
--

- (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline;
- (b) be located within a building area, if provided on the title;
- (c) be an addition or alteration to an existing building;
- (d) as prescribed in an applicable reserve management plan.

Performance Criteria

P1

The location of buildings and works must satisfy all of the following:

- (a) be located in an area requiring the clearing of native vegetation only if:
 - (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;
 - (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures;
 - (iii) the location of clearing has the least environmental impact;
- (b) be located on a skyline or ridgeline only if:
 - (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope;
 - (ii) there is no significant impact on the rural landscape;
 - (iii) building height is minimised;
 - (iv) any screening vegetation is maintained.
- (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.
- (d) strategies to minimise and mitigate adverse environmental impacts are identified.

Proposal

The proposal impacts on foreshore vegetation and marine habitat and is not an extension to an existing building/boat ramp (but rather a new building/boat ramp) it must be assessed against performance criteria for design.

Council's Environmental Planner has advised that a Marine Natural Values Assessment (Marine Solutions, June 2020) and a terrestrial Natural Values Assessment (North Barker Ecosystem Services, 3 July 2020) was submitted with the application which demonstrate the proposal complies with the Performance Criteria as follows:

- The location of the ferry terminal is constrained by obtaining access to the water at low tide. There is no alternative location which avoids impacts on marine habitats.
- The terrestrial disturbance is limited to existing disturbed areas. While there are some blackwood trees, the site contains predominantly introduced species, including weed species.
- Impacts on marine habitats and marine mammals are capable of being mitigated through implementation of recommended measures including:
 - avoiding unnecessary disturbance of the benthos and sediments during construction by using floating construction barges or undertake construction from the existing jetty structures at each terminal;

- undertaking a visual survey for any marine mammals in the area should be conducted prior to and during construction work. If a mammal is observed its movements should be visually monitored by a crew member. If the mammal enters a zone within 300 m of the construction works, works involving underwater acoustic impacts should cease, resuming only when the mammal has been observed to move outside the 300 m zone, or after a period 30 minutes from last sighting;
- using a 'soft' start procedure at the commencement of all piling activities, where piling impact is gradually increased over a period of ten minutes;
- ensuring any rock material added to area during construction is certified quarry rock;
- ensuring no marine species are translocated as a result of vessel/equipment movement, by adopting a thorough cleaning protocol prior- and post-use. Where possible, in-water equipment must be sourced from within the vicinity of D'Entrecasteaux Channel and greater region; and
- removing all rubbish from the construction site and disposing of it correctly.

A condition is recommended for inclusion in any permit issued requiring development of a Construction Environmental Management Plan which includes implementation of the identified mitigation measures during construction.

Environmental Management Zone Clause 29.4.3 Design

Acceptable Solution
A3 Fill and excavation must comply with all of the following: <ul style="list-style-type: none"> (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access.
Performance Criteria
P3 Fill and excavation must satisfy all of the following: <ul style="list-style-type: none"> (a) there is no adverse impact on natural values; (b) does not detract from the landscape character of the area; (c) does not impact upon the privacy for adjoining properties; (d) does not affect land stability on the lot or adjoining land.
Proposal
The proposed new ramp and rock armouring will involve fill greater than 1m.

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

- The ferry terminal relies upon a coastal location. A Marine Natural Values Assessment (Marine Solutions, June 2020) and a terrestrial Natural Values

Assessment (North Barker Ecosystem Services, 3 July 2020) was submitted with the application which studies the impacts of the proposal on the natural values.

- The location of the ferry terminal is constrained by obtaining access to the water at low tide. There is no alternative location which avoids impacts on marine habitats.
- The proposed earthworks are the minimum required to establish a functional ferry terminal. The proposal is located in a highly modified area.
- The new terminal is grouped with the existing terminal facilities. Therefore, the proposal would not unreasonably detract from the landscape character of the area.
- The terminal upgrades have been designed with specific regard to shape of the land, bathymetry and to minimise cut and fill.
- There are no immediately adjoining residential properties. No privacy of the adjoining lots is unreasonably impacted.
- The proposal would not affect land stability of the subject site or the adjoining lands.

E11.0 Waterway and Coastal Protection Code
Clause E11.7.1 Buildings and works

Acceptable Solution
<p>A1</p> <p>Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.</p>
Performance Criteria
<p>P1</p> <p>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) avoid or mitigate impact on natural values; (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values; (c) avoid or mitigate impacts on riparian or littoral vegetation; (d) maintain natural streambank and streambed condition, (where it exists); (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (f) avoid significantly impeding natural flow and drainage; (g) maintain fish passage (where applicable); (h) avoid landfilling of wetlands; (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.

Proposal

The development includes works within a Waterway and Coastal Protection Area. As the works are not located in a building area on a subdivision plan approved under this Scheme, the proposal requires assessment against the performance criteria.

Council's Environmental Planner has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- The works are within a highly modified area containing predominantly exotics and weeds. Impacts on terrestrial natural values are limited to a small area of coastal vegetation and some small blackwood trees.
- Adverse erosion, sedimentation and runoff impacts on marine natural values will be limited to the construction phase. This is most appropriately addressed through implementation of the mitigation measures recommended in the Marine Natural Values Assessment (Marine Solutions, June 2020) and Coastal Vulnerability Assessment (Burbury Consulting, August 2020).
- Littoral vegetation will not be impacted by the proposal.
- Natural streambank and streambed condition will not be impacted by the proposal.
- In-stream natural habitat will not be impacted by the proposal.
- The development will not impede natural flow and drainage.
- Fish passage will not be impacted by the proposal.
- No landfilling of wetlands is proposed.
- This proposal complies with the Coastal Works Manual providing recommended mitigation measures are implemented.

A condition is recommended for inclusion in any permit issued requiring development of a Construction Environmental Management Plan which includes implementation of the identified mitigation measures during construction.

E11.0 Waterway and Coastal Protection Code**Clause E11.7.1 Buildings and works****Acceptable Solution****A4**

Development must involve no new stormwater point discharge into a watercourse, wetland or lake.

Performance Criteria**P4**

Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following:

- (a) risk of erosion and sedimentation is minimised;
- (b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed;
- (c) potential for significant adverse impact on natural values is avoided.

Proposal

The proposal includes a new stormwater discharge point. While no assessment has been submitted specifically addressing the relevant performance criteria, the Stormwater Management Plan (Burbury Consulting, August 2020) provides sufficient information to enable assessment against the performance criteria for this Clause.

Council's Environmental Planner has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- Risk of erosion and sedimentation are managed through installation of rip rap at the discharge point.
- Impacts on natural values are mitigated and managed through installation of a grated pit with sump.

E11.0 Waterway and Coastal Protection Code

Clause E11.7.2 Buildings and works dependant on a coastal location

Acceptable Solution

A1

An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.

Performance Criteria

P1

Buildings and works must satisfy all of the following:

- (a) need for a coastal location is demonstrated;
- (b) new facilities are grouped with existing facilities, where reasonably practical;
- (c) native vegetation is retained, replaced or re-established so that overall impact on native vegetation is negligible;
- (d) building design responds to the particular size, shape, contours or slope of the land and minimises the extent of cut and fill;
- (e) impacts to coastal processes, including sand movement and wave action, are minimised and any potential impacts are mitigated so that there are no significant long-term impacts;
- (f) waste, including waste from cleaning and repairs of vessels and other maritime equipment and facilities, is managed in accordance with current best practice so that significant impact on natural values is avoided.

Proposal

The proposal cannot comply with the acceptable solution as the proposed development is >20% the size of the existing facility and involves the construction of a new ferry terminal.

Council's Environmental Planner has advised that a Coastal Vulnerability Assessment (Burbury Consulting August 2020) and Planning Report (State Growth, August 2020) submitted with the application demonstrate the proposal complies with the performance criteria as follows:

- The ferry terminal relies upon a coastal location.
- New terminal is grouped with the existing terminal facilities.
- Native vegetation in the broader vicinity is being retained and there will be no notable loss of native vegetation due to works.
- The terminal upgrades have been designed with specific regard to shape of the land, bathymetry and to minimise cut and fill.
- The proposed works do not significantly impact on coastal processes in the local area and will minimise erosion and inundation of the site through installation of upgraded shoreline and rock armour protection. The design and features of rock materials and marine structures are consistent with the existing site will enable expansion of an already highly disturbed and controlled site.
- The use will be managed in accordance with current best practice.

E11.0 Waterway and Coastal Protection Code

Clause E11.7.2 Buildings and works dependant on a coastal location

Acceptable Solution
A2 No Acceptable Solution for dredging and reclamation.
Performance Criteria
P2 Dredging or reclamation must satisfy all of the following: (a) be necessary to establish a new or expanded use or development or continue an existing use or development; (b) impacts on coastal processes that may lead to increased risk of inundation, including sand movement and wave action, are minimised and potential impacts are mitigated so that there are no significant long-term impacts;
Proposal
A small area of reclamation is proposed and therefore the proposal requires assessment against the performance criteria.

Council's Environmental Planner has advised that a Coastal Vulnerability Assessment (Burbury Consulting August 2020) and Planning Report (State Growth, August 2020) submitted with the application demonstrate the proposal complies with the performance criteria as follows:

- The area of reclamation is necessary to support the proposed additional berth and terminal upgrades associated with the expansion of an existing use.
- The works have been designed to minimise the potential for erosion and impacts on coastal processes through installation of upgraded shoreline and rock armour protection. The design and features of rock materials and marine structures are consistent with the existing site and will enable expansion of an already highly disturbed and controlled site to avoid significant long-term impacts.

E15.0 Inundation Prone Areas Code**Clause E15.7.6 Development dependent on a Coastal Location**

Acceptable Solution
A1 An extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway must be no more than 20% of the size of the facility existing at the effective date.
Performance Criteria
P1 Buildings and works must satisfy all of the following: <ul style="list-style-type: none"> (a) need for a coastal location is demonstrated; (b) new facilities are grouped with existing facilities, where reasonably practical; (c) building design responds to the particular size, shape, contours or slope of the land and minimises the extent of cut and fill; (d) waste, including from cleaning and repairs of vessels and other maritime equipment and facilities, solid waste, is managed to ensure waste is safe from inundation events; (e) risk from inundation is acceptable, taking into account the nature of the development and its users.
Proposal
The proposal cannot comply with A1 as the proposed development is >20% the size of the existing facility and involves the construction of a new ferry terminal.

Council's Environmental Planner has advised that a Coastal Vulnerability Assessment (Burbury Consulting August 2020) and Planning Report (State Growth, August 2020) submitted with the application demonstrate the proposal complies with the performance criteria as follows:

- The public ferry terminal clearly requires a coastal location.
- The proposal augments the existing terminal facilities.
- The proposal responds to the shape of the land and bathymetry and seeks to minimise the need for cut and fill within those constraints.
- The terminal will continue to be managed in accordance with current best practice and will not involve wastes that would be vulnerable to inundation events.
- The proposal has been specifically designed to be resilient to extreme weather events. The terminal will be constructed to a level of 2.6m AHD and will provide a freeboard approximately 100mm above the planning scheme low risk level of 1% SEP and storm surge allowance (2.5m) AHD. Any risk of inundation is therefore acceptable.

E15.0 Inundation Prone Areas Code**Clause E15.7.6 Development dependent on a Coastal Location**

Acceptable Solution
A2 No Acceptable Solution.

Performance Criteria
<p>P2</p> <p>Dredging or reclamation must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be necessary to establish a new or expanded use or development or continue an existing use or development (b) potential for foreshore erosion or seabed instability is minimised; (c) impacts to coastal processes, including sand movement and wave action are minimised and any potential impacts will be mitigated so that there are no unreasonable adverse long-term effects, (d) limited and acceptable impact on aquatic flora, fauna and habitat; (e) risk of re-suspension of potentially contaminated material is minimised; (f) extracted material will be adequately and appropriately disposed of, including appropriate management of any declared weeds, local environmental weeds and other contamination;
Proposal
A small area of reclamation is proposed and therefore the proposal requires assessment against the performance criteria.

Council's Environmental Planner has advised that a Coastal Vulnerability Assessment (Burbury Consulting August 2020) and Planning Report (State Growth, August 2020) submitted with the application demonstrate the proposal complies with the performance criteria as follows:

- The area of reclamation is necessary to support the proposed additional berth and terminal upgrades.
- The works have been designed to minimise the potential for erosion and impacts on coastal processes through installation of upgraded shoreline and rock armour protection.
- The design and features of rock materials and marine structures are consistent with the existing site and will enable expansion of an already highly disturbed and controlled site to avoid significant long term impacts.
- Subject to the mitigation measures set out in the Marine and Coastal Vulnerability Assessments the proposal is considered to satisfy these criteria.

E24.0 Significant Trees Code

Clause E24.6.1 Lopping, pruning, removal or destruction of significant trees

Acceptable Solution
<p>A1</p> <p>No acceptable solution.</p>
Performance Criteria
<p>P1</p> <p>Works not otherwise exempt from this Code may only be approved if:</p> <ul style="list-style-type: none"> (a) it is demonstrated that there are no feasible alternative proposal designs which could be implemented to avoid impacting on the tree and the proposed methodology of the works incorporates measures to minimise and mitigate any damage to the tree; and

- (b) there are environmental, social, economic or safety reasons of greater value to the community than the cultural significance of the tree; or
- (c) Council is satisfied that the tree is dead or dying based on written evidence from a qualified arborist, resulting in a loss of significance.

Proposal

There are seven (7) oak trees on the subject land. These trees are listed on the Significant Tree Register (TRN 2012-2) and are therefore subject to the Significant Tree Code of the Kingborough Interim Planning Scheme (Code E24.0). Amended plans and an arborist assessment (Element Tree Services, 12 October 2020) submitted in response to a further information request confirm that the works will encroach into the tree protection zone of two (2) of these trees listed on the Significant Tree Register.

As there is no acceptable solution, the proposed works and associated impact on the significant trees must be assessed against the performance criteria.

Council's Environmental Planner has advised that the proposed variation can be supported pursuant to this Performance Criteria of the Zone for the following reasons:

- There is no alternative location for the side entry pit which has a lesser impact on the significant trees and meets the requirements of the development.
- An arborist assessment (Element Tree Services, 12 October 2020) submitted with the application demonstrates that the proposed methodology of the works incorporates measures to minimise and mitigate any damage to the tree. These measures include:
 - limiting to encroachment to <10%;
 - minimising excavation;
 - ensuring any roots encountered during works are treated in accordance with the arborist advice;
 - protecting all of the oaks during construction, and
 - ensuring no additional works occur in the tree protection zone, including excluding machinery and not using this area for storage or wash-down.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 17 October 2020 to 2 November 2020). Four (4) representations were received during the public exhibition period. The following issues were raised by the representors:

2.5.1 Noise

All four representors raised issues relating to noise. The representations were reviewed by Council's Health Officer. The issues raised and Officer's comments are summarised below under *Table 2*.

Representor issues (Noise)	Response
The noise assessment report does not holistically include road noise outside of marshalling area	The traffic impact assessment submitted with application addresses issues associated with traffic outside the terminal

Representor issues (Noise)	Response
	area. Noise from registered vehicles driving on public roads is not covered by the <i>Environmental Management and Pollution Control Act 1994</i> .
The methodology for selecting noise measuring locations is unclear in report	Noise monitoring points were located outside the closest potentially noise sensitive residential premises.
The report does not address the cumulative effect of multiple ferries in operation at same time	The noise assessment states that the noise level from concurrent birthing of the Mirambeena or Bowen at Berth 1 with the Nairana at Berth 2 would be less than or equal to 54 dBA at the receiver locations.
Vehicle noise from queuing area reflects off Marina buildings.	The proposed development will result in no expected change from the current situation.
The development will not comply with clause 31.3.2 A1 of the Planning Scheme.	The noise assessment indicates that the development will comply with clause 31.3.2 P1 of the Planning Scheme.
Noise from vehicles waiting ahead of the toll booth will increase.	The proposed development will result in no expected increased impact from the current situation.
The noise from vehicles exiting onto Ferry Road will be unacceptable.	The traffic impact assessment submitted with application addresses issues associated with traffic outside the terminal area. Noise from registered vehicles driving on public roads is not covered by the <i>Environmental Management and Pollution Control Act 1994</i> .
Noise monitoring was not conducted at the closest residential property (78 Ferry Rd).	Monitoring was conducted at the closest residential properties – outside nos. 78 and 76 Ferry Rd, as shown in the noise assessment report.
Noise monitoring was conducted in off-peak period	Noise monitoring was conducted during off-peak period. However, noise levels would be expected to be the same, irrespective of what time of the year they were measured.
Predicted noise levels exceed the <i>Environmental Management and Pollution Control (Noise) Regulations 2016</i> (e.g. 45 dBA from 7am – 10pm).	Regulation 7 of the <i>Environmental Management and Pollution Control (Noise) Regulations 2016</i> does not apply to the ferries operating at the terminal.
Activities commence at 5:30am.	The noise assessment indicates that the development will comply with clause 31.3.2 P1 of the Planning Scheme – there is no reference to specific times in the clause. Furthermore, the proposed development will result in no expected increased impact from the current situation.
RO-RO ramp noise must be improved.	RO-RO ramp noise was included in the noise monitoring and modelling in the noise assessment. SeaLink are also investigating installation of bumper plates to help further reduce noise from the RO-RO ramp.
The loading ramp is too steep – vehicles make too much noise driving up ramp when loading/unloading.	The predicted ramp angles with the new ferries in operation will be significantly

Representor issues (Noise)	Response
	reduced. This will help to reduce engine noise from vehicles climbing ramps.
Can SeaLink provide shore power to reduce reliance on ship's generators.	This is not practical as thrust is needed to load. If a vessel is in port for an extended period, SeaLink will endeavour to ensure shore power is used where possible. The proposed development will result in no expected increased impact from the current situation.
The security/boarding gates are noisy.	SeaLink have confirmed via correspondence the consideration to install new automated boom gates and their ongoing maintenance of these gates.
Quiet diesel electric ferries should be used.	The noise assessment indicates that the new ferries will be quieter than the existing ferries in operation.
No proposals for noise attenuation – e.g. screening	The noise assessment indicates that noise levels will be reduced without provision of further noise attenuation measures.
New paved ramp surface could be designed to reduce noise impacts	The noise assessment indicates that noise levels will be reduced without provision of further noise attenuation measures.
Ferry activity will be trebling – how will impacts from this be addressed?	Although terminal activity will increase, noise levels from the proposed new vessels will be lower than the current situation.

Table 2: Representations relating to noise and Health Officer's comments

Council's Environmental Health Officer has advised that the environmental noise assessment report by Tarkarri Engineering, August 2020 submitted with the application identifies that the noise generated from the MV Bowen when used in conjunction with another ferry at the new terminal at the same time can be mitigated with the implementation of the recommendations made in the noise assessment. Due to the change in arrangements, and the potential for the MV Bowen to be used with another ferry at the same time, which would not meet the acceptable noise levels, a condition is recommended in any permit issued which will specifically apply to the MV Bowen, as recommended in the submitted noise report:

1. Start-up of the MV Bowen must be conducted with engine room door closed.
2. Silencing of the engine exhausts on the MV Bowen must be upgraded to provide an additional 10 dB insertion loss at the 80 Hz 1/3-octave band and a minimum of 5 dB in each 1/3-octave band across the range 250 Hz to 2.5 kHz. These insertion loss recommendations are in addition to existing silencer performance.'
3. A noise survey of the MV Bowen must be conducted by a suitably qualified acoustic engineer to verify the above noise reduction requirements have been achieved. The survey must be submitted to Council's Environmental Health Officer. Prior to the survey being submitted to Council's Environmental Health Officer, the MV Bowen must:
 - Not be operated prior to 7.00 am on Monday to Friday and 9.00am on Weekends and Public Holidays.

- Not be operated at Berth 2 at any time.
- Not be berthed at the same time as any other ferry at the Ferry Road terminal.

Furthermore Council's Environmental Health Officer has recommended a condition which stipulates prior to the operation of any vessel at the Ferry Road terminal, with the exception of the MV Bowen, Nairana or Mirambeena, a noise survey must be submitted to the satisfaction of Council's Environmental Health Officer, demonstrating the vessel will not exceed the noise levels from the existing ferries when operated at the Ferry Road terminal, as specified in the environmental noise assessment by Tarkarri Engineering, August 2020.

As the use would be intensified with an increased number of ferries, which may lead to further noise impacts, an advice clause is recommended in any permit issued advising if more than three ferries are required to be operated at any one time, then advice must be sought from Council to determine if any further approvals would be required.

2.5.2 Traffic

One representation raised that the traffic statement submitted lacks some critical detail regarding the potential impacts of the development on Ferry Road residences. Monitoring of appropriate road usage is required, to ensure private driveways are not used as turn-around points.

The concept of the 'simple-bypass' to allow non-booked vehicles finding themselves in the booked lane, to exit and turn around at the roundabout only partially addresses the issue. It is unclear where these vehicles are expected to turn around to travel back to join the non-booked queue. Furthermore, where external services e.g. police are required to support the development and its ongoing operations, these should be described in the proposal including measures to address the management of potential road traffic issues associated with queuing of vehicles on Channel Highway.

One representation also raised the issue of vehicle noise in particular heavy vehicles starting up and revving to access ramps to and from the ferries. Also, the issue of noise from vehicles accelerating along Ferry Road when leaving the area. Restrictions on heavy vehicles usage is recommended.

Response

Council's Development Engineer has advised that the proposal is not expected to generate any additional traffic. No increase in the vehicle queueing lanes is proposed, rather there are some changes proposed to the entry points to the vehicle queueing lanes. Signage is proposed along Ferry Road and on the gantry to guide vehicles/users into the appropriate lane.

The proposal will cater for the use of two new ferry ships operating at a time and up to 3 ferry ships operating at a time during significant peak demand. The higher vehicle turnover will eliminate vehicles queueing back onto ferry road during high demand. No additional staff is proposed under the subject application.

Ferry Road is a classified Category 2 Road by the Department of State Growth and heavy vehicles are legal vehicles approved to use the vehicle transport ferries. As such the representations are not considered to have sufficient merit in requiring restrictions on vehicle types and movements. As discussed above, the higher vehicle turnover will eliminate vehicles queueing back onto ferry road during high demand.

2.5.3 Parking

One of the four representors raised that cars are often parked for extended periods of time on the side of Ferry Road when people travel as passengers on the ferry. Recommend 2-hour maximum parking for cars at all locations around the Ferry Terminal and the provision of parking for day visitors using the ferry. "No standing" areas along the southern side of Ferry road must be addressed.

Parking for day use visitors/ pedestrians/ seasonal works/ bicycle riders is inadequate. This is exacerbated when the few remaining carparks are removed.

Response

Ferry Road between the Channel Highway and the end of the ferry terminal is a State maintained road. Council's Road and Stormwater Engineer has advised that along the state-maintained section of Ferry Road there is currently a 520m parking lane which is "12-hour parking" and is available for the majority of the year. The 12-hour parking signs are double sided so the lane can be changed to a queuing lane during the peak periods of Christmas, Easter and long weekends. It is understood that the previous ferry operator may have been responsible for changing the signs but that may not have been passed on as a requirement under the current ferry contract.

There is a 65 metre section of unrestricted parking on the southern side of the ferry terminal which is frequently utilised by workers and travellers to Bruny Island on foot. Patrons of the café who are not travelling on the ferry have an allocated separate carpark which is closed off by boom gates located on the northern side of the ferry terminal.

Council installed a 2-hour parking area at the end of the Council maintained section of Ferry Road in 2017 to ensure parking was available for people travelling to access the Kettering Foreshore Walking Track. An unrestricted 90-degree angle parking area was also established in 2017 in the vicinity of No. 86 Ferry Road to maximise the parking capacity on Ferry Road. Additional measures have since been put in place to limit parking along the remaining Council maintained section of Ferry Road.

No other controls are considered warranted.

Furthermore the proposed development is not expected to generate the requirement for any additional parking spaces. No existing carparks are proposed for removal under the subject application. The proposal only includes the formalisation of one existing car parking space to an accessible car space. The parking requirement for the 'Port and Shipping' use class for a ferry terminal is 2 spaces for each 3 staff as specified in Table E6.1, Code E6.0 of the Scheme. As no additional staff is proposed, no additional parking is required under the Scheme.

2.5.4 Signage

One of the representors raised that four signs are proposed (2 x digital display signs and 2 x static signs). Other than the two digital signs proposed, the drawings do not provide sizing for the static signs. It is observed that the current signs located on top of the gantry are rarely used as vehicle drivers, who prefer information closer to the toll booth. The drawings provided indicate a sharp angle at which the driver must look up to see the gantry signs. The usefulness of locating signage at this level is questionable.

Furthermore, two of the four representors raised that electronic digital signage should not be visible outside of the ferry hours.

Response

The static signs on top of the gantry are minor and effectively existing, as seen in Photo 2 overleaf. Proposed gantry elevation is shown under Figure 5 overleaf.



Photo 2: Existing gantry with existing static signs

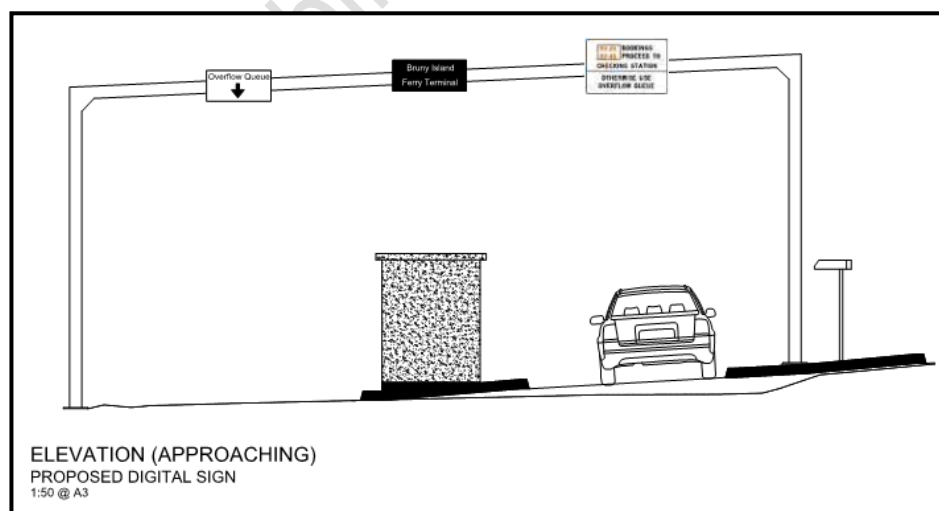


Figure 5: Extract of elevation showing gantry and proposed signage

The existing gantry is proposed to be adjusted and signage would be revised to suit, including a digital sign. Therefore, there would be no significant change to the current situation.

Furthermore, the proposed signage meets the definition of "Statutory Sign" which means "a sign required or specified by statute; and a sign relating to safety or

guidance of pedestrians, traffic and shipping; including but not limited to a hazard sign, a Hazchem sign; a traffic control sign; a maritime purposes sign; international/national signposting conventions for service provisions and toilets.” The proposed signs are for the safety and guidance of traffic and are therefore exempt from Code E17.0 Signs and the associated requirements under Table E17.1 and E17.4 of the Scheme. Therefore, no further details relating to the signage is required. This is further discussed in detail in the annexed assessment checklist under Code E17.0.

A condition is recommended in any permit issued requiring all electronic signage be turned off outside the ferry operating hours.

2.5.5 Light pollution

One of the four representors pointed that the digital and other signage on top of the gantry will be seen very clearly from deck areas of the residences located to the south of Ferry Road, potentially increasing light pollution and detracting from visual amenity. Another representor pointed that the terminal at the moment has overnight security lighting on vessels and the surrounding area. Now with the proposal extending closer to the residential lands, there would be more light pollution affecting the residential amenity. Stray light luminosity from public and security lights is not clearly enunciated. More careful consideration should be given to disruptive light incursion on residents.

Response

Council’s Development Engineers has advised that applicant has included an analysis of lighting levels along Ferry Road that indicate compliance with the Australian Standard AS/NZS 4282:2019 R2 Residences Near Local Roads, Curfew.

As discussed above, signage is currently existing on top of the gantry and is only proposed to be adjusted under the subject application (refer Photo 2 above). Therefore, no new visual impacts will be caused due to the signage. A condition is recommended in any permit issued requiring all electronic signage be turned off outside the ferry operating hours.

Furthermore, as per the acceptable solution for external lighting under Clause 31.3.3 (A1) of the Scheme,

“External lighting within 50m of a residential zone must comply with all of the following:

- (a) be turned off between 10.00 pm and 6.00 am, except for security lighting;*
- (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.”*

Accordingly, there is no requirement for security lighting to be turned off in the nights. However, a condition is recommended in any permit issued requiring security lighting be baffled to ensure they do not cause emission of light outside the zone.

The proposal also includes installation of six new 6m high pedestrian light poles. Council’s Environmental Planner has recommended a condition in any permit issued requiring the new lights be fitted with a timer so that they turn off automatically at 8:30pm.

2.5.6 Air quality

One representor raised that the ambient air quality will be degraded - all waiting vehicles should turn off engines.

Response

Some vehicles (concrete mixers, refrigerated trucks and buses) must keep their engines on. The proposed development will not result in an increase in vehicles using the ferry service, rather improve the efficiency and management of the terminal and users. Therefore, it would result in no expected change from the current situation. Further, air-quality is not a planning consideration.

2.5.7 Loss of vegetation

One representation raised concerns about the loss of vegetation.

Response

Council's Environmental Planner has advised that a small area of coastal vegetation is proposed for removal within the footprint of the rock armouring. This vegetation is predominantly exotic and weeds, with some small blackwood trees. While none of this vegetation is of high conservation value, it does provide some screening and has some value as coastal vegetation. To mitigate the loss of this vegetation, a condition is recommended in any permit issued requiring replacement landscaping with native shrubs.

2.5.8 Stormwater

One representation raised the issue of stormwater treatment.

Response

Council's Development Engineer has advised that the submitted drawings include details of stormwater drainage collection for all new pavement areas to be constructed to the new ferry access ramps. The area of new pavements is less than 600m². This is the required new pavement area in accordance with Clause E7.7.1 of the Scheme for the installation of stormwater treatment measures.

Therefore, the proposal meets the acceptable solutions of Clause E7.0 Stormwater Management of the Scheme.

2.5.9 Gantry – visual impacts

One representation raised concerns about the gantry entrance to the ferry marshalling area which serves the perception of the area as more of an industrial location and less as a residential village. Measures are required to protect and maintain the seaside village.

Response

As discussed above, the gantry is existing and is only proposed to be slightly adjusted to suit the terminal upgrades and lanes (Photo 2 above shows the existing gantry).

2.5.10 Public Toilets

Public toilets will need to be upgraded and serviced more often.

Response

This is not a planning matter. There are no prescribed standards relating to toilets in the Planning Scheme.

2.5.11 Construction Environmental Management Plan

One representation raised the proposal does not appear to include a construction environmental management plan.

Response

A condition will be included in any permit issued requiring a Construction Environmental Management Plan (CEMP) prior to the commencement of any on-site works for Council approval.

Furthermore, the planning statement which accompanies the application specifies that State Growth requires all contractors to submit a CEMP that demonstrates compliance with best practice guidelines and relevant legislation and regulations. The CEMP must be compliant with the Department's G10 Environmental Specifications. The CEMPs prepared would be reviewed and approved by the Department's Environmental Officers who are certified Environmental Management System (EMS) Auditors, prior to the submission and approval from Council. This will ensure the contractor has effectively identified and attributed construction related environmental risks and has the systems and processes in place to effectively mitigate risk and respond to and report environmental incidents and emergency scenarios.

2.6 Other Matters

Title

The land is owned by the Crown (The Department of State Growth and Crown Land Services). Accordingly, there are no titles/ restrictions for these lands.

Hygiene

Council's Environmental Planner has advised that there are a number of weeds in the footprint of the proposed development and the Natural Values Assessment submitted with the application recommends development and implementation of a weed management plan (or weed management requirements within the CEMP).

A condition is recommended for inclusion in any permit issued requiring a weed management plan.

3. CONCLUSION

This application by the Department of State Growth is seeking approval for the Bruny Island Ferry Terminal upgrades at Ferry Road, Kettering. The proposal is aimed to enhance the management and efficiency of a crucial transport network system which serves as the only access to Bruny Island. The proposed development will supplement the existing terminal, by including a second roll on- roll off berth, dual lane loading ramp and installation of associated signage and new ticketing control infrastructure to support the planned operational upgrades to the terminal. The proposal satisfies the relevant Acceptable Solutions and Performance Criteria of the Scheme. It is therefore recommended a planning permit be granted subject to conditions.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for Bruny Island Ferry Terminal upgrades (Ferry Road) at Ferry Road, Kettering for Department of State Growth be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2020-475 and Council Plan Reference No. P1 and P2 submitted on 31 August 2020 and 12 October 2020. This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.
2. Native vegetation removal is limited to the minimum required for the construction of the rock armouring. No removal of high conservation value trees or native vegetation communities is approved as part of this permit.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Kingborough Interim Planning Scheme 2015 or otherwise in accordance with law.

3. Impacts on the Oak trees listed under the Significant Tree Register (TRN 2012-2) are limited to minor incursion into the Tree Protection Zone of T6 and T7 as identified in the Arborist Assessment (Element Tree Services, 12 October 2020).

All mitigation measures identified in the Arborist Assessment must be implemented prior to, during and after construction, including but not limited to:

- minimising excavation;
- ensuring any roots encountered during works are treated in accordance with the arborist advice;
- protecting all of the oaks during construction through installation of tree protection fencing; and
- ensuring no additional works occur in the tree protection zone, including excluding machinery and not using this area for storage or wash-down.

No further felling, lopping, ringbarking or otherwise injuring or destroying of these Significant Trees (TRN 2012-2) is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Kingborough Interim Planning Scheme 2015 or otherwise in accordance with law.

4. Prior to the commencement of any on-site works, tree protection fencing must be established to protect the Significant Trees (TRN 2012-2), delineate the footprint of the works and minimise encroachment into coastal vegetation.

This tree protection fencing must be in accordance with AS 4970-2009 and exclude:

- machine excavation including trenching;
- excavation for silt fencing;
- cultivation;
- storage;
- preparation of chemicals, including preparation of cement products;
- parking of vehicles and plant;
- refuelling;

- dumping of waste;
- wash down and cleaning of equipment;
- placement of fill;
- lighting of fires;
- soil level changes;
- temporary or permanent installation of utilities and signs; and
- physical damage to the tree(s).

In relation to the Significant Trees, unless the outer edge of works as shown on the endorsed plan are closer, this tree protection fencing must be located on the outer edge of the tree protection zone of Trees 1-7 as shown in Council Plan Reference P2 and received on 12 October 2020 (excluding the area already developed). If works are shown on the endorsed plan within this buffer, then the tree protection fencing may be reduced to the minimum amount necessary to allow the works to be completed.

In relation to coastal vegetation, this tree protection fencing must be located on the outer edge of the approved works.

Evidence of satisfactory installation of this fencing must be obtained prior to the commencement of any on-site works and made available to Council upon request.

In addition, the following tree protection measures must be adhered to following construction for all areas within the Tree Root Protection Zone but outside the footprint of the approved works:

- the existing soil level must not be altered around the Tree Root Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
 - the Tree Root Protection Zone must be free from the storage of fill, contaminants or other materials;
 - machinery and vehicles are not permitted to access the Tree Root Protection Zone; and
 - development and associated works are not permitted unless otherwise approved by Council in writing.
5. Prior to the commencement of any onsite building works, a landscape plan must be submitted and approved by the Manager of Development Services.

The landscape plan must be prepared at a suitable scale and include the following:

- (a) outlines of the existing buildings and the proposed and existing ferry terminals;
- (b) adequate screening with replacement vegetation adjacent to the new ramp, where existing vegetation is proposed to be removed, to soften the views from the residences abutting the roundabout;
- (c) proposed planting by quantity, genus, species, common name, expected mature height and plant size, including local native species for coastal areas and excluding exotic species with the potential to be weeds;

- (d) existing trees to be retained and proposed measures to be carried out for their protection during construction;
- (e) earth shaping proposals, including retaining wall(s) and rock armouring;
- (f) fencing, paths and paving (indicating materials and surface finish); and
- (g) proposed maintenance program.

The landscape plan must be prepared by a qualified landscape architect or suitably qualified person knowledgeable in the field. Once endorsed, the Plan will form part of the permit and must be implemented within three months of the operation of the new terminal, unless otherwise approved by Council.

6. Prior to the commencement of on-site works a Construction Environmental Management Plan (CEMP) must be submitted to Council for approval. The plan must be to the satisfaction of the Manager Development Services and provide details of the following:
 - (a) hours for construction activity in accordance with any other condition of this Permit;
 - (b) storage locations for the stockpiling of fill and materials on site;
 - (c) measures to control noise;
 - (d) mitigations measures consistent with the recommendations in the Marine Natural Values Assessment (Marine Solutions, June 2020) and Coastal Vulnerability Assessment (Burbury Consulting, August 2020);
 - (e) soil and water management measures in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28), the Wetlands and Waterways Works Manual (DPIWE, 2003) and the Tasmanian Coastal Works Manual (DPIPWE, Page and Thorp, 2010);
 - (f) weed management requirements within the construction plan consistent with the recommendations the Natural Values Assessment (North Barker Ecosystem Services, 3 July 2020), to prevent the spread and proliferation of declared weeds and to meet best practice hygiene;
 - (g) tree protection measures in accordance with the Arborist Assessment (Element Tree Services, 12 October 2020) and Condition 8;
 - (h) measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - (i) measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site;
 - (j) a plan showing the location of parking areas for construction and sub-contractor's vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises;
 - (k) a plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;

- (l) measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- (m) the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves;
- (n) contact details of key construction site staff; and
- (o) a plan showing the above details.

Once endorsed, the Plan will form part of the permit and must be implemented and maintained throughout construction of the development to the satisfaction of the Manager Development Services.

7. Exterior surfaces of the structures must be coloured using colours with a light reflectance value not greater than 40 percent.
8. If the MV Bowen vessel is to be used in conjunction with another ferry at the terminal at the same time, then the following conditions apply to the MV Bowen:
 - (a) Start-up of the MV Bowen must be conducted with engine room door closed.
 - (b) Silencing of the engine exhausts on the MV Bowen must be upgraded to provide an additional 10 dB insertion loss at the 80 Hz 1/3-octave band and a minimum of 5 dB in each 1/3-octave band across the range 250 Hz to 2.5 kHz. These insertion loss recommendations are in addition to existing silencer performance.
 - (c) A noise survey of the MV Bowen must be conducted by a suitably qualified acoustic engineer to verify the above noise reduction requirements have been achieved. The survey must be submitted to Council's Environmental Health Officer. Prior to the survey being submitted to Council's Environmental Health Officer, the MV Bowen must:
 - o Not be operated prior to 7.00 am on Monday to Friday and 9.00am on Weekends and Public Holidays.
 - o Not be operated at Berth 2 at any time.
 - o Not be berthed at the same time as any other ferry at the Ferry Road terminal.
9. Prior to the operation of any vessel at the Ferry Road terminal, with the exception of the MV Bowen, Nairana or Mirambeena, a noise survey must be submitted to the satisfaction of Council's Environmental Health Officer, demonstrating the vessel will not exceed the noise levels from the existing ferries when operated at the Ferry Road terminal, as specified in the environmental noise assessment by Tarkarri Engineering, August 2020.
10. All electronic signage must be turned off outside the ferry operating hours with the exception of 30 minutes prior to ferry start time.
11. The proposed new pedestrian access lighting shown on the general lighting layout plan, Council Plan Reference No. P1 submitted 31 August 2020, must be fitted on a timer so that these lights turn off automatically at 8:30pm.
12. Security lighting must be baffled to ensure they do not cause emission of light outside the zone.

13. Prior to the commencement of site works a soil and water management plan must be submitted to Council for approval. The plan must be in accordance with NRM South Soil and Water Management of Construction Sites – Guidelines and Tasmanian Standard Drawings (TSD-SW28). A site inspection of the implemented plan by the Council's Development Inspector must be satisfactorily undertaken with the principal contractor prior to the commencement of any work on site.
14. Prior to the commencement of operations of the completed terminal upgrades, the Ferry Operator is required to develop and implement a traffic priority management procedure as per the Conclusions of the submitted Traffic Impact Assessment by Hubble Traffic, August 2020. The traffic priority management procedure is required to ensure loading and unloading can occur efficiently without creating any conflict with vehicles and pedestrians. The procedure is required to operate at the times of two ferries in operation at one terminal. The traffic priority management procedure must be submitted to the Department of State Growth and Council for endorsement to the satisfaction of the Manager Development Services.

ADVICE

- A. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the Land Use Planning and Approvals Act 1993 and does not provide any approvals under other Acts including, but not limited to Building Act 2016, Urban Drainage Act 2013, Food Act 2003 or Council by-laws.

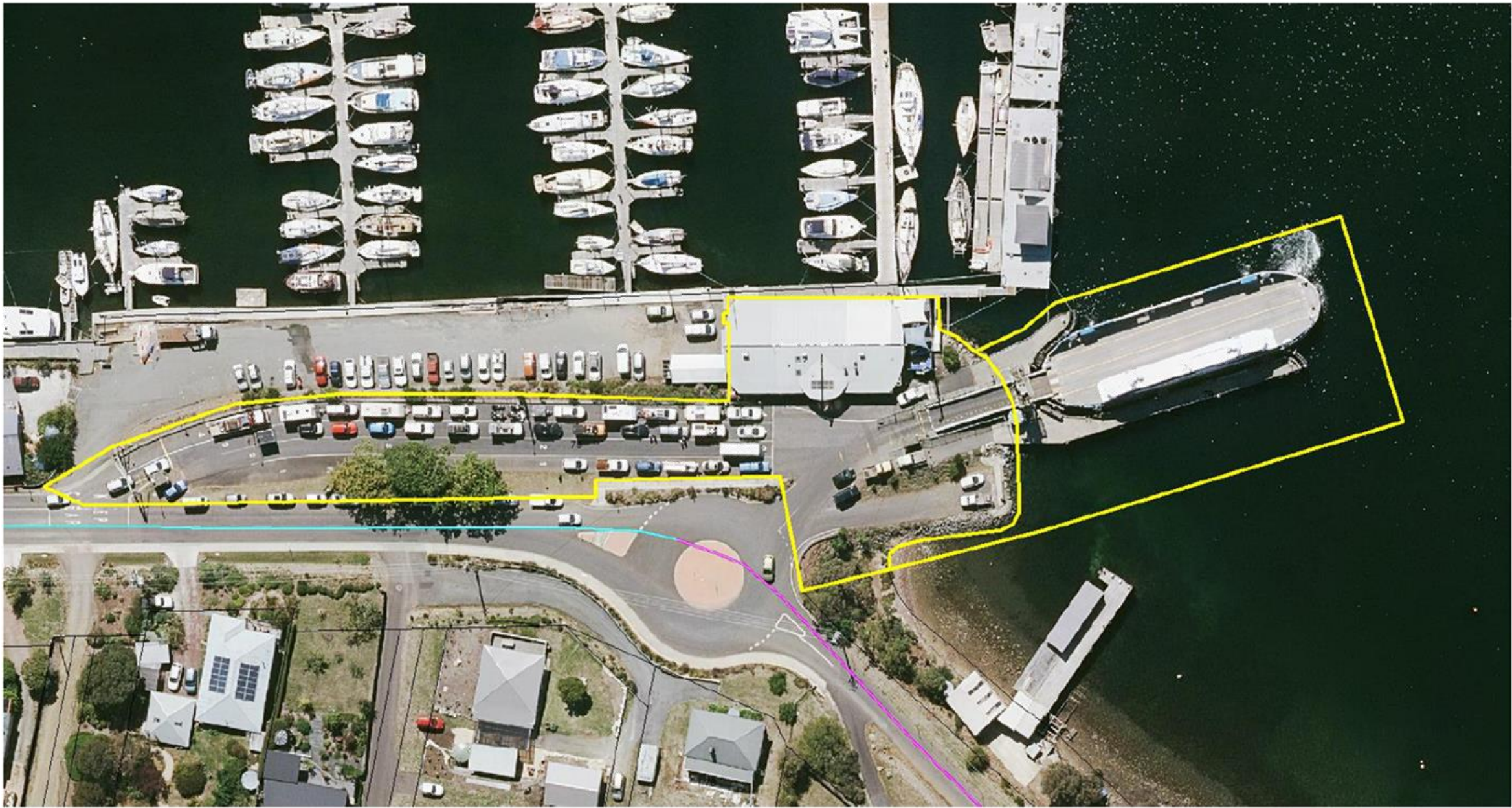
If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the Building Act 2016. Change of use, including visitor accommodation, may also require approval under the Building Act 2016. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- C. If more than three ferries are required to be operated at any one time, then advice must be sought from Council to determine if any further approvals would be required.

ATTACHMENTS

1. **Location Plan**
2. **Proposal Plans**
3. **Assessment Checklist**

Location Plan – Bruny Island Ferry Terminal, Ferry Road, Kettering





LOCATION PLAN
NOT TO SCALE

DRAWING INDEX

DRAWING No.	DESCRIPTION
BRUNY ISLAND FERRY LANDSIDE	
SK01	COVER SHEET
SK02	EXISTING FACILITIES PLAN AT KETTERING
SK03	EXISTING FACILITIES PLAN AT ROBERTS POINT, BRUNY ISLAND
KETTERING	
SK10	GENERAL ARRANGEMENT PLAN AT KETTERING
SK11	CADASTRAL & LEASE PLAN AT KETTERING
SK12	TERMINAL IN DETAIL AT KETTERING
SK13	LANDSIDE VEHICLE QUEUING AT KETTERING
SK14	OUTER VIEW PLAN AT KETTERING
SK15	TYPICAL SECTIONS OF TERMINAL/RAMP AT KETTERING
SK16	ELEVATION OF TICKET BOOTH, SCANNER AND GANTRY AT KETTERING
SK17	VEHICLE TURNING MOVEMENTS PLAN AT KETTERING
SK18	SERVICES PLAN AT KETTERING
SK19	FENCE LINE PLAN AT KETTERING
ROBERTS POINT, BRUNY ISLAND	
SK30	GENERAL ARRANGEMENT PLAN AT ROBERTS POINT, BRUNY ISLAND
SK31	CADASTRAL & LEASE PLAN AT ROBERTS POINT, BRUNY ISLAND
SK32	TERMINAL IN DETAIL AT ROBERTS POINT, BRUNY ISLAND
SK33	LANDSIDE VEHICLE QUEUING AT ROBERTS POINT, BRUNY ISLAND
SK34	OUTER VIEW PLAN AT ROBERTS POINT, BRUNY ISLAND
SK35	TYPICAL SECTIONS OF TERMINAL/RAMP AT ROBERTS POINT, BRUNY ISLAND
SK36	ELEVATION OF TICKET BOOTH AT ROBERTS POINT, BRUNY ISLAND
SK37	VEHICLE TURNING MOVEMENTS PLAN AT ROBERTS POINT, BRUNY ISLAND
SK38	SERVICES PLAN AT ROBERTS POINT, BRUNY ISLAND
SK39	FENCE LINE PLAN AT ROBERTS POINT, BRUNY ISLAND

Development Application: DA-2020-475
Plan Reference no.: P1
Date Received: 31-08-2020
Date placed on Public Exhibition: 17-10-2020

SCALES				Department of State Growth		CONTRACT No.	DRAWING	PRINTED DATE	6-SHEET No.
				LENNON MAIN ROAD (A1620) & FERRY MAIN ROAD (A1645)		TBA	000-45-CA-000	11-AUG-20 11:45 AM	SK01
				BRUNY ISLAND FERRY LANDSIDE		REGISTRATION NUMBER			
				INFRASTRUCTURE WORKS		A1620.002 & A1646.004			
				COVER SHEET		REVISION A			

A	ISSUED FOR DA	DB	10/08/20
No.	Amendment Description	Initials	Date
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Co-ordinate System: MGA96 Height Datum: AHD

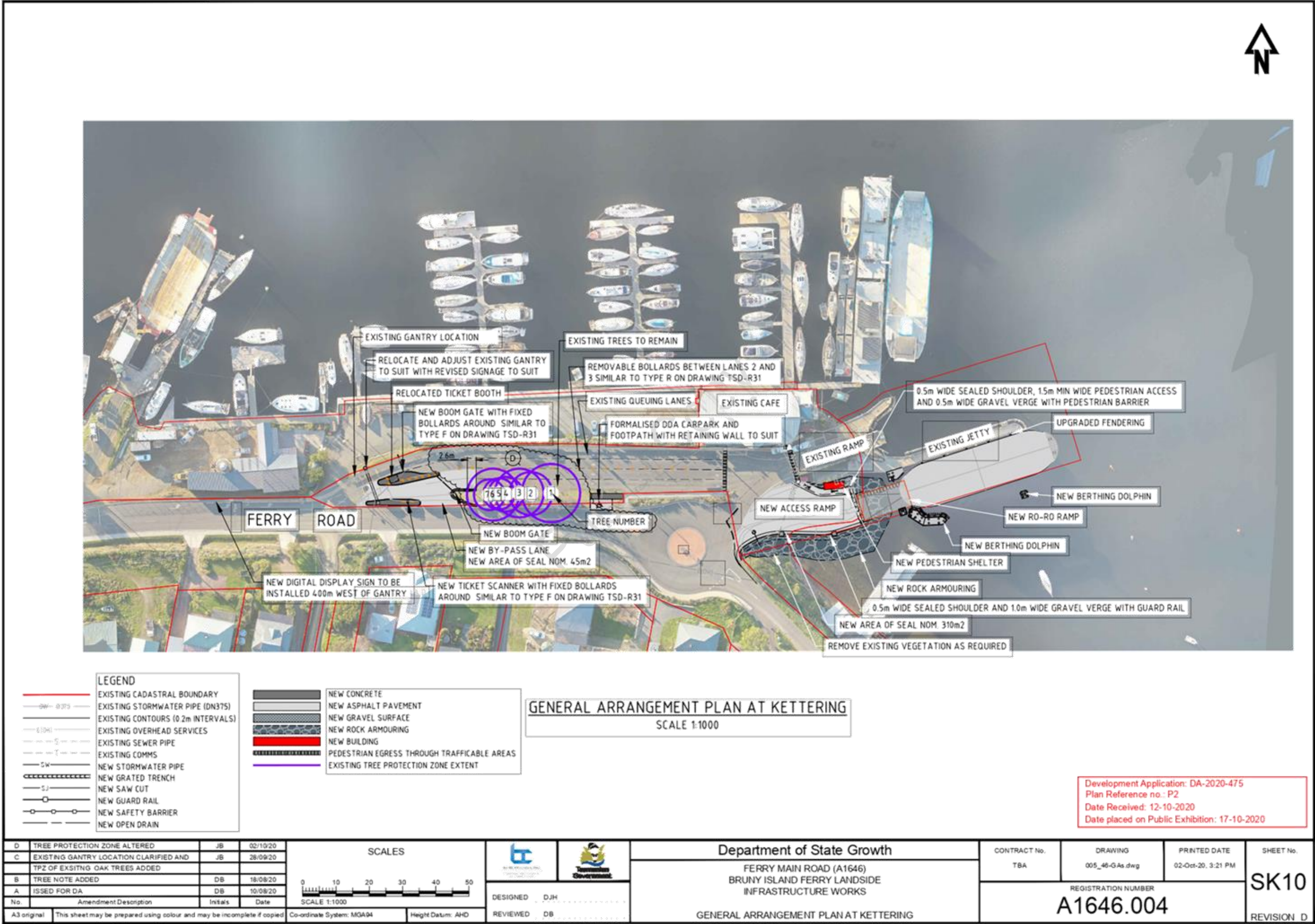
DESIGNED	DJH
REVIEWED	DB

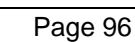


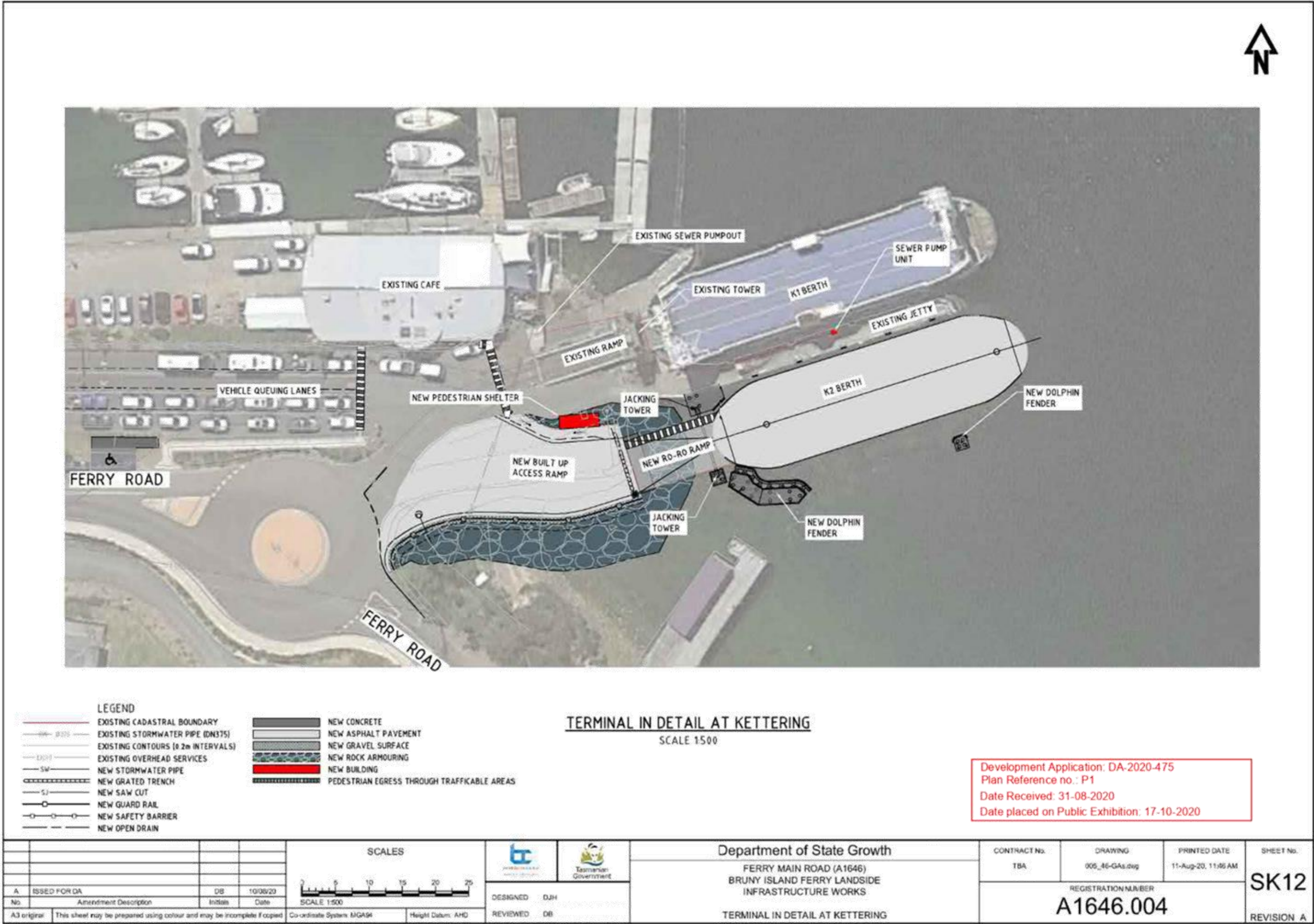
EXISTING ARRANGEMENT PLAN AT KETTERING
SCALE 1:1000

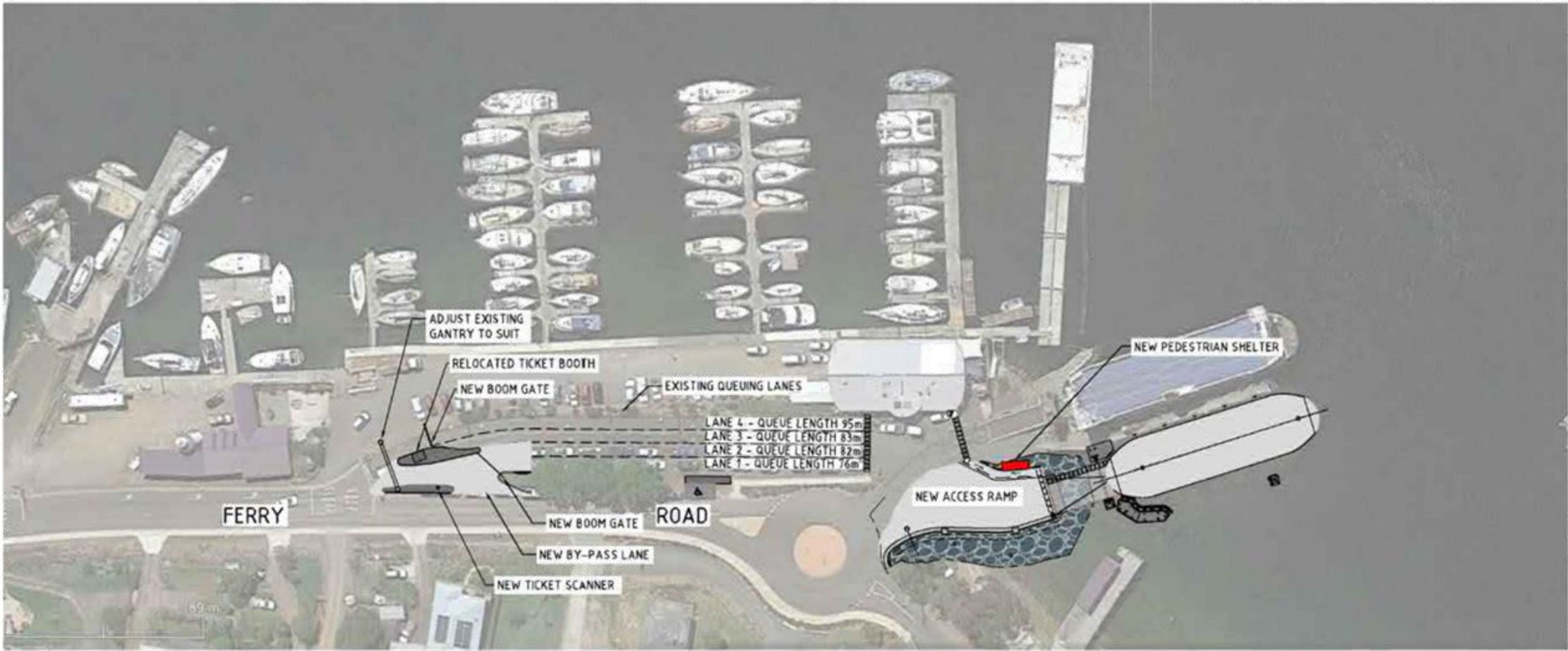
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Plan Reference no.: P1
Date Received: 31-08-2020
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				Height Datum: AHD								REVISION A	









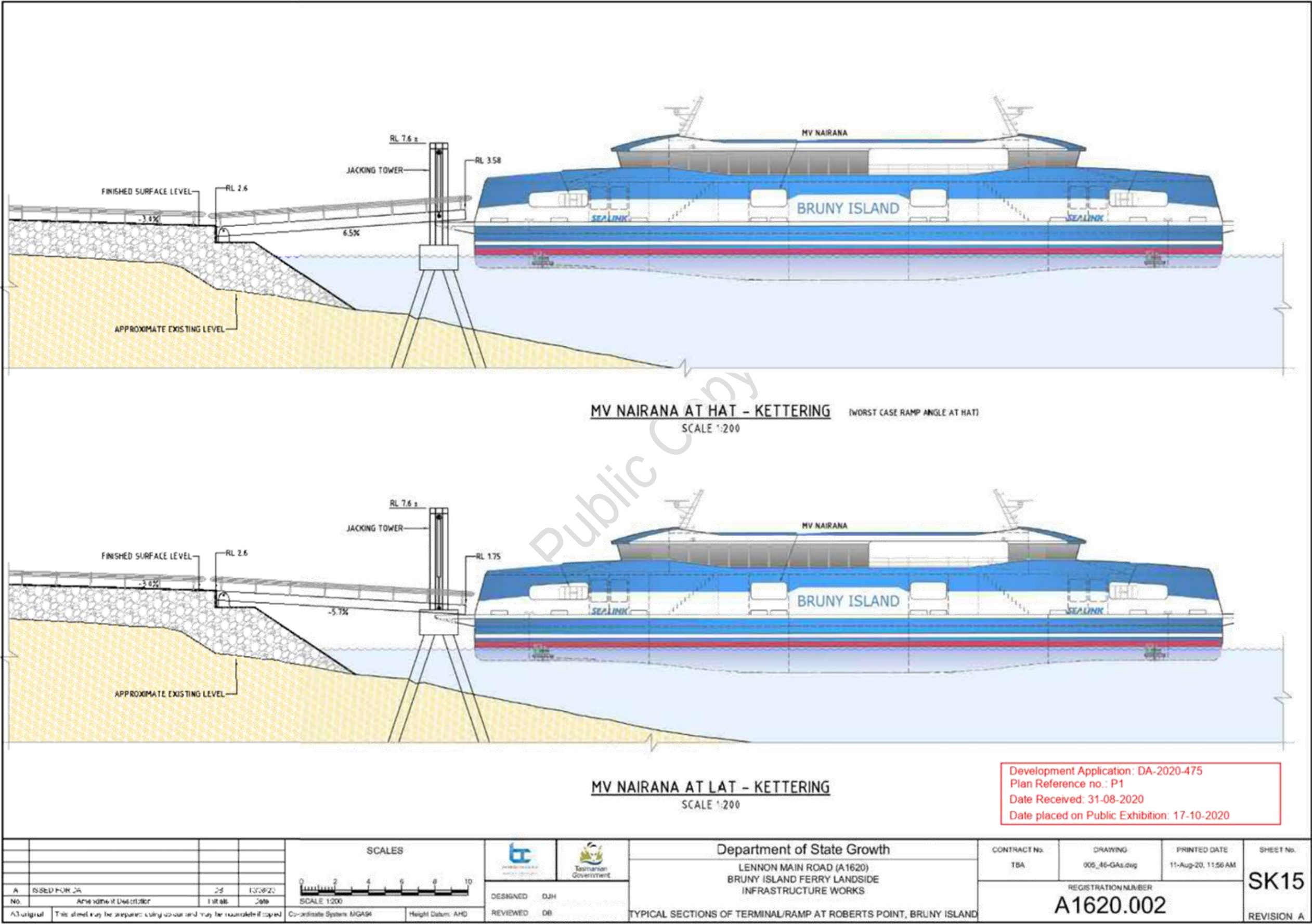


LANDSIDE VEHICLE QUEUING AT KETTERING
SCALE 1:1000

Development Application: DA-2020-475
Plan Reference no.: P1
Date Received: 31-08-2020
Date placed on Public Exhibition: 17-10-2020

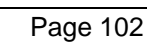
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No.	Amendment Description		Initials	Date										
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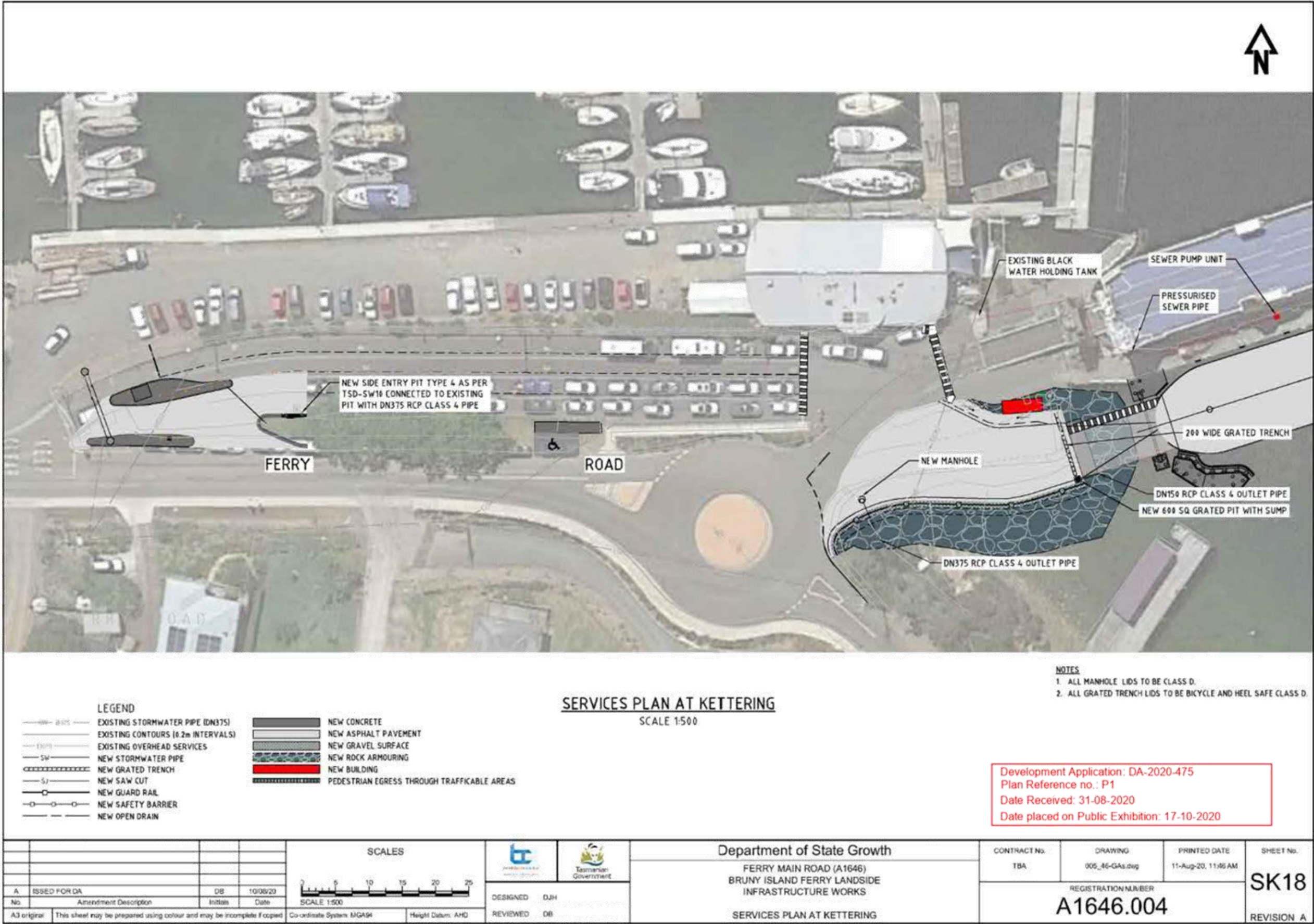


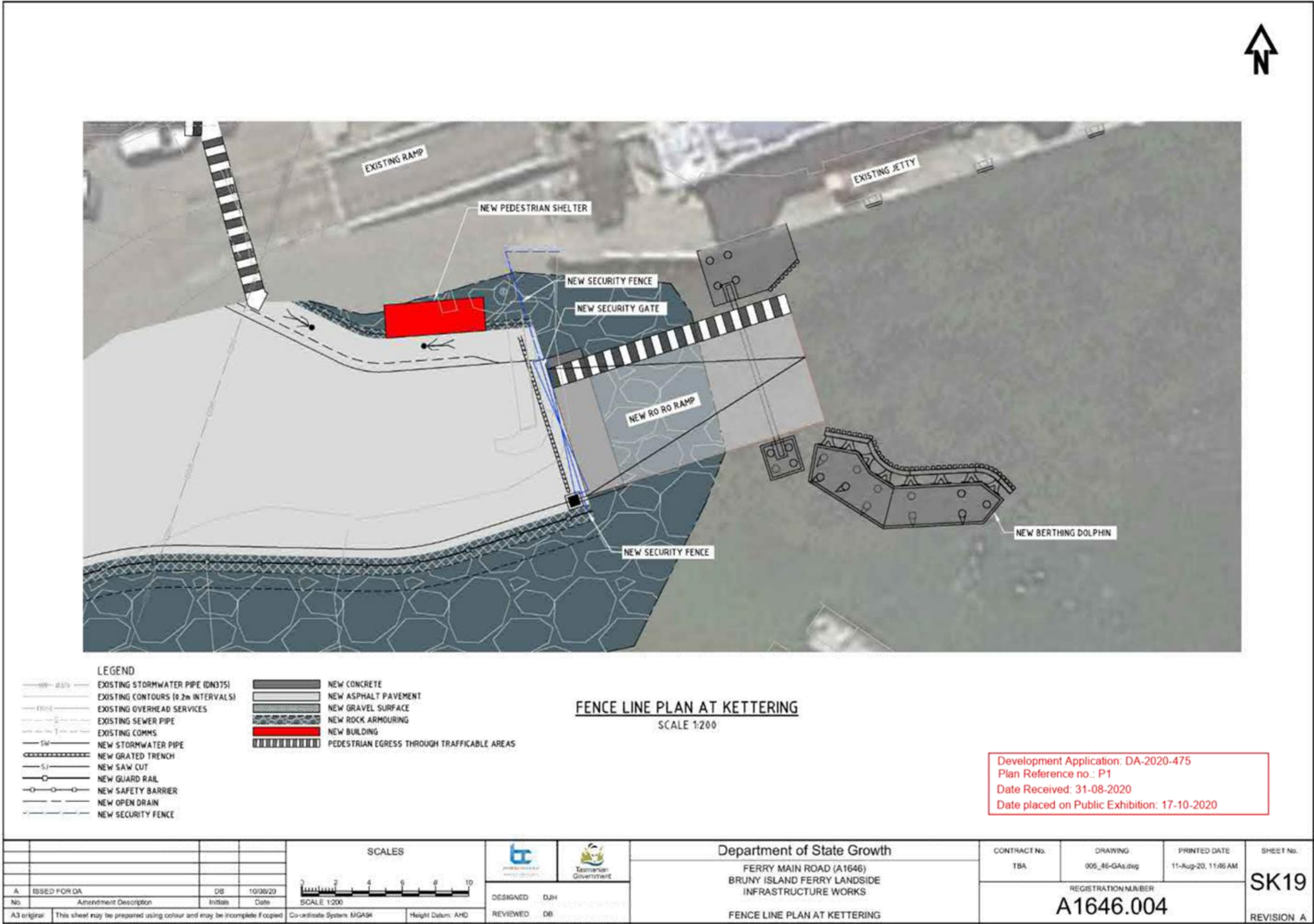




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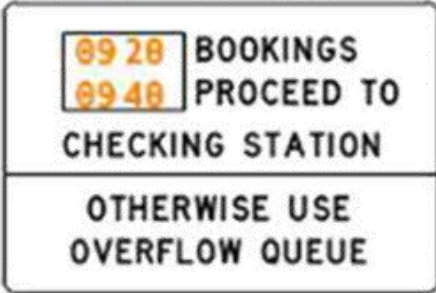








SITE PLAN
PROPOSED VMS LOCATION
NTS



PROPOSED VMS
PROPOSED SIGN STATIC TEXT + VMS
NTS

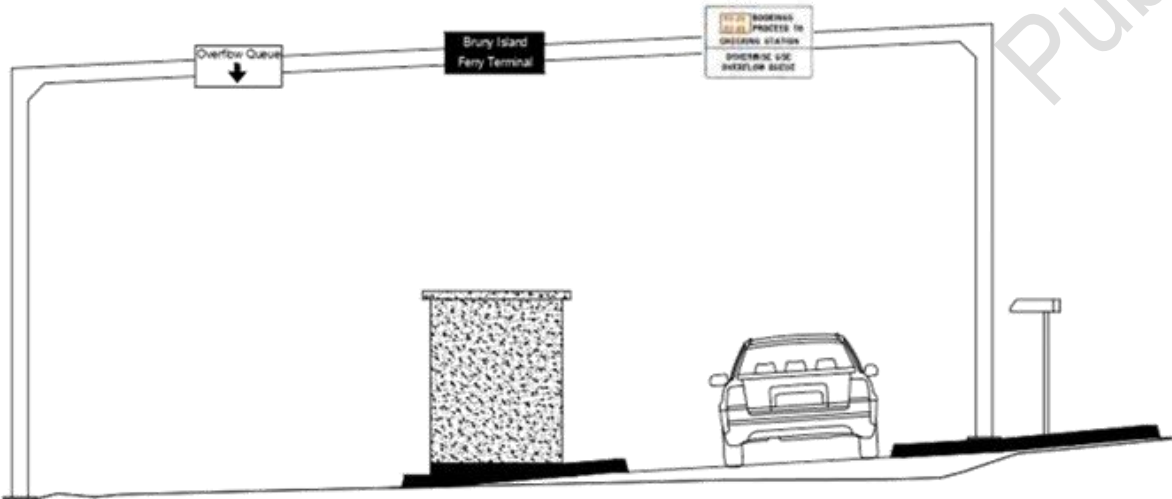
NOTES

1. PROVIDE HIGH QUALITY ELECTRONIC ADVANCE DIRECTION SIGN TO ASSIST WITH THE MARSHALLING OF MOTORISTS TO APPLICABLE LANES.
2. ADVANCE DIRECTION SIGN TO BE COMBINATION OF STATIC AND VARIABLE MESSAGE SIGN (VMS).
3. THE SIGN SHALL BE DESIGNED TO PROVIDE LEGIBLE, CHANGEABLE NUMERIC INFORMATION RELATING TO THE BRUNY ISLAND FERRY SCHEDULE DURING BOTH DAY-TIME AND LIMITED NIGHT-TIME OPERATIONS.
4. THE FABRICATION AND SUPPLY OF ALL COMPONENTS SHALL CONFORM WITH ALL RELEVANT AUSTRALIAN STANDARDS, AUSTRAD'S GUIDE TO TRAFFIC MANAGEMENT PART 10- TRANSPORT CONTROL - TYPES OF DEVICES AND ANY CONDITIONS SET OUT BY KINGBOROUGH COUNCIL.
5. AN APPROPRIATE COMMUNICATION LINK TO THE SIGN SHALL BE PROVIDED IN ACCORDANCE WITH AS 4852.1.
6. STANDARD OPERATION OF THE SIGN SHALL BE VIA REMOTE SYSTEM LOCATED ON THE FERRY OPERATORS' INTERNAL NETWORK.
7. THE SIGN SHALL HAVE THE ABILITY TO DIM THE LIGHT OUTPUT INTENSITY TO COMPLY WITH AS 4852.1 SECTION 3.1.11.
8. THE SUPPLIER SHALL SUBMIT DETAILS OF THE PEAK NORMAL AND DIMMED OPERATIONAL LOADS FOR APPROVAL PRIOR TO ORDERING ANY EQUIPMENT.
9. CHARACTER FORMATS AND FONTS SHALL CONFORM TO THE REQUIREMENTS OF AS 4852.1 SECTION 3.1.5.
10. PHOTOMETRIC REQUIREMENTS SHALL COMPLY WITH AS 4852.1 SECTIONS 3.2.1 AND 3.2.2.
11. COLORIMETRIC REQUIREMENTS SHALL COMPLY WITH AS 4852.1 SECTION 3.2.3.
12. FINAL SIGN LOCATION AND SIZE REQUIREMENTS SUBJECT TO KINGBOROUGH COUNCIL CONDITIONS.
13. TYPICAL VMS SIZE/HEIGHT SHOWN ON DRAWING ONLY.

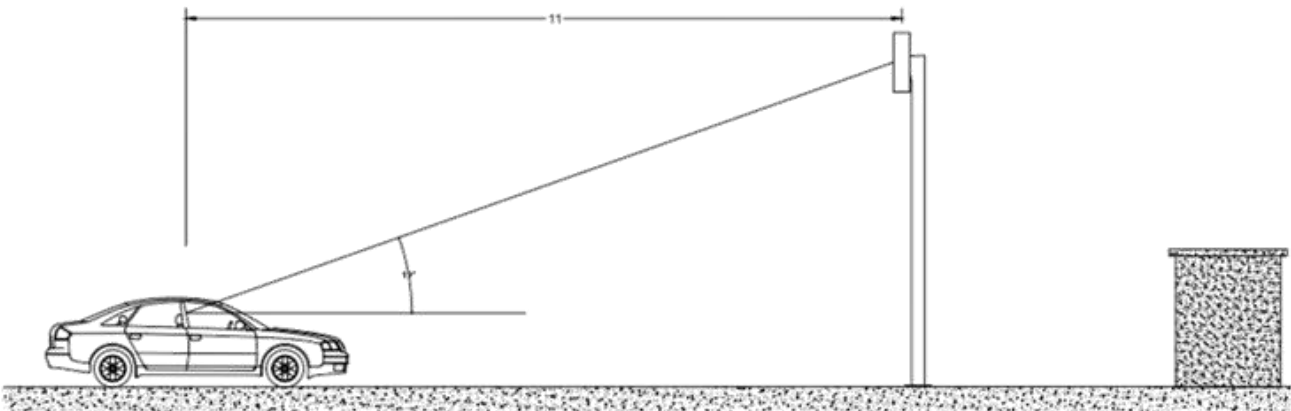
SCOPE OVERVIEW

1. DESIGN AND CONSTRUCT STATIC/VMS SIGN TO SEALINKS REQUIREMENTS.
2. STRUCTURAL AND SLAB REQUIREMENTS TO BE COORDINATED WITH THE STRUCTURAL ENGINEER.
3. PROVIDE MEDIA PLAYER CAPABLE OF RECEIVING UPDATES FROM EITHER THE 4G WIRELESS NETWORK OR RADIO LINK TO THE CAFE (APPROXIMATELY 500m).
4. PROVIDE STANDALONE SOLUTION WITH APPROPRIATE SOLAR AND BATTERY COMPONENTS. ENSURE COMPONENTS ARE SUITABLE FOR YEAR ROUND USE.
5. PROVIDE NECESSARY HARDWARE AND SOFTWARE TO REMOTELY MANAGE FERRY TIMES AND SCHEDULE OF START-UP AND SHUT-DOWN OF VMS.
6. PROVIDE VANDAL RESISTANT HARDWARE INCLUDING ANTI-GLARE GLASS COVERING THE LED MODULE.
7. PROVIDE SINGLE COLOUR LED MODULES.
8. PROVIDE STORM-PROOF ENCLOSURES INCLUSIVE OF ANY COOLING FAN REQUIREMENTS.

Development Application: DA-2020-475
Plan Reference no.: P1
Date Received: 31-08-2020
Date placed on Public Exhibition: 17-10-2020



ELEVATION (APPROACHING)
PROPOSED DIGITAL SIGN
1:50 @ A3



ELEVATION (SIDE)
PROPOSED DIGITAL SIGN
1:100 @ A3

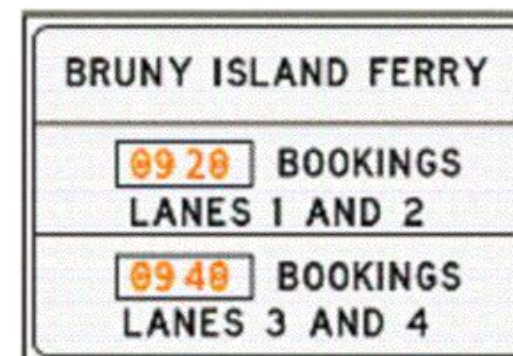
RELEVANT STANDARDS

AS 4100 STEEL STRUCTURES	AS 4852.1 VARIABLE MESSAGE SIGNS - PART 1: FIXED SIGNS	AS 1742.1 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES GENERAL INTRODUCTION
AS 1742.2 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES	AS 1742.6 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES TOURIST AND SERVICES SIGNS	AS 1742.15 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES DIRECTION, INFORMATION SIGNS
AS 1743 ROAD SIGN LAYOUT AND SIZE SPECIFICATION	AS 1744 FORMS OF LETTERS AND NUMBERS FOR ROAD SIGNS	AS/NZS 1906.1 RETROREFLECTIVE MATERIALS AND DEVICES FOR ROAD SIGNS
AS 2342 THE DESIGN AND USE OF GRAPHIC SYMBOLS AND PUBLIC INFORMATION SYMBOL SIGNS		AS 1989 DEGREES OF PROTECTION
AS 3000 WIRING RULES		

Project: DEPARTMENT OF STATE GROWTH BRUNY ISLAND FERRY UPGRADE PROJECT FERRY ROAD, KETTERING				
Title: ELECTRICAL SERVICES PROPOSED VMS KETTERING POSITION 1				
Rev.	Description	Date	By	App.
P1	PRELIMINARY OVERVIEW FOR DA	07/08/20	MIR	GAB
Drawing No. 06520-VMS01				
Scale: SEE VIEW				
Rev. P3				



SITE PLAN
PROPOSED VMS LOCATION
NTS



PROPOSED VMS
PROPOSED SIGN STATIC TEXT + VMS
NTS

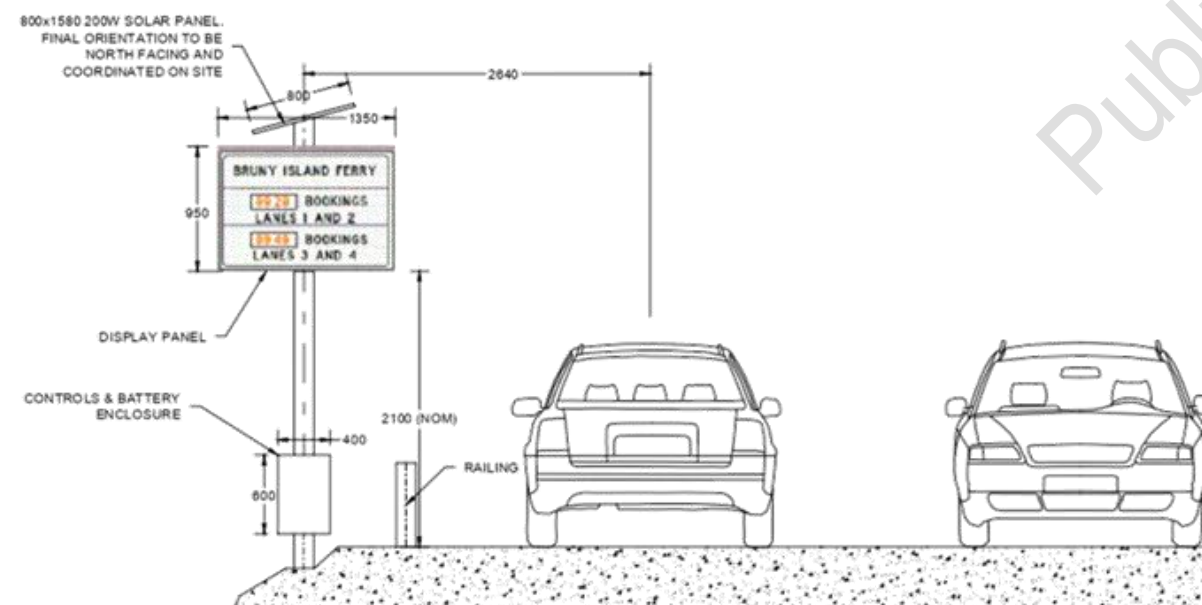
Development Application: DA-2020-475
Plan Reference no.: P1
Date Received: 31-08-2020
Date placed on Public Exhibition: 17-10-2020

NOTES

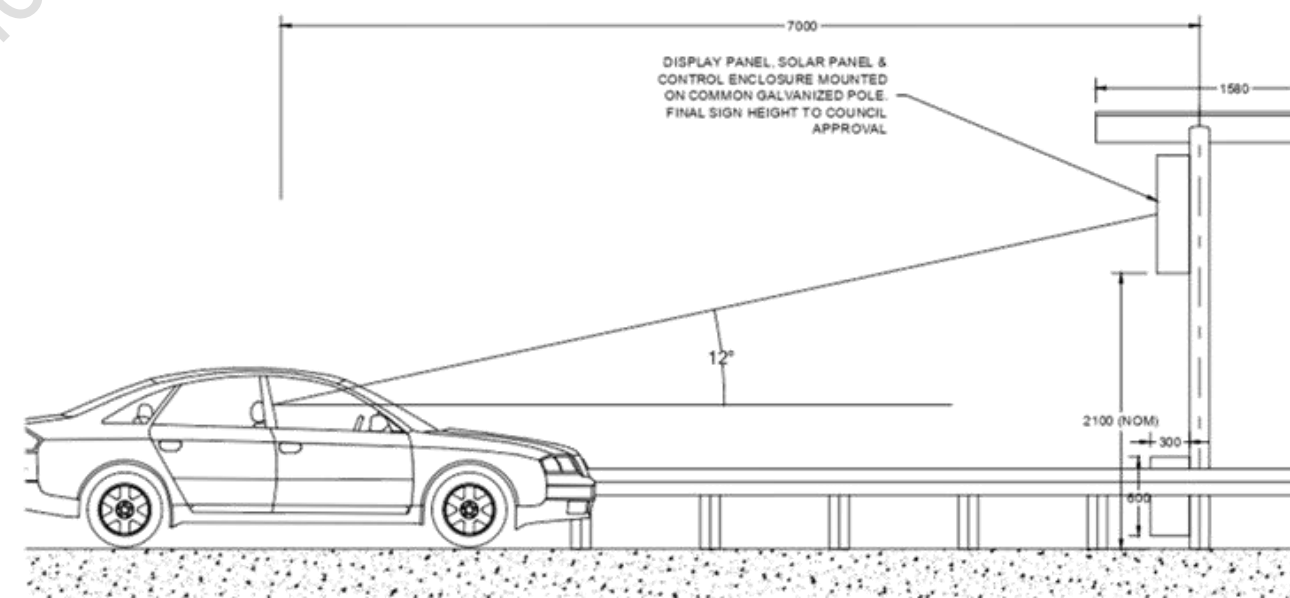
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13. TYPICAL VMS SIZE/HEIGHT SHOWN ON DRAWING ONLY.

SCOPE OVERVIEW

1. DESIGN AND CONSTRUCT STATIC/VMS SIGN TO SEALINKS REQUIREMENTS.
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6. PROVIDE VANDAL RESISTANT HARDWARE INCLUDING ANTI-GLARE GLASS COVERING THE LED MODULE.
7. PROVIDE SINGLE COLOUR LED MODULES.
8. PROVIDE STORM PROOF ENCLOSURES INCLUSIVE OF ANY COOLING FAN REQUIREMENTS.



ELEVATION (APPROACHING)
PROPOSED DIGITAL SIGN
1:50 @ A3



ELEVATION (SIDE)
PROPOSED DIGITAL SIGN
1:100 @ A3

RELEVANT STANDARDS

AS 4100 STEEL STRUCTURES	AS 4852.1 VARIABLE MESSAGE SIGNS - PART 1: FIXED SIGNS	AS 1742.1 MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES GENERAL INTRODUCTION
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AS 1743 ROAD SIGN LAYOUT AND SIZE SPECIFICATION	AS 1744 FORMS OF LETTERS AND NUMBERS FOR ROAD SIGNS	AS/NZS 1906.1 RETROREFLECTIVE MATERIALS AND DEVICES FOR ROAD SIGNS
AS 2342 THE DESIGN AND USE OF GRAPHIC SYMBOLS AND PUBLIC INFORMATION SYMBOL SIGNS		AS 1989 DEGREES OF PROTECTION
AS 3000 WIRING RULES		

Project: DEPARTMENT OF STATE GROWTH BRUNY ISLAND FERRY UPGRADE PROJECT FERRY ROAD, KETTERING				
Title: ELECTRICAL SERVICES PROPOSED VMS KETTERING POSITION 1				
Rev.	Description	Date	By	App.
P1	PRELIMINARY OVERVIEW FOR DA	07/08/20	MIR	GAB
Drawing No. 06520-VMS02				Scale: SEE VIEW
Rev. P3				



GENERAL LIGHTING LAYOUT
FERRY ROAD, KETTERING
1:1000

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	lm2	Description
•	7	REF VFL520 S40 BEM 12 L	SINGLE	N.A.	1,000	108-XXXX
•	7	REF VFL520 R45 BEM 12 L	SINGLE	N.A.	1,000	108-XXXX
•	7	REF VFL520 P45 BEM 12 L	SINGLE	N.A.	1,000	108-XXXX

Development Application: DA-2020-475
Plan Reference no.: P1
Date Received: 31-08-2020
Date placed on Public Exhibition: 17-10-2020

P2	FOR DA APPROVAL	11/8/20	TL	TL
P1	PRELIMINARY	6/9/20	TL	TL
Rev.	Description	Date	By	App.
 Andrew Sutherland Consulting Engineers Level 1, 11 Mollison St, Mosman, NSW 1585 Ph: 02 9522 4242 Fax: 02 9522 4243 Email: office@asceng.com.au				
Project: DEPARTMENT OF STATE GROWTH BRUNY ISLAND FERRY UPGRADE PROJECT FERRY ROAD, KETTERING				
Title: ELECTRICAL SERVICES PROPOSED LIGHTING PLAN FITTING LAYOUT & MOUNTING HEIGHT KETTERING				
Drawing No.		Scale: 1:1000 A3		
06520-EL01		Rev. P2		



FERRY ROAD, KETTERING

1:1000

Maximum Allowable Value: 2 Lux

Calculations Tested (20):

Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_1_III_Seg1	PASS	0.0
ObtrusiveLight_1_III_Seg2	PASS	0.1
ObtrusiveLight_1_III_Seg3	PASS	0.0
ObtrusiveLight_1_III_Seg4	PASS	0.0
ObtrusiveLight_1_III_Seg5	PASS	0.0
ObtrusiveLight_1_III_Seg6	PASS	0.0
ObtrusiveLight_1_III_Seg7	PASS	0.0
ObtrusiveLight_1_III_Seg8	PASS	0.0
ObtrusiveLight_1_III_Seg9	PASS	0.0
ObtrusiveLight_1_III_Seg10	PASS	0.0
ObtrusiveLight_1_III_Seg11	PASS	0.0
ObtrusiveLight_1_III_Seg12	PASS	0.0
ObtrusiveLight_1_III_Seg13	PASS	0.0
ObtrusiveLight_1_III_Seg14	PASS	0.0
ObtrusiveLight_1_III_Seg15	PASS	0.0
ObtrusiveLight_1_III_Seg16	PASS	0.0
ObtrusiveLight_1_III_Seg17	PASS	0.0
ObtrusiveLight_1_III_Seg18	PASS	0.0
ObtrusiveLight_1_III_Seg19	PASS	0.0
ObtrusiveLight_1_III_Seg20	PASS	0.0

Calculated UWLR: 0.0 %
Test Results: PASS

PR3-2
Illuminance (Lux)
Average=5.70 Maximum=9.8 Minimum=1.6 Max/Avg=1.72

PR3-3
Illuminance (Lux)
Average=6.00 Maximum=10.6 Minimum=1.2 Max/Avg=1.77

LPD-UWLR Areas

LPDArea_2
Perimeter(m)=408.95 Area(Sq.m)=3511 Total Watts=84 LPD(Watts/Sq.m)=0.024 UWLR=0.000

Development Application: DA-2020-475
Plan Reference no.: P1
Date Received: 31-08-2020
Date placed on Public Exhibition: 17-10-2020

P2	FOR DA APPROVAL	11/6/20	TL	TL
P1	PRELIMINARY	6/9/20	TL	TL
Rev.	Description	Date	By	App.
 Andrew Sutherland Consulting Engineers  Level 1, 11 Morrison St, Hobart, Tasmania 7000 Phone 0522426248 Fax 03052242405 Email: office@asoceng.com.au				
Project: DEPARTMENT OF STATE GROWTH BRUNY ISLAND FERRY UPGRADE PROJECT FERRY ROAD, KETTERING				
Title: ELECTRICAL SERVICES PROPOSED LIGHTING PLAN ILLUMINATION CALCULATION KETTERING				
Drawing No. <div style="font-size: 2em; font-weight: bold;">06520-EL02</div>			Scale: 1:1000 A3 Rev. <div style="font-size: 2em; font-weight: bold;">P2</div>	



GENERAL LIGHTING LAYOUT
FERRY ROAD, KETTERING
1:1000

Lead light on
pedestal

Lead light on tower

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
•	4	108-XXXX VFL530-SE A60_BEAM 2	SINGLE	N.A.	1.000	108-XXXX
•	2	108-XXXX VFL520 R65_BEAM 12 L	SINGLE	N.A.	1.000	108-XXXX
•	3	108-XXXX VFL520 S60_BEAM 12 L	SINGLE	N.A.	1.000	108-XXXX
•	3	108-XXXX VFL530-SE R65_BEAM 2	SINGLE	N.A.	1.000	108-XXXX

Development Application: DA-2020-475
Plan Reference no.: P1
Date Received: 31-08-2020
Date placed on Public Exhibition: 17-10-2020

P1	PRELIMINARY	6/8/20	TL	TL
Rev.	Description	Date	By	App.
ASC	Andrew Sutherland Consulting Engineers			
Level 1, 11 Mowbray St, Hobart, Tasmania 7000 Ph: 03 62242424 Fax: 03 62242405 Email: office@asceng.com.au				
Project: SEALINK BRUNY ISLAND FERRY RAMP FERRY ROAD, KETTERING				
Title: ELECTRICAL SERVICES PROPOSED LIGHTING PLAN FITTING LAYOUT & MOUNTING HEIGHT KETTERING				
Drawing No.		Scale: 1:1000 A3		
06520-EL01		Rev. P1		



ILLUMINANCE CALCULATION
FERRY ROAD, KETTERING
 1:1000

Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	Illuminance	Lux	4.91	9	0.6	N.A.	N.A.
CalcPts_2	Illuminance	Lux	3.59	7.6	0.7	N.A.	N.A.
CalcPts_3	Illuminance	Lux	4.27	9.5	2.8	N.A.	N.A.
CalcPts_4	Illuminance	Lux	2.82	7	1.9	N.A.	N.A.
CalcPts_5	Illuminance	Lux	6.33	9.9	3.3	N.A.	N.A.
CalcPts_6	Illuminance	Lux	4.77	8.5	2.5	N.A.	N.A.
distribution	Illuminance	Lux	9.46	29.1	1.8	N.A.	N.A.
ObtrusiveLight_1_III_Seg1	Obtrusive Light - III	Lux	0.04	0.2	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg10	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg11	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg12	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg13	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg14	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg15	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg16	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg17	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg2	Obtrusive Light - III	Lux	0.16	0.2	0.1	1.6	2
ObtrusiveLight_1_III_Seg3	Obtrusive Light - III	Lux	0.13	0.2	0.1	1.3	2
ObtrusiveLight_1_III_Seg4	Obtrusive Light - III	Lux	0.1	0.1	0.1	1	1
ObtrusiveLight_1_III_Seg5	Obtrusive Light - III	Lux	0.1	0.1	0.1	1	1
ObtrusiveLight_1_III_Seg6	Obtrusive Light - III	Lux	0.1	0.1	0.1	1	1
ObtrusiveLight_1_III_Seg7	Obtrusive Light - III	Lux	0.07	0.1	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg8	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.
ObtrusiveLight_1_III_Seg9	Obtrusive Light - III	Lux	0	0	0	N.A.	N.A.

Obtrusive Light - Compliance Report
 AS/NZS 4282:2019, R2 - Residences Near Local Roads, Curfew
 Filename: Kettering
 2020-08-06 7:56:38 PM

Illuminance
 Maximum Allowable Value: 2 Lux

Calculations Tested (17):

Calculation Label	Test Results	Max. Illum.
ObtrusiveLight_1_III_Seg1	PASS	0.2
ObtrusiveLight_1_III_Seg2	PASS	0.2
ObtrusiveLight_1_III_Seg3	PASS	0.2
ObtrusiveLight_1_III_Seg4	PASS	0.1
ObtrusiveLight_1_III_Seg5	PASS	0.1
ObtrusiveLight_1_III_Seg6	PASS	0.1
ObtrusiveLight_1_III_Seg7	PASS	0.1
ObtrusiveLight_1_III_Seg8	PASS	0.0
ObtrusiveLight_1_III_Seg9	PASS	0.0
ObtrusiveLight_1_III_Seg10	PASS	0.0
ObtrusiveLight_1_III_Seg11	PASS	0.0
ObtrusiveLight_1_III_Seg12	PASS	0.0
ObtrusiveLight_1_III_Seg13	PASS	0.0
ObtrusiveLight_1_III_Seg14	PASS	0.0
ObtrusiveLight_1_III_Seg15	PASS	0.0
ObtrusiveLight_1_III_Seg16	PASS	0.0
ObtrusiveLight_1_III_Seg17	PASS	0.0

Development Application: DA-2020-475
 Plan Reference no.: P1
 Date Received: 31-08-2020
 Date placed on Public Exhibition: 17-10-2020

P1	PRELIMINARY	6/8/20	TL	TL
Rev.	Description	Date	By	App.
1	Andrew Sutherland Consulting Engineers Level 1, 11 Montrose St, Hobart, Tasmania 7000 Ph: 03 6224 424 Fax: 03 6224 4205 Email: office@asceng.com.au			
Project: SEALINK BRUNY ISLAND FERRY RAMP FERRY ROAD, KETTERING				
Title: ELECTRICAL SERVICES PROPOSED LIGHTING PLAN ILLUMINANCE CALCULATION KETTERING				
Drawing No. 06520-EL02		Scale: 1:1000 A3 Rev. P1		

ASSESSMENT CHECKLIST

Zone Provisions

31.0 Port and Marine Zone

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Hours of operation (Cl. 31.3.1):	<ul style="list-style-type: none"> A1 – Hours of operation of a use within 100 m of a residential zone must be within: <ul style="list-style-type: none"> (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 5.00 pm Saturdays; (c) nil Sundays and Public Holidays. except 			✓	A1 – n/a- “Hours of operation” is defined by the Scheme as “the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business.” No business is proposed under the subject application. The proposal relates to the exiting transport network rather than the operation of a business. No changes are proposed to the existing hours of ferry operations.
Noise (Cl. 10.4.2)	<ul style="list-style-type: none"> A1 – Noise emissions measured at the boundary of a residential zone must not exceed the following: <ul style="list-style-type: none"> (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am; (c) 65dB(A) (LAm_{ax}) at any time. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. 		✓		A1 – does not comply - a noise assessment report has been submitted with the application. The assessment confirms that noise emissions and impacts will not increase significantly from an existing and long standing situation.
	<ul style="list-style-type: none"> A2 - External amplified loud speakers or music must 	✓			A2 – complies – the ferry terminal operations will not include

ISSUE	COMPLIES?			COMMENTS
	YES	NO	N/A	
				external speaker announcements. Therefore complies.
External lighting (Cl. 31.3.3)	<ul style="list-style-type: none"> A1 - External lighting within 50 m of a residential zone must comply with all of the following: <ul style="list-style-type: none"> (a) be turned off between 10.00 pm and 6.00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone. 	✓		A1- does not comply - Lighting Plans have been submitted with the application. The proposal involves street, navigation and security lighting that would be baffled and designed to avoid adverse effect to residential areas.
Commercial Vehicle Movements (Cl. 31.3.4)	<ul style="list-style-type: none"> A1- Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of: <ul style="list-style-type: none"> (a) 7.00 am to 7.00 pm Mondays to Saturdays inclusive; (b) 9.00 am to 5.00 pm Sundays and Public Holidays. 	✓		A1- no new discretion triggered- the proposal does not alter the existing hours of ferry operation.
Outdoor work areas (Cl. 31.3.5)	<ul style="list-style-type: none"> A1- Outdoor work areas and noise-emitting services such as air conditioning equipment, pumps and ventilation fans must not be located within 50 m of a residential zone. 		✓	A1- n/a- the proposal does not include any outdoor work areas.
Building height (Cl. 31.4.1)	<ul style="list-style-type: none"> A1 – Building height must be no more than 6 m. 	✓		A1 – does not comply - the proposed jacking towers that will facilitate the adjustment of the height of the roll on roll off ramp for the new berth will be approximately 7.6m above NGL.
Setback (Cl. 31.4.2)	<ul style="list-style-type: none"> A1 – Building setback from frontage must be no less than 5m. 	✓		A1- complies- the proposal does not involve a new building within 5m of a frontage.
Design (Cl. 31.4.3)	<ul style="list-style-type: none"> A1 – Building design must address the street by complying with all of the following: 	✓		A1 – does not comply - the proposed jacking tower and ramp would involve associated mechanical plant which would

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	(a) provide the main pedestrian entrance to the building at the frontage; (b) screen mechanical plant from view from the street and other public spaces; (c) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof.				not be completely screened from view from public spaces/ street.
Fencing (Cl. 31.4.4)	<ul style="list-style-type: none"> A1 – Fencing must comply with the following. 			✓	A1 – n/a- no fencing is proposed under the subject application.
Environmental Values (Cl. 31.4.4)	<ul style="list-style-type: none"> A1 – No trees of high conservation value will be impacted. 	✓			A1 – complies- the works comply with the acceptable solution as they do not impact on any trees of high conservation value.

29.0 Utilities Zone

The 'Port and Shipping' use class is a prohibited use in the Utilities zone. However, the only works proposed within the Utilities Zone include the formalisation of an existing car parking space to function as an accessible car parking space and a new digital display sign 400m to the west of the gantry. The proposed signage within this zone is assessed against Code E17.0 Signs below. Given the car parking space is existing, no new discretions are triggered. These are minor components which directly relate to the existing transport network and provide access and service the key ferry infrastructure within the Port and Marine zone. Furthermore, in accordance with Clause 9.6.1 of the Scheme, the use status of the application is to be determined disregarding the use status of the access and services in the Utilities zone. The proposal does not involve structures or disturbance of environmental values within the Utilities zone and therefore the development standards under this zone are not applicable to the proposed development.

29.0 Environmental Management Zone

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Building height (Cl. 29.4.1)	<ul style="list-style-type: none"> A1 – Building height comply with any of the following: (a) as proscribed in an applicable reserve management plan; (b) be no more than 7.5 m. 		✓		A1 – does not comply - there is no applicable reserve management plan. The proposed jacking tower would be located partly over the Environmental Management zone and a height of 7.6m above NGL.

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Setback (Cl. 29.4.2)	<ul style="list-style-type: none"> A1 – Building setback from frontage must comply with any of the following: <ul style="list-style-type: none"> (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m. A2- Building setback from side and rear boundaries must comply with any of the following: <ul style="list-style-type: none"> (a) as proscribed in an applicable reserve management plan; (b) be no less than 30 m. 	✓			<p>A1- complies- the proposed upgrades would be sited seaward and more than 30m from the frontage (in this case the common boundary with the Ferry Road casement)</p> <p>A2 – n/a there are no applicable side/ rear boundaries within 30m.</p>
	<ul style="list-style-type: none"> A3- Buildings and works must be setback from land zoned Environmental Living no less than 30 m. 			✓	A3- n/a - the upgrades would not be located within 30m of land zoned Environmental Living.
	<ul style="list-style-type: none"> A4- Building setback for buildings for sensitive use (including residential use) must comply with all of the following: <ul style="list-style-type: none"> (a) be sufficient to provide a separation distance from land zoned Rural Resource no less than 100 m; (b) be sufficient to provide a separation distance from land zoned Significant Agriculture no less than 200m. 			✓	A4- n/a the proposal does not involve a sensitive use.
Design (Cl. 29.4.3)	<ul style="list-style-type: none"> A1- The location of buildings and works must comply with any of the following: <ul style="list-style-type: none"> (a) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline; (b) be located within a building area, if provided on the title; 		✓		A1 – does not comply - the proposal impacts on foreshore vegetation and marine habitat and is not an extension to an existing building/boat ramp (but rather a new building/boat ramp) it must be assessed against performance criteria for design.

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	(c) be an addition or alteration to an existing building; (d) as prescribed in an applicable reserve management plan.				
	<ul style="list-style-type: none"> A2- Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent. 	✓			A2- complies- the terminal upgrades are proposed to be constructed from concrete, natural rock and grey painted steel. All surfaces will have a light reflectance value lesser than 40%. A condition is recommended in any permit issued to ensure this is achieved.
	<ul style="list-style-type: none"> A3- Fill and excavation must comply with all of the following: (a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations; (b) extent is limited to the area required for the construction of buildings and vehicular access. 		✓		A3- does not comply - the proposed new ramp and rock armouring will involve fill greater than 1m.

Code Provisions

CLAUSE		COMPLIES			COMMENTS
		YES	NO	N/A	
E5.0 Road and Railway Assets Code					
Existing road accesses and junctions (Cl. E5.5.1)	<ul style="list-style-type: none">A3 - The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	✓			A3 –complies- the proposed development would utilise the existing accesses to the marshalling area. No additional traffic is expected to be generated from this proposal. The changes to the entry point to the marshalling area are considered to be minor in nature and will maintain the current traffic functionality. Therefore the proposal meets the acceptable solution.

CLAUSE	COMPLIES			COMMENTS
	YES	NO	N/A	
E6.0 Parking and Access Code				
Parking requirement for the Port and Shipping use class for a ferry terminal would be 2 spaces for each 3 staff as specified in Table E6.1. A Traffic Impact Statement accompanies the development application.				
Use standards – number of car parking spaces (Cl.E6.6.1)	<ul style="list-style-type: none">A1 - Number of on-site car parking spaces complies with table	✓		<p>A1 – no new discretion triggered- no change to existing staffing numbers are proposed, as confirmed by the applicant via email correspondence dated 01 October 2020. Therefore no new additional parking spaces are required. However, one additional accessible car parking space is proposed within Ferry Road.</p> <p>As discussed above, the higher vehicle turnover will eliminate vehicles queueing back onto ferry road during high demand. The proposal is not expected to generate the requirement for any additional parking spaces and is therefore considered to meet the acceptable solution.</p>
Number of Accessible Car Parking Spaces for People with a Disability (Cl. E6.6.2)	<ul style="list-style-type: none">A1 - Number of accessible spaces complies with the requirements	✓		<p>A1 – complies – the proposal includes the formalisation of one existing car parking space to be an accessible car space which:</p> <ul style="list-style-type: none">satisfies the relevant provisions of the Building Code of Australia;is incorporated into the overall car park design;is located as close as practicable to the building/ ferry loading area entrance
Number of vehicular accesses (Cl.E6.7.1)	<ul style="list-style-type: none">A1 – Number of vehicle access points complies	✓		<p>A1 – complies- the upgrades require some minor changes to the existing access. However, no additional accesses are being created.</p>
Design of vehicular accesses (Cl.E6.7.2)	<ul style="list-style-type: none">A1 – Design of vehicle access points complies	✓		<p>A1 – complies- the design is developed in accordance with the Department of State Growth Specifications, Austroads Guidelines and Australian Standards.</p>

CLAUSE		COMPLIES			COMMENTS
		YES	NO	N/A	
					<p>The accompanying Traffic Impact Assessment includes a geometric review of the additional ramp layout and indicates that it will operate successfully. The drawings also demonstrate swept paths showing the vehicles from any marshalling lane can be loaded appropriately using the new ramps.</p> <p>Some minor changes to the traffic management will be required at the terminal, but they will not alter the functionality of the traffic control.</p> <p>The Traffic Impact Statement concludes that from a traffic and safety perspective, the proposal is not expected to create any adverse safety, amenity or transport efficiency issues.</p>
Vehicular Passing Areas Along an Access (Cl. E6.7.3)	<ul style="list-style-type: none"> A1 - Passing bay must be provided every 30m and shown on the development application plans. 			✓	A1 – n/a to the subject application.
Layout of parking areas (Cl.E6.7.5)	<ul style="list-style-type: none"> A1 – Layout and compliance with Australian Standard 	✓			A1 - complies- new car parking space will meet the relevant standards.
Surface treatment of parking areas (Cl.E6.7.6)	<ul style="list-style-type: none"> A1 – Parking spaces and vehicular circulation surfaces provided 	✓			A1 – complies- all new surfaces would be constructed from concrete.
Lighting of Parking Areas (E6.7.7)	<ul style="list-style-type: none"> A1 - Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting 	✓			A1- the proposed lighting for parking areas meets the relevant requirements.
Facilities for Commercial Vehicles (Cl. E6.7.13)	<ul style="list-style-type: none"> A1 – Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2: Commercial. 	✓			A1- complies- commercial vehicles facilities meets the relevant standards.

CLAUSE		COMPLIES			COMMENTS
		YES	NO	N/A	
	Vehicle Facilities AS 2890.2:2002				
Access to a Road (E6.7.14)	<ul style="list-style-type: none"> A1 - Access to a road must be in accordance with the requirements of the road authority 	✓			A1 – complies- Ferry Road is a State Growth controlled road.
E7.0 Stormwater Management Code					
Stormwater drainage and disposal (Cl.E7.7.1)	<ul style="list-style-type: none"> A1 – Disposal of stormwater to public infrastructure 	✓			A1 – complies- stormwater will be connected to the existing connection.
	<ul style="list-style-type: none"> A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles 			✓	A2 – n/a- The new pavement areas do not exceed the area required for stormwater treatment to be required.
	<ul style="list-style-type: none"> A3 – Design of minor stormwater drainage system 			✓	A3- n/a to the subject application.
	<ul style="list-style-type: none"> A4 – Design of major stormwater drainage system 			✓	A4- n/a to the subject application.
E10.0 Biodiversity Code					
The application was referred to Council's Environmental Planner who has advised that while the proposed development is within a Biodiversity Protection Area, no native vegetation subject to the Code will be impacted by the development, therefore Code E10.0 is not applicable.					
E11.0 Waterway and Coastal Protection Code					
Buildings and works (Cl. E11.7.1)	<ul style="list-style-type: none"> A1 – Buildings and works within a building area on subdivision plan approved under this Scheme 		✓		A1 – does not comply - the development includes works within a Waterway and Coastal Protection Area. As the works are not located in a building area on a subdivision plan approved under this Scheme, the proposal requires assessment against the performance criteria
	<ul style="list-style-type: none"> A2 – Coastal refugia area 			✓	A2 – n/a to the subject application.
	<ul style="list-style-type: none"> A3 – Potable water supply area 			✓	A3 – n/a to the subject application.
	<ul style="list-style-type: none"> A4 – Development does not involve new stormwater point discharge into watercourse, wetland or lake 		✓		A4 – does not comply - the proposal includes a new stormwater discharge point. While no assessment has been submitted specifically addressing the relevant performance criteria,

CLAUSE		COMPLIES			COMMENTS
		YES	NO	N/A	
					the Stormwater Management Plan (Burbury Consulting, August 2020) provides sufficient information to enable assessment against the performance criteria for this Clause
Buildings and works dependent on a coastal location (Cl.E11.7.2)	<ul style="list-style-type: none"> A1 - Extension to existing facility 		✓		A1- does not comply - the proposal cannot comply with the acceptable solution as the proposed development is >20% the size of the existing facility and involves the construction of a new ferry terminal.
	<ul style="list-style-type: none"> A2 - Dredging and reclamation 		✓		A2 – does not comply - a small area of reclamation is proposed and therefore the proposal requires assessment against the performance criteria.
	<ul style="list-style-type: none"> A3 - Coastal protection works 			✓	A3- n/a- no coastal protection works are proposed by the private sector. Therefore, this clause is not applicable.
E15.0 Inundation Prone Areas Code					
Development dependent on a Coastal Location (Cl.E15.7.6)	<ul style="list-style-type: none"> A1 - Extension to existing facility 		✓		A1 – does not comply - the proposal cannot comply with A1 as the proposed development is >20% the size of the existing facility and involves the construction of a new ferry terminal.
	<ul style="list-style-type: none"> A2 - Dredging and reclamation 		✓		A2 – does not comply - a small area of reclamation is proposed and therefore the proposal requires assessment against the performance criteria.
	<ul style="list-style-type: none"> A3 - Coastal protection works 			✓	A3- n/a- no coastal protection works are proposed by the private sector. Therefore, this clause is not applicable.
E17.0 Signs Code					
<p>The applicant has provided evidence that the proposed signage meets the definition of a Statutory Sign, which are exempt.</p> <p>The <i>Traffic Act 1925</i> provides the head of power by which State Roads can install road signs and traffic control devices. The <i>Traffic Act 1925</i> allows for the Transport Commission to direct the highway authority (State Roads) to use traffic signs on or near public streets. For the purposes of this provision,</p>					

CLAUSE	COMPLIES			COMMENTS
	YES	NO	N/A	
<p>the expression traffic sign means ‘any signal, warning, sign-post, direction post, or other device for the guidance or direction of traffic on public streets or for the giving of information to persons driving on or using public street, and highway authority means the person responsible for the maintenance of the public street in relation to which the expression applies.’</p> <p>Section 59 of the Traffic Act says:</p> <p><i>59. Traffic signs</i></p> <p><i>(1) The Commission may issue directions for the use of traffic signs –</i></p> <p><i>(a) on or near public streets; and</i></p> <p><i>(b)</i></p> <p><i>(1A) A direction referred to in subsection (1) may be given to any of the following:</i></p> <p><i>(a) a highway authority;</i></p> <p><i>(b) a prescribed authority;</i></p> <p><i>(c) any other person or class of persons.</i></p> <p><i>(1B) A person referred to in subsection (1A) must comply with a direction issued by the Commission.</i></p> <p><i>Penalty: Fine not exceeding 10 penalty units.</i></p> <p><i>(2) The Commission may cause prescribed traffic signs to be made and supplied to an authority or person referred to in subsection (1A) .</i></p> <p><i>(3) An authority or person referred to in subsection (1A) shall cause all traffic signs supplied to it by the Commission to be used in conformity with the Commission's directions, and shall provide all such posts, holders, and appliances as may be necessary for that purpose.</i></p> <p><i>(4) Except as hereinbefore provided, no traffic sign shall be placed on or near any public street or placed on or in any vehicle on any public street.</i></p> <p><i>Penalty: Fine not exceeding 10 penalty units.</i></p> <p><i>(5) In any case where any traffic sign or object, so nearly resembling a traffic sign as to be calculated to be mistaken for a traffic sign or to mislead, is on any land in proximity to a public street or is on or in any vehicle on or near any public street, the highway authority may require the owner of such land or vehicle to remove such sign or object forthwith.</i></p> <p><i>(6) If such owner as aforesaid fails to comply with such requirement within a reasonable time, the highway authority may enter upon such land or enter into such vehicle and may cause such removal to be effected (doing as little damage therein as may be), and may recover the cost of such removal from such owner.</i></p> <p><i>(7) In any case where the Commission directs, the highway authority shall proceed as provided by subsections (5) and (6) , and in default thereof the Commission may exercise the powers thereby conferred on the highway authority.</i></p> <p><i>(8) For the purposes of this section the expression traffic sign means any signal, warning, sign-post, direction post, or other device for the guidance or direction of traffic on public streets or for the giving of information to persons driving on or using public streets; and highway authority means the person responsible for the maintenance of the public street in relation to which the expression applies.</i></p> <p>The proposed signage will fall within this category and therefore are defined as statutory signs.</p>				
E24.0 Significant Trees Code				
Lopping, pruning, removal or destruction of	<ul style="list-style-type: none">A1 – No acceptable solution (requires assessment against performance criteria)		✓	A1- does not comply - There are seven (7) oak trees on the subject land. These trees are listed on the Significant Tree Register (TRN

CLAUSE		COMPLIES			COMMENTS
		YES	NO	N/A	
significant trees (Cl.E24.6.1)					2012-2) and are therefore subject to the Significant Tree Code of the Kingborough Interim Planning Scheme (Code E24.0). Amended plans and an arborist assessment (Element Tree Services, 12 October 2020) submitted in response to a further information request confirm that the works will encroach into the tree protection zone of two (2) of these trees listed on the Significant Tree Register. As there is no acceptable solution, the proposed works and associated impact on the significant trees must be assessed against the performance criteria.
E25.0 Local Development Code					
Given the proposal is not for residential development, Code E25.0 does not apply as per Clause E25.2 of the Scheme.					

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

13.3 DAS-2020-18 - SUBDIVISION OF THREE (3) LOTS AT 28 MCDOWALL STREET, MIDDLETON

File Number: DAS-2020-18

Author: Sarah Silva, Senior Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Southern Planning
Owner:	Mr A J Banks and Mrs R C Banks
Subject Site:	28 McDowall Street, Middleton (CT 223414/1)
Proposal:	Subdivision of three lots
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Low Density Residential (Area A)
Codes:	E1.0 Bushfire-Prone Area E6.0 Parking and Access E7.0 Stormwater Management E10.0 Biodiversity E23.0 On-site Wastewater Management
Use Class/Category:	Subdivision
Discretions:	Clause 12.5.1 – Lot Design (A2) Clause 12.5.3 – Ways and public open space (A2) Clause 12.5.4 – Services (A2) Clause E10.8.1 – Clearance and conversion or disturbance within a Building Area (A1)
Public Notification:	Public advertising was undertaken between 14 October 2020 and 28 October 2020 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Ten (10) representations were received; four (4) in objection and six (6) in support. Issues raised included: (a) The subdivision is out of character with the surrounding area. (b) Concerns that future works on Lot 2 (including the proposed infill of the existing dam) may affect the hydrology of the surrounding area; in particular inhibit the recharge of surrounding dams used for firefighting purposes. (c) Adequate driveway access to surrounding properties during and after construction. (d) Removal of trees that are high conservation value and subsequent impacts to privacy of neighbouring properties. (e) Boundary fencing. (f) New lots may exacerbate existing traffic problems on McDowall Street and its intersection with Esplanade Road. (g) New septic systems may impact adjoining properties. (h) Inadequate stormwater drainage.
Recommendation:	Approval subject to conditions

1. PROPOSAL

1.1 Description of Proposal

The application proposes a subdivision to create three (3) lots in two (2) stages:

- Lot 1 will be 3378m² in size and will contain the existing dwelling and associated septic system. A new 3m wide crossover is to be constructed from McDowall Street to access this lot.
- Lot 2 will be 2582m² in size and contains an existing dam and outbuilding (a shed which is to be retained on-site). Access to this lot will be via an existing crossover leading from McDowall Street, which is to be upgraded and doubled in width to 6m; this crossover will be shared with Lot 3.
- Lot 3 will be 2538m² and contain an existing outbuilding (shed) which is to be demolished.

None of the lots have access to reticulated services and will rely on the on-site management of wastewater.

The staging proposed for the development includes:

Stage 1

- the creation of Lot 3 and balance;
- upgrades to the existing crossover to serve Lot 3 and balance.

Stage 2

- The creation of Lot 2 and balance (Lot 1).
- The construction of a crossover to serve Lot 1.
- Infill of the existing dam on Lot 2.

The proposed site plan indicates a dedication of land for road widening (9 metres from the centreline of the carriageway of the existing constructed McDowall Street) in accordance with Section 108 of the Local Government (Building & Miscellaneous Provisions) Act 1993. During the initial assessment phase of the subdivision, Council's Development Engineering Officer requested amended plans to show the subject road dedication.

The application also involves the removal of 31 trees, consisting of four (4) exotic trees and 27 native trees. Of the native trees to be removed, five (5) are trees of high conservation value.

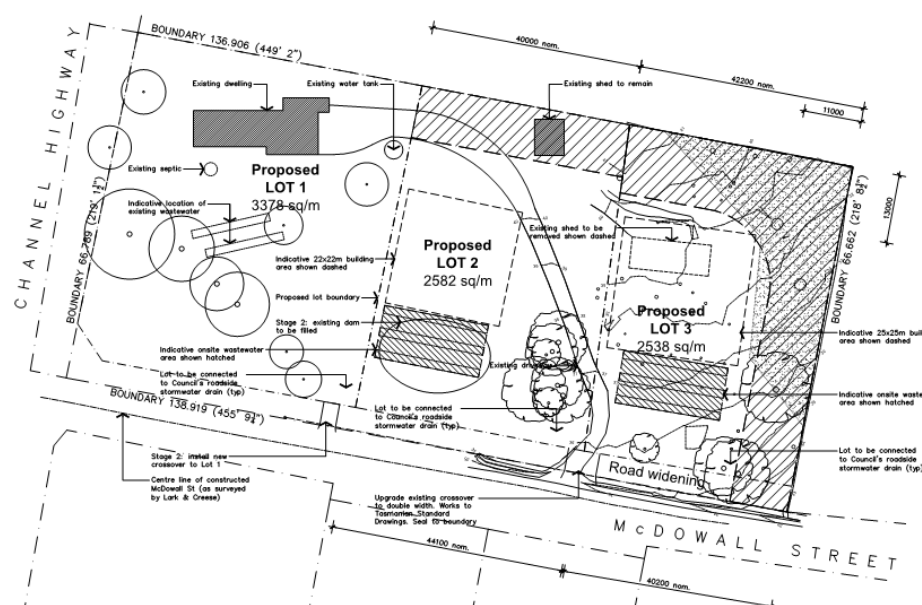


Figure 1: - Proposed Plan of Subdivision

1.2 Description of Site

The subject site is a large 9196m², regular shaped parcel of land in the Low Density Residential Zone (Area A) of the Kingborough Interim Planning Scheme 2015 (the Scheme). The site has two (2) frontages, primary frontage to the Channel Highway and secondary frontage to McDowall Street. The site is currently developed with a single dwelling and two (2) outbuildings. There is an existing on-site wastewater system on the site to service the existing dwelling. There is an existing access from McDowall Street.

Most of the site appears to be largely cleared of native vegetation and is manicured gardens, however the eastern section of the site (area proposed for Lot 3) is heavily vegetated with *Eucalyptus obliqua* dry forest and woodland (DOB). This vegetation community is technically a low priority biodiversity value but contains moderate priority values (in the form of high conservation value trees).

The site is subject to the Bushfire-Prone Areas and Biodiversity overlays. The site is not serviced by TasWater sewerage or potable water infrastructure and relies on on-site wastewater management and rain-water tanks.

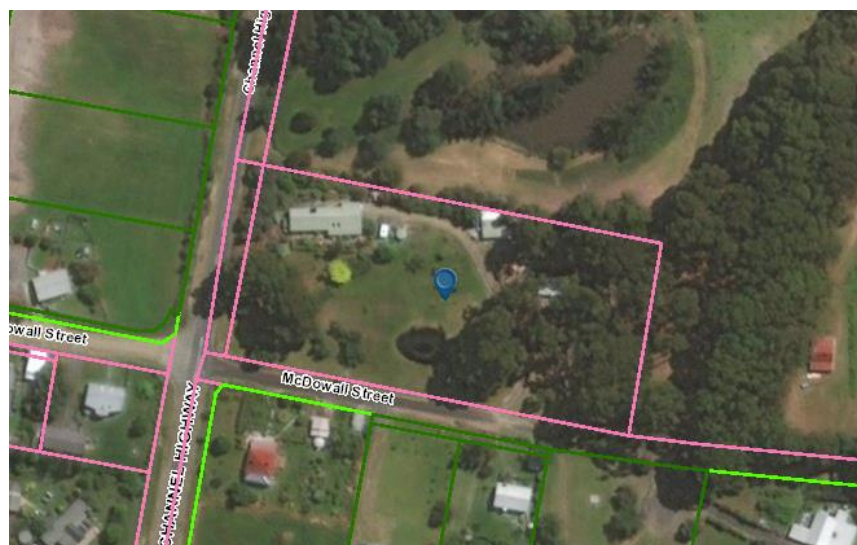


Figure 2: - Site Locality Plan

1.3 Background

A number of pre-lodgement discussions were undertaken between the applicant and Council officers. These discussions focused on the potential constraints of developing this lot for subdivision for three lots and the level of information that would be needed to support such an application.

Following lodgement, an initial assessment of the application determined that, whilst many of the issues had been addressed, there were still some outstanding matters relating to road widening, building areas, bushfire requirements and impacts on vegetation. A request for further information was issued in August 2020 and the information was provided to Council's satisfaction in early October.

2. ASSESSMENT

2.1 State Policies and Act Objectives

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

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

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Low Density Residential zone

The relevant zone purpose statements of the Low Density Residential zone are:

- 12.1.1.1 *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*
- 12.1.1.4 *To provide for existing low density residential areas that usually do not have reticulated services and have limited further subdivision potential.*

The proposal is for the creation of two additional lots that are in excess of the 2500m² minimum lot size requirement, within an area with limited services available. There is no further subdivision potential for these lots under the current Scheme. For this reason, the proposed development is in accordance with the relevant Zone Purpose Statements.

Clauses 12.1.2 and 12.1.3 – Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
(a)	Middleton is to be further developed to provide a broader range of services and facilities for the Lower Channel rural community.	(a)	Proactive planning is required to identify the opportunities for improved and appropriate public infrastructure, community services and commercial development within Middleton.
Desired Future Character Statements		Implementation Strategy	
(a)	Middleton is to remain a low-density village with predominantly single homes around a village core that includes both commercial and community services.	(a)	Future development is to be sensitive to the existing landscape and heritage values of the local area.

The proposal complies with the above-mentioned statements and objectives as it will provide for two (2) additional large lots for the Lower Channel rural community, within the village core of Middleton.

2.3 Statutory Planning

The application is for subdivision only which requires discretionary assessment.

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

2.4 Use and Development Standards

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

Low Density Residential Zone Clause 12.5.1 – Lot Design

Acceptable Solution
<p>A2 - The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 20 m x 20 m in size; (f) No environmental values will be adversely impacted.
Performance Criteria
<p>P2 - The design of each lot must contain a building area able to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) is reasonably capable of accommodating residential use and development; (b) meets any applicable standards in codes in this planning scheme; (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;

- | |
|---|
| <ul style="list-style-type: none"> (d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development; (e) avoids, minimises and mitigates environmental impact arising from future use and development; (f) offsets impacts on trees of high conservation value. |
|---|

Proposal

<p>The subdivision does not comply with A2(b) as proposed building areas are subject to the Bush-Fire Prone Areas, Biodiversity and On-site Wastewater Management Codes.</p>
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<p>The subdivision does not comply with A2(f) as proposed Lots 2 and 3 are not capable of containing building areas which do not impact on native vegetation and high conservation value trees.</p>

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

- The design of each lot is of a size and configuration that is considered reasonably capable of accommodating a future dwelling.
- Council's Senior Environmental Planner and Environmental Health Officer have both reviewed the application and advised that the proposed building areas are capable of meeting the applicable standards of the Bushfire-Prone Areas, Biodiversity and On-site Wastewater Management Codes;
- This site is only moderately sloping and the building envelopes are of a sufficient size to achieve adequate solar orientation for any future dwelling. The clearing of some of the trees on-site, will allow the additional penetration of sunlight to the land, particularly in the area proposed for Lot 3;
- Given that the site is relatively flat, the requirement for earth works, retaining walls, and cut and fill associated with future development, is expected to be minimal; and
- the impacts of the proposal are limited to removal of a small area (800m²) of a low priority native vegetation community and twenty-seven (27) individual native trees;
- the subdivision, building areas and associated on-site wastewater and bushfire hazard management areas have been designed and located to retain individual trees to the extent feasible under a three (3) lot subdivision, including the retention of five (5) or 50% of the high conservation value trees;
- of the five (5) high conservation value trees proposed for removal, four (4) require removal for bushfire hazard management. An Arborist Assessment (Tree inclined, 27 April 2020) verifies that one (1) requires removal as the tree is unsuitable for retention give the proximity to future residential development. 11 trees are proposed for retention, including five (5) high conservation values trees. The Arborist Assessment confirms these trees are capable of being retained within the scope of the proposed subdivision and subsequent development of the lots; and
- the loss of high conservation value trees is able to be offset via a financial contribution to Council's Environmental Fund.

Conditions of approval are recommended for inclusion in any permit issued limiting clearing, retaining and protecting remaining trees via a covenant on the title, requiring the offset for the loss of high conservation value trees and implementation of tree protection measures during construction.

Low Density Residential Zone

Clause 12.5.3 - Ways and Public Open Space

Acceptable Solution
A2 – No Acceptable Solution
Performance Criteria
P2 - Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy
Proposal
No acceptable solution – Performance criteria must be addressed.

There are no new 'ways' that are being provided by the proposal. The layout of the site does not lend itself as suitable to create new 'ways', given that it is located on a corner and has no frontage to other public open space.

In accordance with Council's policy, the subdivision of land requires the provision of a public open space contribution. No Public Open Space has been proposed. Accordingly, it is recommended that a condition be included in any permit issued requiring a cash-in-lieu contribution equivalent to 5% of the unapproved value of the land.

Low Density Residential Zone

Clause 12.5.4 - Services

Acceptable Solution
A2 - Each lot must be connected to a reticulated sewerage system where available.
Performance Criteria
P2 - Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.
Proposal
No reticulated sewerage infrastructure available for the site. Lots will rely on on-site wastewater management.

Council's Environmental Health Officer has reviewed the application and is satisfied that the Performance Criteria of the Zone can be met as a site and soil evaluation report has been submitted by a suitably qualified building services designer demonstrating that the proposed development will comply with the relevant onsite wastewater management requirements in E23.0. The report concludes that future dwellings on the proposed new lots will be able to be serviced by onsite wastewater management systems in compliance with the provisions in E23.0.

Furthermore, if a permit is issued, a condition should be included requiring any on-site wastewater management system installed on the new lots to be able to treat wastewater to secondary standard.

E10.0 - Biodiversity Code
Clause E10.8.1 - Subdivision

Acceptable Solution
<p>A1 - Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following:</p> <ul style="list-style-type: none"> (a) be for the purposes of separating existing dwellings; (b) be for the creation of a lot for public open space, public reserve or utility; (c) no works, other than boundary fencing works, are within the Biodiversity Protection Area; (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.
Performance Criteria
<p>P1 - Clearance and conversion or disturbance must satisfy the following:</p> <ul style="list-style-type: none"> (a) ... (b) if moderate priority biodiversity values: <ul style="list-style-type: none"> (i) subdivision works are designed and located to minimise impacts, having regard to constraints such as topography or land hazard and the particular requirements of the subdivision; (ii) impacts resulting from future bushfire hazard management measures are minimised as far as reasonably practicable through appropriate siting of any building area; (iii) moderate priority biodiversity values outside the area impacted by subdivision works, the building area and the area likely impacted by future bushfire hazard management measures are retained and protected by appropriate mechanisms on the land title; (iv) residual adverse impacts on moderate priority biodiversity values not able to be avoided or satisfactorily mitigated are offset in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and Council Policy 6.10. (c) ...
Proposal
<p>The proposal cannot comply with any of the A1 criteria as the bushfire hazard management area encroaches into the Biodiversity Protection Area and the subdivision is not for the purpose of separating existing dwellings or the creation of a lot for public open space, public reserve or utility.</p> <p>The proposal will impact upon high conservation value trees, which are a moderate priority biodiversity value. The proposed subdivision will also impact upon 800m² of <i>Eucalyptus obliqua</i> dry forest and woodland (DOB). This vegetation community is a low priority biodiversity value but contains moderate priority values (in the form of the high conservation value trees). Therefore the proposal must be assessed against Performance Criteria P1 (b).</p>

Council's Senior Environmental Planner has reviewed the application and advised that the proposed variation can be supported pursuant to this Performance Criteria P1 (b) of the Zone for the following reasons:

- the subdivision works have been designed and located to minimise impacts on moderate priority biodiversity values through retention of high conservation value trees where feasible;

- the extent of proposed clearing and tree removal is the minimum necessary to achieve BAL-19;
- remaining values, including individual high conservation value trees, are proposed to be retained; and
- residual impacts are able to be offset via a financial contribution in accordance with the Guidelines for the Use of Biodiversity Offsets in the Local Planning Approval Process, Southern Tasmanian Councils Authority 2013 and Council Policy 6.10.

Conditions are recommended for inclusion in any permit issued limiting clearing, requiring implementation of vegetation protection measures during construction, requiring payment of the financial contribution prior to the commencement of any on-site works and requiring a covenant on the title to retain and protect trees being retained.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 14 October 2020 to 28 October 2020). Ten (10) representations were received during the public exhibition period; four (4) in objection and six (6) in support. The following issues were raised by the representors:

2.5.1 *The subdivision is out of character with the surrounding area.*

Response: It is noted that there is Rural Living zoned land directly to the north and east of the site, however the subject site is zoned Low Density Residential (Area A), as is the area located to the south of the subject site. The proposed subdivision meets the minimum lot size requirements for the Low Density Residential zone (Area A). Where the proposal cannot meet the Acceptable Solutions, the lot design can satisfy the Performance Criteria of the Kingborough Interim Planning Scheme 2015. These discretions are discussed in more detail in section 2.4 of this report.

2.5.2 *Concerns that future works on Lot 2 (including the proposed infill of the existing dam) may affect the hydrology of the surrounding area; in particular inhibiting the recharge of a dam used for firefighting purposes by the Tasmanian Fire Service (TFS).*

Response: There is a larger watercourse that runs into the TFS dam from the west. It is however noted that some of the overflow from the existing dam on proposed Lot 1 may contribute to the recharge of the other dams in the area. Advice was also sought from the TFS and no concerns were raised in relation to the subdivision. It is noted that each of the new lots would have their own dedicated water tank for firefighting purposes. Council's Development Engineer provides the following advice:

The existing dam is quite small and the downstream flow path is minor and not a defined watercourse. The impact of filling of the dam is expected to be negligible.

2.5.3 *Adequate driveway access to surrounding properties during and after construction.*

Response: An application for a Permit to work in Council's road reservation would be required prior to the construction of the accesses to the new lots and any other works within the road reservation. Before the issue of a Road Works Permit a traffic management plan must be submitted and approved by Council. A condition requiring

a Road Works Permit prior to commencement of works is recommended for inclusion in any permit issued.

2.5.4 Removal of trees that are high conservation value. Impacts on privacy of neighbouring properties.

Response: Council's Senior Environmental Planner has reviewed the application and an assessment of the loss of trees is provided in more detail in section 2.4 of this report. In summary, while it is acknowledged that the loss of trees will remove some of the screening of neighbouring properties, the subdivision has been designed and located to retain individual trees to the extent feasible including the retention of five (5) or 50% of the high conservation value trees. The proposed tree removal is necessary for bushfire and safety purposes.

2.5.5 Boundary fencing.

Response: The type of boundary fencing is not a planning consideration in this instance and will be subject to neighbour negotiations and the *Boundary Fences Act 1908*.

2.5.6 New lots would exacerbate existing traffic problems on McDowall Street and its intersection with Esplanade Road.

Council's Development Engineer has reviewed the application and is satisfied that the proposal meets the requirements of the Scheme. The proposal is required to provide road widening to 9m from the centreline of the carriageway to facilitate future road upgrades if required. As only two (2) new lots are proposed, the impacts upon the surrounding road network are considered to be negligible.

2.5.7 New septic systems may impact adjoining properties.

Response: Council's Environmental Health Officer has reviewed the application and advised that a site and soil evaluation report has been submitted by a suitably qualified building services designer demonstrating that the proposed development will comply with the relevant on-site wastewater management requirements of the On-site Wastewater Management Code (E23.0) within the Scheme.

As per above, any on-site wastewater management system installed on the new lots would have to be capable of treating wastewater to secondary standard within the confines of the new lot boundaries. Any new on-site wastewater system design on the new lots must also comply with the provisions of E23.0 and will also be subject to the requirements of the Building Act 2016.

2.5.8 Inadequate stormwater drainage.

Response: Existing stormwater problems in the area is a broader issue. The current application has been reviewed by the Development Engineering Officer and was found to meet the Acceptable Solutions of the Scheme.

2.6 Other Matters

Environmental Issues

The subject land is within an area frequented by swift parrots and other bird species. Managing weed species is also important for maintaining the natural values of the area. Consistent with other subdivisions in the Low Density Residential Zone it is therefore recommended that a condition is included in any permit issued requiring:

- future development minimise swift parrot collision risk; and
- any landscaping of the site incorporates native species (preferably Tasmanian endemic species) and exclude non-declared priority weeds listed in the Kingborough Weed Management Strategy.

Bushfire

The application also includes a Bushfire Hazard Report (Lark & Creese, 29th May, 2020) which demonstrates that the proposed subdivision is capable of meeting the requirements of the Bushfire-Prone Areas Code. Council's Senior Environmental Planner has reviewed the application and advised that, to ensure the bushfire hazard management requirements are satisfied, conditions are recommended for inclusion in any permit issued requiring:

- installation of a static water supply within the balance lot prior to sealing of the Final Plan of Survey for Stage 1;
- establishment of the hazard management area for Lot 3 prior to sealing of the Final Plan of Survey for Stage 1;
- establishment of a compliant crossover to Lot 3 prior to sealing of the Final Plan of Survey for Stage 1;
- installation of a static water supply within Lot 1 prior to sealing of the Final Plan of Survey for Stage 2;
- establishment of a compliant access and turning area for Lot 1 prior to sealing of the Final Plan of Survey for Stage 2;
- a Part 5 Agreement for Lots 2 and 3 requiring the measures contained within the plan to be implemented in relation to any future development on Lots 2 and 3, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas are contained within the lots and does not rely upon additional tree removal.

On-site Wastewater

The application was also referred to Council's Environmental Health Officer, as the land is not serviced by a reticulated sewerage system, so wastewater generated on the new lots will be required to be managed by onsite wastewater systems. As the new lots are less than 5000m², the development is subject to the *On-site Wastewater Management Code* (E23.0) within the *Kingborough Interim Planning Scheme 2015*.

An On-Site Wastewater Assessment Report (Geo-Environmental Solutions, July 2020) has been submitted by a suitably qualified building services designer demonstrating that the proposed development will comply with the relevant on-site wastewater management requirements in E23.0.

3. CONCLUSION

The proposal is for a subdivision to create three (3) lots in a low density area, where services are limited. The proposal has been assessed against the requirements of the Scheme and has met the relevant acceptable solutions or adequately addressed the relevant performance criteria.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for subdivision of three lots at 28 McDowall Street, Middleton for Southern Planning be approved subject to the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DAS-2020-18 and Council Plan Reference No. P3 submitted on 5 October 2020. This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.
2. To ensure future development of lots minimises weeds, minimises collision risk to swift parrots and retains and protects trees of high conservation value, prior to the permit coming in to effect the applicant must enter into a Part 5 Agreement under the Land Use Planning and Approvals Act 1993 with and to the satisfaction of Kingborough Council to the effect that:
 - (a) any landscaping of the site will incorporate native species (preferably Tasmanian endemic species) and exclude non-declared priority weeds listed in the Kingborough Weed Management Strategy;
 - (b) all proposed buildings must be designed to limit the likelihood of bird strike as far as possible and development is to be designed in accordance with "Minimising the swift parrot collision threat - Guidelines and recommendations for parrot-safe building design".

Buildings will be deemed to have been so designed and constructed to the satisfaction of the Kingborough Council if the glazed surfaces of the building meet any one of the following:

- (i) the glazed surface of the window does not have a total surface area of greater than 2m² and does not result in a sight line through the building from one window to another, such as corner windows;
 - (ii) the glazed surface of a window is treated to include visual markers or muted reflections, the purpose of which is to give them the appearance of an impenetrable surface. Such surfaces may include any one of the following types of treatments: the use of low-reflectivity glass (0-10%); films; coatings; fritted glass; or screens; or
 - (iii) the glazed surface of a window is installed at a minimum of 20 degrees from vertical, angled in at its base to reflect the ground.
- (c) no felling, lopping, ringbarking or otherwise injuring or destroying of eucalypt trees with a diameter >25 cm can take place without the prior written consent of Council;
- (d) development and works must be designed and located to avoid and mitigate impacts on trees identified for retention, including buildings, access, on-site wastewater, bushfire and stormwater.

Council will only approve impacts on these trees where:

- (i) it can be demonstrated that, based on the advice of a suitably qualified arborist (Cert IV Arboriculture and qualified in QTR Assessment), the trees are unable to be retained because the health and viability of the trees is such that they represent a danger; and
- (ii) loss of these trees is offset to the satisfaction of Council.

The Part 5 Agreement must also include a copy of the subdivision plan clearly showing the location of the trees to be retained and protected under this condition. This includes Trees 1 - 3, 9 and 36 - 42 as shown in Council Plan Reference P3, received on 5 October 2020.

All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with once executed.

Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore the above Agreement must be signed and sealed prior to commencement of works. The template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

3. Prior to the permit coming into effect, the developer must enter in to a Part 5 Agreement with and to the satisfaction of Kingborough Council to the effect that the measures contained within the subdivision Bushfire Hazard Report (Nick Creese, Lark & Creese, 30 September 2020) and the associated subdivision Bushfire Hazard Management Plan (BHMP) (Nick Creese, Lark & Creese, 30 September 2020) must be implemented in relation to any future development on the lots, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates that the hazard management areas are contained within the lot boundaries, does not rely upon ongoing management of adjacent land and does not rely upon additional tree removal.

All costs associated with drafting and registering the Part 5 Agreement on the title are to be borne by the developer. All terms of this Agreement must be complied with once executed.

Please note, planning permits containing a requirement for a Part 5 Agreement are not valid until such time as the Agreement is executed, as specified in the Land Use Planning and Approvals Act 1993. Therefore, the above Agreement must be signed and sealed prior to the Planning Permit coming into effect and commencement of works. A Part 5 Agreement template, and a checklist for the process of drafting and lodging such an Agreement, may be obtained from Council's planning team.

4. All individual trees identified for retention in Council Plan Reference P3, received on 5 October 2020 and identified as Trees 1 - 3, 9 and 36 - 42, must be retained and appropriately protected during and after construction to ensure that no damage is inflicted that may impact upon the health of the trees or cause them to die.

Prior to commencement of any on-site works in accordance with AS 4970-2009 a Tree Root Protection zone must be established and maintained through the installation of temporary fencing between any authorised works and adjacent native vegetation to exclude:

- (a) machine excavation including trenching;
- (b) excavation for silt fencing;

- (c) cultivation;
- (d) storage;
- (e) preparation of chemicals, including preparation of cement products;
- (f) parking of vehicles and plant;
- (g) refuelling;
- (h) dumping of waste;
- (i) wash down and cleaning of equipment;
- (j) placement of fill;
- (k) lighting of fires;
- (l) soil level changes;
- (m) temporary or permanent installation of utilities and signs; and
- (n) physical damage to the tree(s).

Evidence of satisfactory installation of this fencing must be obtained prior to the commencement of any on-site works and made available to Council upon request.

The following tree protection measures must be adhered to following construction for all areas within the Tree Root Protection Zone but outside the footprint of the approved works:

- (i) the existing soil level must not be altered around the Tree Root Protection Zone of the trees (including the disposal of fill, placement of materials or the scalping of the soil);
 - (ii) the Tree Root Protection Zone must be free from the storage of fill, contaminates or other materials;
 - (iii) machinery and vehicles are not permitted to access the Tree Root Protection Zone; and
 - (iv) development and associated works are not permitted unless otherwise approved by Council in writing.
5. To offset the loss of five (5) trees of high conservation value (*Eucalyptus obliqua* trees with a DBH >70cm) an offset of \$500/tree must be paid into Council's Environmental Fund, to be used to manage and conserve hollow dwelling habitat in the vicinity of the Channel.

This \$2500 offset must be paid prior to the commencement of on-site works and removal of the trees.

6. Prior to the commencement of any on-site works, including vegetation removal or modification, demolition, construction, excavations, placement of fill, delivery of construction materials and/or temporary buildings, a "start works" notice must be lodged with Council.

This notice must be lodged a minimum of 14 days prior to commencement of on-site works and works must not commence until this notice has been approved by the Manager Development Services.

7. Thirty-one (31) trees are approved for removal as shown in Council Plan Reference P3, received on 5 October 2020 and identified as Trees 4 - 8 and 10 – 35 (inclusive), including:

- (a) four (4) exotic trees; and
- (b) 27 native trees, five (5) of which are of high conservation value.

No native vegetation is to be removed prior to endorsement of Start of Works.

No further felling, lopping, ringbarking or otherwise injuring or destroying of native vegetation or individual trees is to take place without the prior written permission of Council or in accordance with a further permit or otherwise as provided for in the Kingborough Interim Planning Scheme 2015 or otherwise in accordance with law.

8. Prior to the issue of a start of works, Engineering design drawings must be submitted to Council for approval. Plans must be to satisfaction of the Executive Manager - Engineering Services and comply with the following:

- (a) be in accordance with the Tasmanian Standard construction drawings;
- (b) stormwater lot infrastructure connections 150mm to service each proposed lot. The lot connections are required to connect to McDowall Street table drain with a concrete headwall.

The engineering plans and specifications must be prepared and certified by a professional Civil Engineer approved by the Executive Manager - Engineering Services. The engineer must supervise the construction works.

9. A Council fee of 2% of the estimated value of the civil engineering construction works (including GST, provisional items and contingencies) for the development or the current minimum fee, whichever is the greater, must be paid at the time of submission of the engineering design plans for approval. The actual amounts payable shall be based on the rates adopted by Council and prevailing at the time of payment.

10. The construction works must be undertaken generally in accordance with the approved engineering design drawings to the satisfaction and approval of the Executive Manager Engineering Services and in accordance with:

- (a) IPWEA Tasmanian subdivision guidelines;
- (b) Kingborough Council's standard testing methods and procedures.

The works must be supervised by a professional Civil Engineer in accordance with Council's inspections schedule. All enquiries and matters pertaining to the works during the construction and maintenance stages shall be directed to the applicant or applicant's representative in the first instance, until the works have successfully undergone the requisite 52 week maintenance period and have been taken over by Council.

11. The vehicular access to each lot must be constructed in accordance with the Tasmanian Standard Drawings (TSD-RO3, TSD-RO4, TSD-E01 and TSD-RF01) and be sealed to match the existing road surface from the edge of the carriageway to the lot boundary. A permit to carry out works within a Council road reservation must be obtained prior to any works commencing within the Council road reservation.

12. As no provision has been made for recreation space or improvements thereto, and having formed the opinion that such a provision should be made, Council invokes the

provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and requires security equivalent of 5% of the unimproved value of the gross area of the subdivision. This should be in the form of a direct payment made before the sealing of the Final Plan, or alternatively, in the form of security provided under Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The subdivider is to obtain a valuation from a registered Valuer for the purposes of determining the unimproved value of the gross area of the subdivision.

13. To reduce the spread of weeds or pathogens, all machinery must take appropriate hygiene measures prior to entering and leaving the site as per the Tasmanian Washdown Guidelines for Weed and Disease Control produced by the Department of Primary Industries, Parks, Water and Environment.

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

14. The applicant/developer must lodge a maintenance bond and bank guarantee of 10% of the total contract sum including GST to cover the satisfactory rectification of all defects and defective works during the statutory 52 weeks maintenance period prior to the issue of Certificate of Practical Completion for each approved stage of the subdivision.
15. The satisfactory completion of all public infrastructure for each stage of the subdivision works will be considered achieved when:
 - (a) A Certificate of Practical Completion has been issued;
 - (b) All defects and any defective works have been satisfactorily rectified at the completion of the 52 week maintenance period;
 - (c) Council will be entitled to call upon the bond and bank guarantee funds to complete or rectify any outstanding defective works after the expiry of the maintenance period;
 - (d) At the end of the statutory 52 week maintenance period, the supervising Engineer must request a joint onsite inspection with the Council's authorised representative to confirm that all outstanding defects and defective works have been satisfactorily completed;
 - (e) Upon satisfactory completion of all outstanding defects and defective works Council will issue a notice of satisfactory 'Final Inspection' and the public assets will be taken over by Council;
 - (f) After takeover of the works, it will be the responsibility of the supervising engineer or applicant to request Council to release all Bond and Bank Guarantee monies.
16. At practical completion and the satisfactory completion of all mandatory audit inspections for each approved stage of the subdivision works the supervising engineer must:
 - (a) Request a joint on site practical completion inspection with the Council's authorised representative;

- (b) Provide written confirmation that the works have been substantially completed in accordance with the Council approved plans and specifications and that the appropriate levels of quality and workmanship have been achieved;
- (c) Provide supervising engineer's certification that site filling exceeding 300mm has been placed in accordance with AS 3798 (guidelines on earthworks for commercial and residential developments). Fill areas must be shown on the 'As Constructed' drawings;
- (d) Provide a signed checklist for 'As Constructed' drawings;
- (e) Submit A1 size 'As Constructed' drawings in accordance with Council's Survey Brief, at a scale of 1:200 or 1:500 as appropriate, unless approved otherwise, certified as correct by a registered land surveyor in accordance with Council's Survey requirements for subdivisions, developments and capital works projects;

Council will issue a Certificate of Practical Completion including a minor defects list, upon the successful completion of:

- (a) All mandatory audit inspections;
 - (b) Provision of acceptable documentation;
 - (c) Practical completion inspection;
 - (d) Provision of Bond and Bank guarantees.
17. All works associated with each approved stage of the subdivision must be completed to the satisfaction of the Executive Manager – Engineering Services prior to the sealing of the Final Plan of Survey by Council for the respective stage. Quality assured contractors may lodge a notice of intent to Council requesting assessment and approval that security be accepted to cover the completion of any outstanding works to enable the sealing of the Final Plan of Survey. The assessment must be in accordance with Council's policy at the time, is subject to an onsite inspection and report by Council's officers. The follow must be confirmed in writing:
- (a) That all sewer, stormwater, water mains and associated house connections are constructed and capable of satisfactory operation; and

Acceptable "As Constructed" drawings must be provided.

18. Site filling that exceeds a depth of 300mm must be placed in accordance with AS3798 guidelines for commercial and residential developments 1996. Upon completion of the works, the supervising engineer must confirm in writing that the works have been carried out in accordance with AS 3798. The location of fill areas must be shown on the "as constructed drawings" and Final Plan of Survey submitted for sealing.
19. Prior to the Sealing of the Final Plan of Survey for Stage 1, the following bushfire mitigation measures must be satisfactorily implemented in accordance with the subdivision Bushfire Hazard Report (Nick Creese, Lark & Creese, 30 September 2020) and the associated subdivision Bushfire Hazard Management Plan (BHMP) (Nick Creese, Lark & Creese, 30 September 2020):
- (a) installation of a compliant static water supply within the balance lot;
 - (b) establishment of the hazard management area for Lot 3; and
 - (c) establishment of a compliant cross-over to Lot 3.

20. Prior to the Sealing of the Final Plan of Survey for Stage 2, the following bushfire mitigation measures must be satisfactorily implemented in accordance with the subdivision Bushfire Hazard Report (Nick Creese, Lark & Creese, 30 September 2020) and the associated subdivision Bushfire Hazard Management Plan (BHMP) (Nick Creese, Lark & Creese, 30 September 2020):

- (a) installation of a static water supply within Lot 1; and
- (b) establishment of a compliant access and turning area for Lot 1.

21. The Final Plan of Survey for each stage must incorporate designated building areas for Lot 2 and 3, to be shown as a "Building Area" on the plan. These building areas must be generally consistent with the proposed building areas as shown in Council Plan Reference P3, received on 5 October 2020.

The final "Building Areas" must be to the satisfaction of the Manager Development Services.

The Schedule of Easements must include a covenant requiring that all habitable buildings be contained entirely within the Building Area unless otherwise approved by Council writing. Approval will only be given where it can be demonstrated that the buildings will not:

- (a) impact upon trees identified for retention in the Part 5 Agreement; or
- (b) result in the bushfire hazard management areas extending beyond the property boundary.

22. Prior to the sealing of the Final Plan of Survey, the overflow from the existing water tank on Lot 1 and any downpipes, that are not connected to a water tank, must be run inside the new property boundary down to Council's roadside stormwater drain.
23. The Titles of land (Lot 2 and Lot 3) are to be endorsed to state: "onsite wastewater disposal must be via an AWTS (Aerated Wastewater Treatment System), or an alternative treatment system capable of treating effluent to secondary standard prior to discharge to the land application area".
24. A dedication of public land for road widening of 9 metres from the centreline of the existing constructed McDowall Street as indicated on the submitted plans, must be shown on the Final Plan of Survey submitted for sealing.
25. The road reservation shall be widened for future widening as required and shall be created as a separate lot and shown as "Road" on the Final Plan of Survey. The applicant shall arrange for the necessary transfer of the road reservation(s) to Council at the time of lodgement of the Plan of Survey for sealing.

ADVICE

- A. A Final Plan of Survey must be submitted to Council for sealing, together with a Schedule of Easements, a copy of the survey notes, and a copy of the balance plan (where applicable). Payment of Council's fee for sealing the Final Plan of Survey and Schedule of Easements must be made upon submission of plans.
- B. In accordance with section 53(5) of the Land Use Planning and Approvals Act 1993 this permit lapses after a period of two years from the date on which it is granted if

the use or development in respect of which it is granted is not substantially commenced within that period.

- C. The Developer should not allocate any property address numbers for the proposed lots.

New property addresses have been allocated as follows:

Lot No.	Allocated Property Address
1	28 McDowall Street, Middleton (existing dwelling)
2	26 McDowall Street, Middleton
3	24 McDowall Street, Middleton

ATTACHMENTS

1. Assessment Checklist
2. Location Plan
3. Proposal Plans

Public Copy

ASSESSMENT CHECKLIST – DAS-2020-18

Zone Provisions

ISSUE		COMPLIES			COMMENTS
		YES	NO	N/A	
Lot Design (Cl. 12.5.1):	<ul style="list-style-type: none"> A1 – minimum lot size 2500 m² (Area A) 	✓			A1 – complies; Lot 1 - 3378m ² , Lot 2 - 2582m ² ; and Lot 3 - 2538m ²
	<ul style="list-style-type: none"> A2 – Design of each lot demonstrates minimum building area <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 20 m x 20 m in size. (f) No environmental values will be adversely impacted. 		✓		A2 (a) – complies - each lot can provide a building area that meets the setback requirements for the front, side and rear boundaries. (b) does not comply – proposed building areas are subject to Bush-Fire Prone Areas, Biodiversity and On-site Wastewater Management Codes. An assessment against the performance criteria is required. (c) complies – building areas are free of restrictions. (d) complies – the land is moderately sloping and building areas have an average slope of less than 1 in 5. (e) complies – each lot is capable of containing a building area greater than 20m x 20m. (f) does not comply – Proposed Lots 2 and 3 are not capable of containing building areas which do not impact on native vegetation and high conservation value trees. Therefore, the proposed subdivision must be assessed against the performance criteria.
	<ul style="list-style-type: none"> A3 – Frontage for each lot complies with minimum frontage of 30m. 	✓			A3 – complies – frontage of each lot greater than 30m (minimum 40m)
	<ul style="list-style-type: none"> A4 – No lot is an internal lot 	✓			A4 – complies – no lot would be an internal lot. All lots have frontage to McDowall Street and Lot 1 also has frontage to the Channel Highway.
	<ul style="list-style-type: none"> A5 – Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback. 	✓			A5 – complies – existing dwelling on Lot 1 can meet the Acceptable Solution for 12.4.2 Setbacks and building envelope.
Roads (Cl. 12.5.2)	<ul style="list-style-type: none"> A1 – Subdivision includes no new road 	✓			A1 – complies no new road is proposed.

ISSUE		COMPLIES			COMMENTS
		YES	NO	N/A	
Ways and public open space (Cl. 12.5.3)	<ul style="list-style-type: none"> A1 – No acceptable solution (requires assessment against performance criteria) 			✓	A1 – n/a – as no POS provided for in subdivision design.
	<ul style="list-style-type: none"> A2 – No acceptable Solution (requires assessment against performance criteria) 		✓		A2 – no acceptable solution – An assessment against the performance criteria is required.
Services (Cl. 12.5.4)	<ul style="list-style-type: none"> A1 – Each lot must be connected to a reticulated potable water supply where such a supply is available. 			✓	A1 – n/a as no reticulated potable water available in the area.
	<ul style="list-style-type: none"> A2 – Each lot must be connected to a reticulated sewerage system where available. 		✓		A2 – does not comply as no reticulated sewerage infrastructure available. Lots will rely on on-site wastewater management. An assessment against the performance criteria is required.
	<ul style="list-style-type: none"> A3 – Each lot must be connected to a stormwater system able to service the building area by gravity. 	✓			A3 – complies – lots are to be connected to Council stormwater infrastructure in the McDowall Street road reservation.
	<ul style="list-style-type: none"> A4 – the subdivision includes no new road. 	✓			A4 – complies – no new road proposed.

Code Provisions

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
E1.0 Bushfire-Prone Areas Code					
Subdivision: Provision of hazard management areas (Cl.E1.6.1.1)	<ul style="list-style-type: none">A1 – Subdivision capable of containing fire hazard management areas	✓			<p>A1 – The application is accompanied by a Certificate under s51(2)(d) of the <i>Land Use Planning and Approvals Act 1993</i> certified by an accredited bushfire practitioner which demonstrates that the proposed subdivision meets Clause E1.6.1(A1)(b) in that it provides hazard management areas equal to or greater than the separation distances required for BAL 19 for all lots.</p> <p>A bushfire hazard management plan was also submitted with the application demonstrating that the proposal complies with A1(b) as follows:</p>

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
					<ul style="list-style-type: none"> the plan shows all lots that are located within a bushfire prone area; the plan identifies a compliant building area for each lot; the bushfire hazard management area for each lot is equal to or greater than the separation distances required for BAL-19; the application is accompanied by a bushfire hazard management plan certified by an accredited person and showing hazard management areas equal to or greater than the separation distances required for BAL 19. <p>To ensure the bushfire hazard management requirements are satisfied, conditions are recommended for inclusion in any permit issued requiring:</p> <ul style="list-style-type: none"> installation of a static water supply within the balance lot prior to Sealing of the Final Plan of Survey for Stage 1; establishment of the hazard management area for Lot 3 prior to Sealing of the Final Plan of Survey for Stage 1; establishment of a compliant cross-over to Lot 3 prior to Sealing of the Final Plan of Survey for Stage 1; installation of a static water supply within Lot 1 prior to Sealing of the Final Plan of Survey for Stage 2; establishment of a compliant access and turning area for Lot 1 prior to Sealing of the Final Plan of Survey for Stage 2; a Part 5 Agreement for Lots 2 and 3 requiring implementation of the measures contained within the plan to be implemented in relation to any future development on Lots 2 and 3, unless superseded by an alternative BHMP certified by an accredited person or TFS, and only if this alternative BHMP demonstrates

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
					that the hazard management areas are contained within the lots and does not rely upon additional tree removal.
Subdivision: Public Access (Cl.E1.6.1.2)	<ul style="list-style-type: none"> A1 – Certified signoff provided or subdivision plan demonstrating required layout 	✓			A1 – complies - the subdivision complies with A1 (b) as the proposed plan of subdivision shows the layout of property access to the building areas and demonstrates that they comply with Table E2 and the plan has been certified by an accredited person.
	<ul style="list-style-type: none"> A2 – Construction of roads meets the requirements of the table, where the development standards in the zone do not require a higher standard 			✓	A2 – n/a no new roads to be constructed.
Subdivision: Provision of water supply for fire fighting purposes (Cl.E1.6.3)	<ul style="list-style-type: none"> A1 – Certified signoff provided or supply demonstrated 			✓	A1 – n/a – area not serviced.
	<ul style="list-style-type: none"> A2 – Unserved areas – certified signoff provided, BHMP certified or supply demonstrated 	✓			A2 – complies - The subdivision complies with A2 (b) as proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5 and this plan has been approved by an accredited person as being compliant with Table E5.
E5.0 Road and Railway Assets Code					
Existing road accesses and junctions (Cl.E6.6.1)	<ul style="list-style-type: none"> A1 -- To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions 			✓	
Exiting level crossings (E5.5.2)	<ul style="list-style-type: none"> A1 – Where use has access across part of a rail network, the annual average daily traffic (AADT) at an existing level crossing must not be increased by greater than 10% or 10 vehicle movements per day, whichever is the greater 			✓	
Development adjacent to roads and railways (E5.6.1)	<ul style="list-style-type: none"> A1 – Development must be located at least 50m from the rail network, or a Category 1 or 2 road, in an area subject to a speed limit 			✓	

ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
	of more than 60km/h: unless complies with the following: (a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or (b) an extension which extends no closer than the existing building or an immediately adjacent building				
E5.6.2 Road accesses and junctions (Cl. E5.6.2)	<ul style="list-style-type: none"> A2 - No more than one access to roads in an area subject to a speed limit of 60km/h or less 	✓			Each proposed lot is to have a new vehicle access crossover constructed to service the development. The proposal satisfies the acceptable solution A2.
New level crossings (Cl. E5.6.3)	<ul style="list-style-type: none"> A1 - No Acceptable Solution 			✓	
Sight distance at accesses, junctions and level crossings (Cl.E5.6.4)	<ul style="list-style-type: none"> A1 – Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of Uniform traffic control devices - Railway crossings, Standards Association of Australia 	✓			The proposal satisfies the acceptable solution A1.
E6.0 Parking and Access Code					
Use standards – number of car parking spaces (Cl.E6.6.1)	<ul style="list-style-type: none"> A1 - Number of on-site car parking spaces complies with table 			✓	
Number of vehicular accesses (Cl.E6.7.1)	<ul style="list-style-type: none"> A1 – Number of vehicle access points complies 			✓	
Design of vehicular accesses (Cl.E6.7.2)	<ul style="list-style-type: none"> A1 – Design of vehicle access points complies 			✓	
Vehicular Passing Areas Along an Access (Cl. E6.7.3)	<ul style="list-style-type: none"> A1 - Passing bay must be provided every 30m and shown on the development application plans. 			✓	

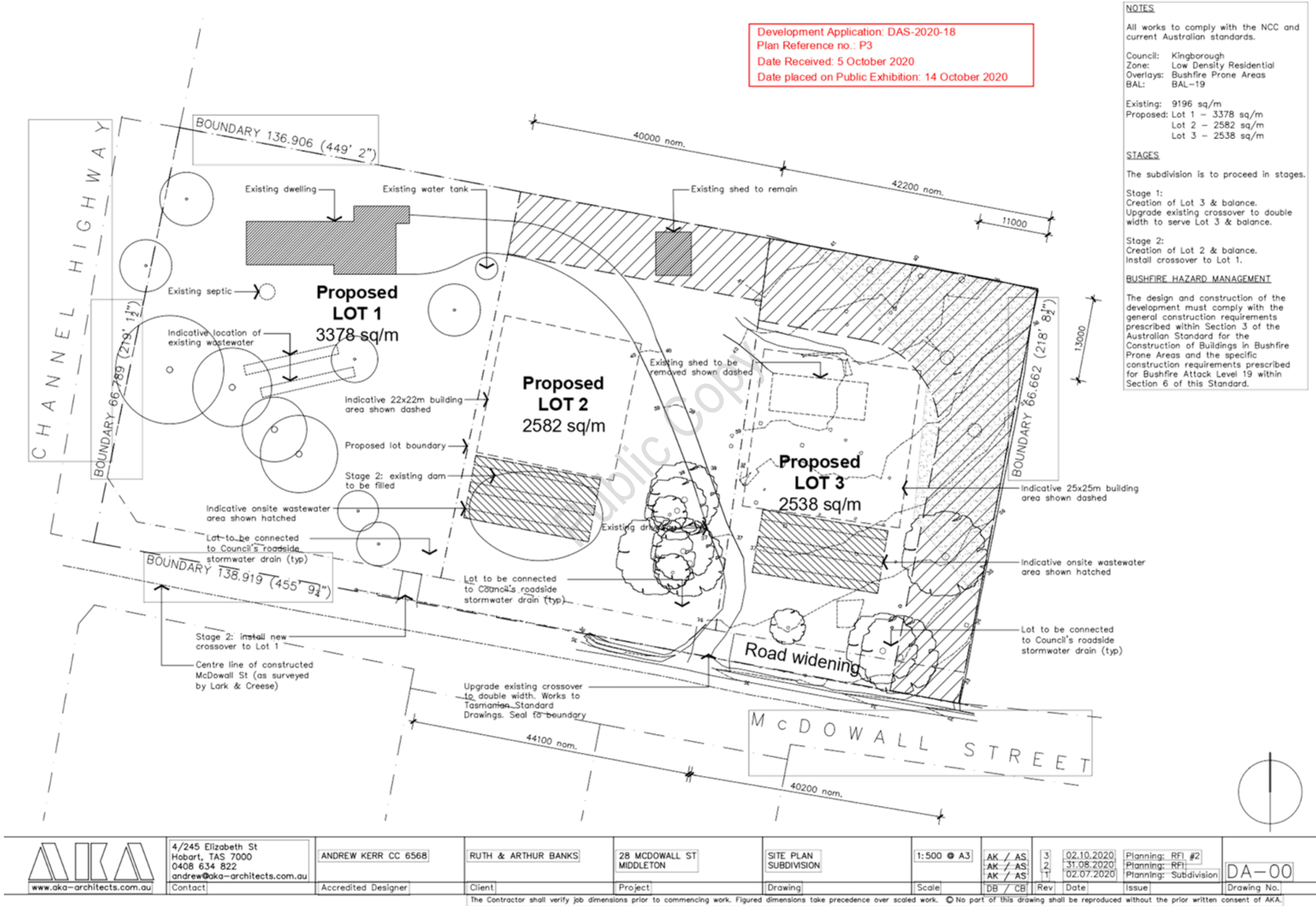
ISSUE		COMPLIES?			COMMENTS
		YES	NO	N/A	
On-site Turning (Cl. E6.7.4)	<ul style="list-style-type: none"> A1 - On site turning must be provided for all non-residential carparking spaces 			✓	
Layout of parking areas (Cl.E6.7.5)	<ul style="list-style-type: none"> A1 – Layout and compliance with Australian Standard 			✓	
Surface treatment of parking areas (Cl.E6.7.6)	<ul style="list-style-type: none"> A1 – Parking spaces and vehicular circulation surfaces provided 			✓	
Lighting of Parking Areas (E6.7.7)	<ul style="list-style-type: none"> A1 - Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting 			✓	
Landscaping of Parking Areas (E6.7.8)	<ul style="list-style-type: none"> A1 - Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park 			✓	
Siting of carparking (Cl.6.7.12)	<ul style="list-style-type: none"> A1 – Location of carparking 			✓	
Access to a Road (E6.7.14)	<ul style="list-style-type: none"> A1 - Access to a road must be in accordance with the requirements of the road authority 	✓			
E7.0 Stormwater Management Code					
Stormwater drainage and disposal (Cl.E7.7.1)	<ul style="list-style-type: none"> A1 – Disposal of stormwater to public infrastructure 	✓			A1 – complies - Stormwater will be disposed to Council's discharge point. The submitted drawings include details of stormwater drainage lot connections to be constructed to service the development. This proposal satisfies the acceptable solution A1.
	<ul style="list-style-type: none"> A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles 			✓	
	<ul style="list-style-type: none"> A3 – Design of minor stormwater drainage system 			✓	
	<ul style="list-style-type: none"> A4 – Design of major stormwater drainage system 			✓	

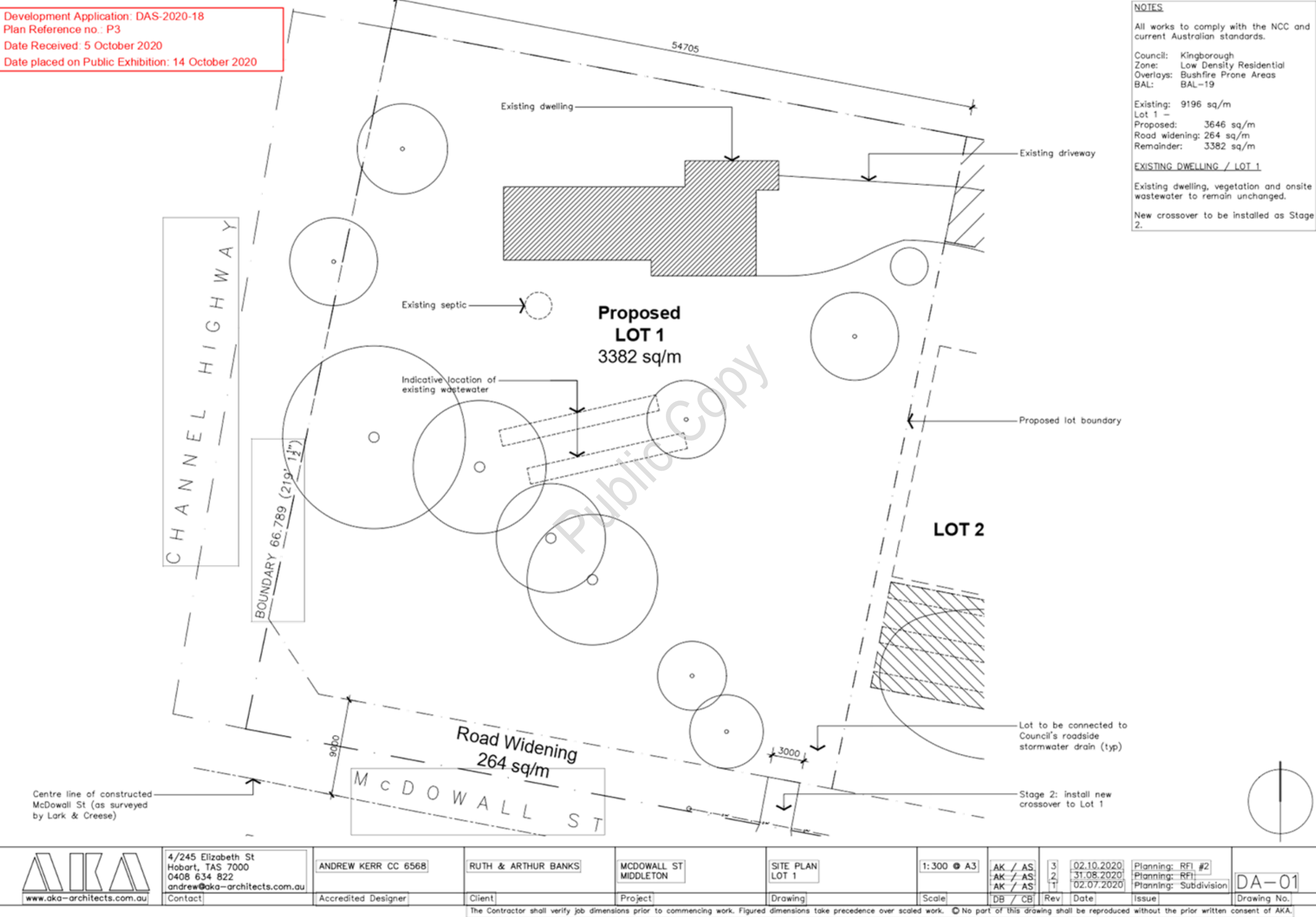
ISSUE	COMPLIES?			COMMENTS
	YES	NO	N/A	
E10.0 Biodiversity Code				
The planning submission submitted with the application confirms that the proposal will impact upon high conservation value trees, which are a moderate priority biodiversity value under Code E10.0.				
The proposed subdivision will also impact upon 800m ² of <i>Eucalyptus obliqua</i> dry forest and woodland (DOB). This vegetation community is a low priority biodiversity value but contains moderate priority values (in the form of the high conservation value trees).				
Buildings and works (Cl.E10.8.1)	<ul style="list-style-type: none">• A1 – Subdivision of a lot, all or part of which is within a Biodiversity Protection Area, must comply with one or more of the following: (a) be for the purposes of separating existing dwellings; (b) be for the creation of a lot for public open space, public reserve or utility; (c) no works, other than boundary fencing works, are within the Biodiversity Protection Area; (d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Biodiversity Protection Area.		✓	A1 – does not comply - The proposal cannot comply with A1 as the bushfire hazard management area encroaches into the Biodiversity Protection Area and the subdivision is not for the purpose of separating existing dwellings or the creation of a lot for public open space, public reserve or utility. Therefore, the proposal must be assessed against Performance Criteria P1 (b).
E23.0 On-Site Wastewater Management Code				
The proposal has been assessed by Council's Environmental Health Officer and complies with the requirements of E23.0 On-site Wastewater Management Code.				

Codes not listed in this Checklist have been considered and determined not to apply to the proposal

Locality Plan

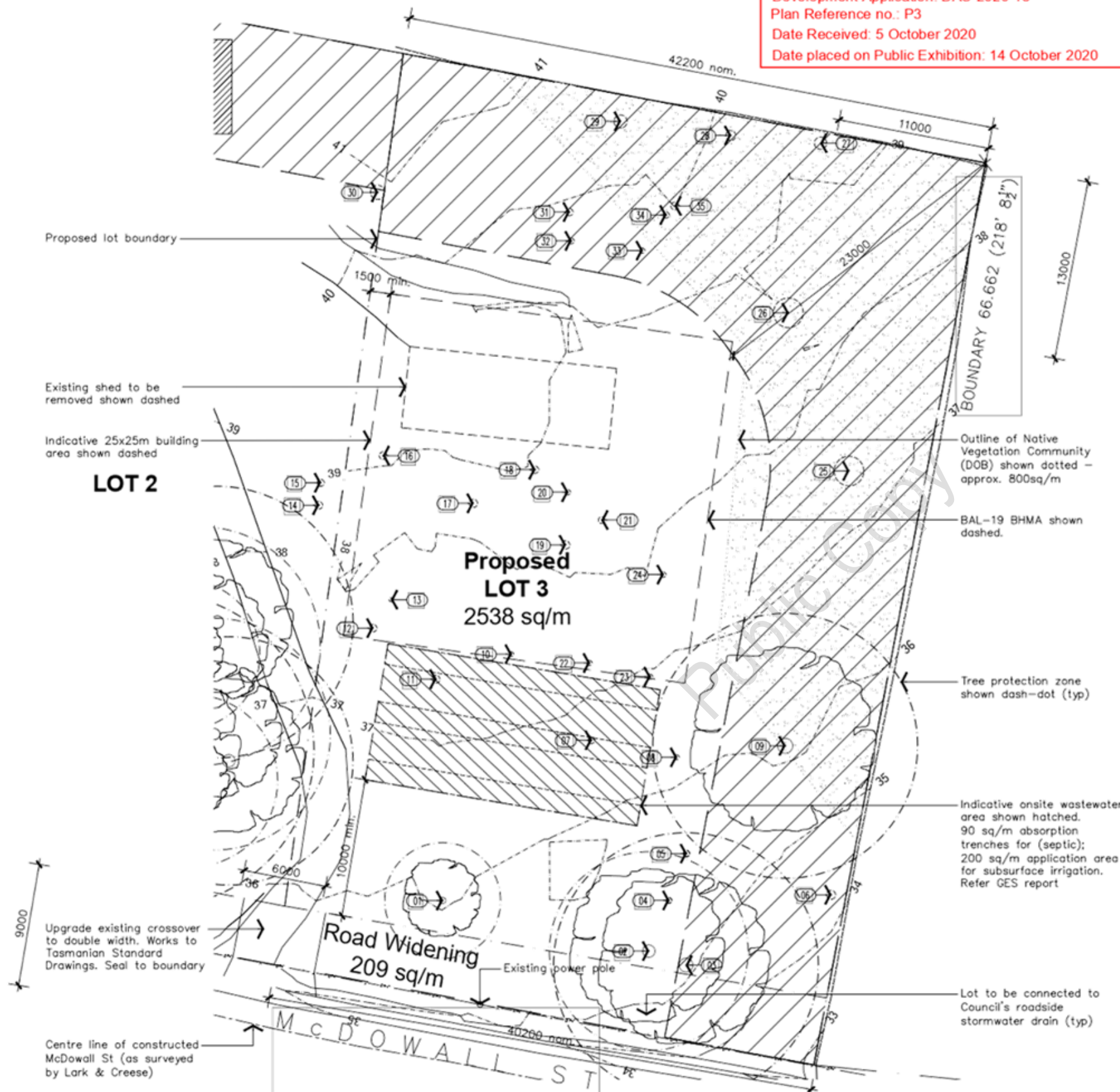








Development Application: DAS-2020-18
Plan Reference no.: P3
Date Received: 5 October 2020
Date placed on Public Exhibition: 14 October 2020



TREE LEGEND

Tree protection zone radius =
12 x dia @ DBH (shown dash-dot).

Ref - species - DBH (mm) - status

01	E. obliqua	350	Retain
02	E. obliqua	600	Retain
03	E. obliqua	800	Retain: high conservation value
04	E. obliqua	400	Remove: HMA
05	E. obliqua	450	Remove: HMA
06	E. obliqua	650	Remove: HMA
07	E. obliqua	480	Remove: dwelling
08	E. obliqua	360	Remove: dwelling
09	E. obliqua	800	Retain: high conservation value
10	E. obliqua	320	Remove: dwelling
11	E. obliqua	550	Remove: dwelling
12	Pinus radiata	550	Remove: exotic species
13	E. obliqua	300	Remove: dwelling
14	E. obliqua	550	See Lot 2
15	E. obliqua	500	See Lot 2
16	E. obliqua	550	Remove: dwelling
17	Pinus radiata	580	Remove: exotic species
18	E. obliqua	520	Remove: dwelling
19	Pinus radiata	600	Remove: exotic species
20	E. obliqua	380	Remove: dwelling
21	E. obliqua	480	Remove: dwelling
22	E. obliqua	360	Remove: dwelling
23	E. obliqua	360	Remove: dwelling
24	E. obliqua	380	Remove: dwelling
25	E. obliqua	2150	Remove: dangerous (arborist report)
26	E. obliqua	2150	Remove: HMA

NOTES

All works to comply with the NCC and current Australian standards.

Council: Kingborough
Zone: Low Density Residential
Overlays: Bushfire Prone Areas
BAL: BAL-19

Existing: 9196 sq/m
Lot 2 -
Proposed: 2747 sq/m
Road widening: 209 sq/m
Remainder: 2538 sq/m

BUSHFIRE HAZARD MANAGEMENT

The design and construction of the development must comply with the general construction requirements prescribed within Section 3 of the Australian Standard for the Construction of Buildings in Bushfire Prone Areas and the specific construction requirements prescribed for Bushfire Attack Level 19 within Section 6 of this Standard.

BHMA distances:

North: 13m
East: 11m
South: 0m
West: 0m

TREE LEGEND

27	E. obliqua	750	Remove: HMA
28	E. obliqua	600	Remove: HMA
29	E. obliqua	850	Remove: HMA
30	E. obliqua	940	See Lot 2
31	Pinus radiata	520	Remove: exotic species
32	E. obliqua	400	Remove: HMA
33	E. obliqua	360	Remove: HMA
34	E. obliqua	450	Remove: HMA
35	E. obliqua	560	Remove: HMA



www.aka-architects.com.au	4/245 Elizabeth St Hobart, TAS 7000 0408 634 822 andrew@aka-architects.com.au	ANDREW KERR CC 6568	RUTH & ARTHUR BANKS	MCDOWALL ST MIDDLETON	SITE PLAN LOT 3	1:300 @ A3	AK / AS AK / AS AK / AS	3 2 1	02.10.2020 31.08.2020 02.07.2020	Planning: RFI #2 Planning: RFI Planning: Subdivision	DA-03
Contact	Accredited Designer	Client	Project	Drawing	Scale	DB / CB	Rev	Date	Issue	Drawing No.	

The Contractor shall verify job dimensions prior to commencing work. Figured dimensions take precedence over scaled work. © No part of this drawing shall be reproduced without the prior written consent of AKA.

13.4 DA-2020-535 - DEVELOPMENT APPLICATION FOR EXTENSION TO DWELLING (DECK AND SWIMMING POOL) AT 7 ORANA PLACE, TAROONA

File Number: DA-2020-535
 Author: Timothy Donovan, Senior Planning Officer
 Authoriser: Tasha Tyler-Moore, Manager Development Services

Applicant:	Mr G Harrison and Mrs R J Harrison
Owner:	Mrs R J Harrison
Subject Site:	7 Orana Place, Taroona
Proposal:	Extension to Dwelling (Deck and Swimming Pool)
Planning Scheme:	Kingborough Interim Planning Scheme 2015
Zoning:	Low Density Residential (Area C)
Codes:	E1.0 Bushfire-Prone Areas E6.0 Parking and Access E7.0 Stormwater Management
Use Class/Category:	Residential/Single Dwelling
Discretions:	Clause 12.4.2 Setbacks and Building Envelope (A3) Clause 12.4.6 Privacy (A1)
Public Notification:	Public advertising was undertaken between 21 October 2020 and 4 November 2020 in accordance with section 57 of the <i>Land Use Planning and Approvals Act 1993</i>
Representations:	Three (3) representations were received. Issues raised included: (a) Noise (b) Privacy and Overlooking (c) Impact from bulk and scale (d) not consistent with Clause Cl. 12.4.2 Setbacks and Building Envelope (e) Not compatible with Local Area Objectives for Taroona
Recommendation:	Approval subject to conditions

1. PROPOSAL

1.1 Description of Proposal

The proposed dwelling extension includes the construction of a swimming pool and deck at the rear (east side) of the dwelling. The pool is 9.0m x 3.8m with a maximum depth of 1.8m and is partially below and partially above ground level in recognition of the slope of the land and existing levels of the rear deck. The deck is being extended to the side and southern end of the pool.

The pool and deck are a maximum height of 1.2m above natural ground level. The deck extension at the south end of the pool is 1.4m x 4.7m and a new deck of 1.5m x

6.8m is also being built between the pool and the side of the house. The pool is setback a minimum of 1.9m and a maximum of 4.5m from the east side boundary. The pool is setback a minimum of 2.2m and a maximum of 4.9m from the south rear boundary. The proposed deck at the end of the pool is set back a minimum of 1.0m and a maximum of 3.7m from the rear boundary.

The construction of the pool will result in the removal of some of the existing vegetation in the rear of the yard and east side boundary. A small outbuilding ("cubby" house) 2m x 2.7m adjacent to the east side boundary is to be relocated to the side of the pool.

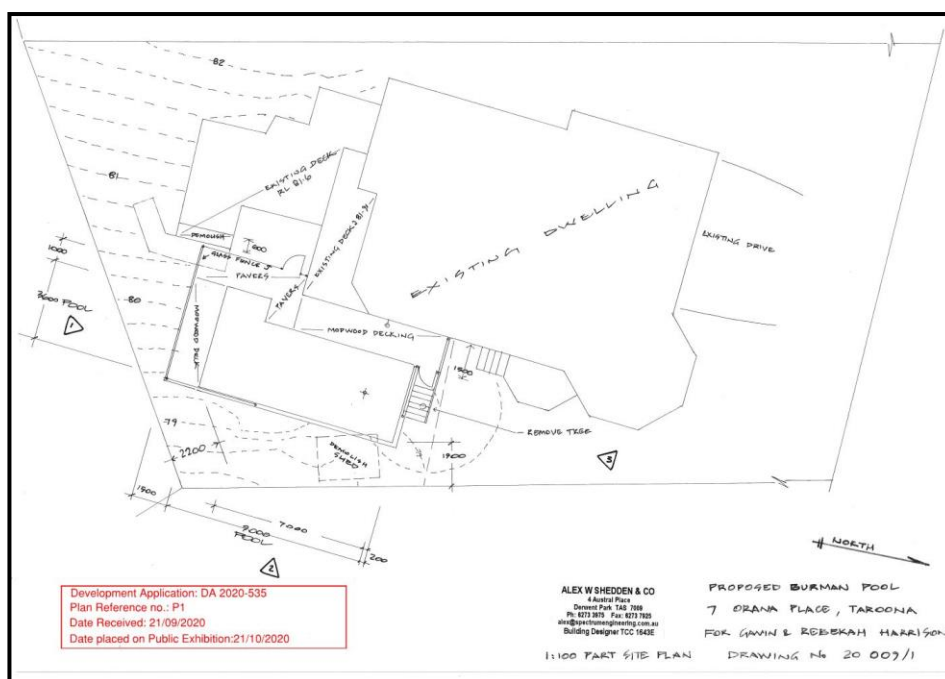


Figure 1 – Site Plan

The applicant has submitted amended plans and details subsequent to the public notification of the proposal. The amendments to the application include:

- Screening plants along the rear boundary are retained.
- A free standing 1700mm high solid screen / wall is installed across the entire length of the rear deck and on the eastern edge of the rear deck to address the privacy concerns raised by residents at 6 Bareena Road.
- The small outbuilding (cubby house) is relocated just outside the line of the existing picket fence (door facing toward the pool).
- A picket fence at the east side of house to be realigned around shed.
- Area beneath steps to pool deck (northern end) to be paved.
- Existing melaleuca (*linariifolia*) on eastern boundary fence retained.
- Dwarf plantings of *plieoblastus* or similar along eastern edge of pool wall.
- Retention of existing vegetation along remainder of southern boundary fence.



Figure 2 – Amended site plan lodged on 5 November 2020.

1.2 Description of Site

The site is 7 Orana Place, Taroona with an area of 980m² and described as Lot 13 on Sealed Plan 112449 (CT 112449/13). There is an existing two storey dwelling on the site located centrally on the lot. The dwelling has a deck at the rear, a small outbuilding adjacent to the east side boundary and landscaping around the perimeter of the lot. The lot is relatively steep and slopes towards the street and also falls to the east.

The area is predominantly single dwellings on similar sized lots with established landscaped gardens.



Figure 3 – Aerial photo of 7 Orana Place Taroona.

2. ASSESSMENT

2.1 State Policies and Act Objectives

The provisions of the Planning Scheme, including the zones and code overlays derive from State Policies and the approval of the Scheme by the Planning Minister on the basis it is compliant with those policies. On that basis a separate assessment against those policies is not required.

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

2.2 Strategic Planning

The relevant strategies associated with the Scheme are as follows:

Zone Purpose Statements of the Low Density Residential zone

12.1.1 Zone Purpose Statements

- 12.1.1.1 *To provide for residential use or development on larger lots in residential areas where there are infrastructure or environmental constraints that limit development.*

Clause 12.1.2 – Local Area Objectives and Desired Future Character Statements

The Scheme details separate Local Area Objectives and Desired Future Character Statements for the main towns in the municipal area. The following Local Area Objectives and Desired Future Character Statements are relevant to the assessment of this application.

Local Area Objectives		Implementation Strategy	
(a)	The relative low residential density of Taroona will be maintained and any significant change to higher densities is to be avoided	(a)	Infill development should only be encouraged on sites convenient to urban facilities and services
(b)	Areas within Taroona that are zoned Low Density Residential are to be developed so that both visual landscape and natural environmental values are protected.	(b)	Existing larger lot sizes are to be retained in order that there is sufficient land to accommodate substantial vegetation on site and provide for the desired landscape and natural amenity with only minimal expansion of the existing urban footprint permitted
Desired Future Character Statements		Implementation Strategy	
(a)	Taroona is to continue to be a seaside suburb mainly containing single detached dwellings with established landscaped gardens.	(a)	Multi-unit housing is to be discouraged other than in the vicinity of the Taroona shopping centre.
(b)	The existing neighbourhood character that is associated with the area's landscape and environmental values should be protected	(b)	The visual amenity of hillsides and skylines is retained by providing for larger lots that are able to retain sufficient native vegetation. Native vegetation is to be protected along the coastline and alongside gullies and watercourses. In some cases these areas also provide a buffer or transition between more closely settled urban areas and other areas with high natural values.

2.3 Statutory Planning

The use is categorised as Residential (Single Dwelling) under the Scheme which is a No Permit Required use in the Low Density Residential (Area C) Zone. Whilst the application is classified as a No Permit Required use, it relies on Performance Criteria to comply with the Scheme provisions, and is therefore discretionary.

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

2.4 Use and Development Standards

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

Low Density Residential Zone

Clause 12.4.2 - Setbacks and building envelope

Acceptable Solution A3

A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to diagrams 12.4.2A, 12.4.2B, 12.4.2C and 12.4.2D) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and
- (b) only have a setback within 1.5m of a side boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or
 - (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

Performance Criteria P3

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
 - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
 - (iii) overshadowing of an adjoining vacant lot; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

Proposal
<p>The pool and deck do not comply as they are located within the 4m rear setback area.</p> <p>The pool and deck comply in relation to the side setback being within the building envelope. Note is made that the pool is a minimum of 1.9m from the side boundary.</p>

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

- There is no impact on sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot. The adjoining dwellings to the east and south of the pool and deck are 12-15m away and downhill. The low height of the pool and deck will not impact on their habitable rooms.
- There is no increase in overshadowing of the private open space of dwellings on an adjoining lot in light of the topography, low height of the proposed structures, existing vegetation, dwellings and boundary fences.
- There is no adjoining vacant lot.
- The visual impacts caused by the apparent scale, bulk or proportions of the pool and deck when viewed from an adjoining lot are minimal due to the low height of the new structures, the existing and proposed landscaping, the topography, and the existing deck.
- The proposed rear deck is the same height above ground as the pool at 1.2m maximum. The permanent screen will add 1.7m in height with a total maximum height above ground of 2.9m.
- It is acknowledged that the subject lot is higher than No 5 Orana Place and No's 4 and 6 Bareena Road. This leads to overlooking that naturally occurs where houses are built on sloping terrain. There are considerable opportunities for overlooking existing on the subject lot from the existing deck, rear yard and the upper levels of the dwelling. Note is made that a complying pool and deck in terms of setbacks and building envelope would have similar impacts to the proposal.
- The location of the pool and deck provides separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area - see Figure 4 below.
- The proposal does not decrease the separation between dwellings in the area in that it is not an addition/extension to the dwelling. The proposed pool is free standing and partially in the ground and a maximum of 1.2m above ground. The pool does not create any impacts in relation to the separation of dwellings. The extensions to the deck, where they occur at ground level and adjacent to the existing deck, do not create any impacts in relation to the separation of dwellings. The proposed deck at the end of the pool does not impact on the existing separation between dwellings on adjoining lots. It is considered to be a landscaping feature in the rear yard.

Low Density Residential Zone
Clause 12.4.6 - Privacy

<p>Acceptable Solution A1</p> <p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level must have a permanently fixed screen to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3 m from the side boundary; (b) rear boundary, unless the balcony, deck, roof terrace, parking space or carport has a setback of at least 4m from the rear boundary; (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6 m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, or the other dwelling on the same site.
<p>Performance Criteria</p> <p>A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1 m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <ul style="list-style-type: none"> (a) a dwelling on an adjoining lot or its private open space; or (b) another dwelling on the same site or its private open space; or (c) an adjoining vacant residential lot.
<p>Proposal</p> <p>The proposed deck and pool are closer than 3m to the side and rear boundary and have a floor level at 1.2m - more than 1 m above natural ground level. There are no permanently fixed screens to a height of at least 1.7 m above the finished surface or floor level, with a uniform transparency of no more than 25% facing the side and rear boundaries on the plans that were submitted and placed on public notification.</p> <p>Amended plans received after public notification provide for a 1.7m permanently fixed screen along the deck at the end of the pool and also for the retention and planting of screening vegetation.</p>

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

- The provision of the permanently fixed screen 1.7m high to the deck provides for screening of people on the deck and prevents overlooking of the adjacent properties.
- The provision of additional landscaping on the side and rear boundaries and immediately adjacent to the pool will provide additional screening.
- The relocation of the small outbuilding will provide screening from the dwelling on No 5 Orana Place.



Figure 4 - No 4 Bareena Road form side yard – the string line indicates location and height of pool and deck.



Figure 5 – No 6 Bareena Road from upper balcony of dwelling.

2.5 Public Consultation and Representations

The application was advertised in accordance with the requirements of s.57 of the *Land Use Planning and Approvals Act 1993* (from 21 October 2020 to 4 November 2020). A total of three (3) representations were received during the public exhibition period.

The following issues were raised by the representors opposed to the application:

Noise - An adjacent neighbour on the west boundary advises that they have no objection to the pool but would insist that no noise-emitting units associated with the pool – cleaning units, heating units – be placed on the their western wall (the wall facing their property) or on that side of their property.

The applicant proposes to place the pool pump and associated equipment adjacent to the pool and under the existing deck. This is made a condition of the permit.

Privacy and Overlooking – No 5 Orana Place, No 4 Bareena Road, No 6 Bareena Road

The neighbour at 5 Orana Place, Tarooma is concerned that privacy in their back garden will be compromised by the height of the proposed decking. The removal of existing vegetation will exacerbate the privacy issue.

The neighbours at No's 4 and 6 Bareena Road are concerned with the proximity of the pool and deck and impacts on privacy and overlooking.

The matter of privacy and overlooking has been addressed in the report.

Impact from Bulk and Scale - The neighbour at 6 Bareena Rd is concerned with the bulk and scale of the pool and deck appearing large and overbearing.

The matter of privacy and overlooking has been addressed in the report.

Not consistent with cl. 12.4.2 P3(b) requiring separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area - The proposal is not consistent with the separation of dwellings in the area as shown by the rear setbacks of nearby houses. A number of examples are given where the rear setback ranges from 3m to 13m.

The matter of separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area has been addressed in the report. While the submitter has noted the rear setback of nearby dwellings there are a number of lots with structures, outbuildings and landscaping features in their rear and side yards.

Not compatible with Local Area Objectives for Tarooma (Clause 12.1.2)

The proposed development is required to be assessed against the Acceptable Solutions and Performance Criteria of the Planning Scheme to determine if it is complying and may be approved with conditions or refused. Considerations of statements made in the Local Area Objectives or in Future Character Statements are not valid in the assessment of a development application.

3. CONCLUSION

The proposed extension for deck and swimming pool has been assessed as complying to the Acceptable Solutions and Performance Criteria for the Low Density Residential Zone in the Kingborough Interim Planning Scheme 2015. The application is recommended for approval with conditions.

4. RECOMMENDATION

That the Planning Authority resolves that the development application for Extension to Dwelling (Deck and Swimming Pool) at 7 Orana Place Tarooma for Mr G Harrison and Mrs R J Harrison be approved with the following conditions:

1. Except as otherwise required by this Permit, use and development of the land must be substantially in accordance with Development Application No. DA-2020-535 and Council Plan Reference No. P1 submitted on 21/09/2020 and P2 submitted on 05/11/2020. This Permit relates to the use of land or buildings irrespective of the applicant or subsequent occupants, and whoever acts on it must comply with all conditions in this Permit. Any amendment, variation or extension of this Permit requires further planning consent of Council.

2. Plans submitted for building approval must detail a permanently fixed screen to be installed along the outer length of the east and south sides of the deck at the south end of the pool to a minimum height of at least 1.7m above the finished floor level of the deck and with a uniform transparency of no more than 25%. The screen shall be of a material and colour to the satisfaction of the Manager Development Services.

The screen must be installed prior to the use of the deck and be maintained for the life of the development.

3. The maximum height of the pool and deck shall be 1.2m above natural ground level unless otherwise approved by the Manager Development Services. In considering any request for a variation to the maximum height the Manager will consider whether it is minor in nature and have regard to the privacy, overlooking and visual amenity impacts on adjoining properties.
4. The pool pump and associated requirement shall be located near or adjacent to the existing deck at the east side of the dwelling to the satisfaction of the Manager Development Services.
5. Erosion/siltation infiltration control measures must be applied during construction works to the satisfaction of the Executive Manager – Engineering Services.
6. Landscaping is to be provided in accordance with approved plan P2 for screening of the proposed pool and deck to the satisfaction of the Council, including:
 - (i) screening vegetation (*boniopsis*, *gracilis* or similar species) planted on the east side boundary from the relocated outbuilding (shed) to the rear boundary;
 - (ii) screening vegetation (*boniopsis*, *gracilis* or similar species) planted on the south rear boundary from the east side boundary to the end of the deck;
 - (iii) screening vegetation (*plieoblastus* or similar species) along eastern edge of pool wall;
 - (iv) retention of the vegetation shown on the approved plan P2.

The landscaping shown on the approved plan P2 must be completed prior to the use of the pool and deck to the satisfaction of the Council.

ADVICE

- A. In accordance with section 53(5) of the *Land Use Planning and Approvals Act 1993* this permit lapses after a period of two years from the date on which it is granted if the use or development in respect of which it is granted is not substantially commenced within that period.
- B. The approval in this permit is under the *Land Use Planning and Approvals Act 1993* and does not provide any approvals under other Acts including, but not limited to *Building Act 2016*, *Urban Drainage Act 2013*, *Food Act 2003* or Council by-laws.

If your development involves demolition, new buildings or alterations to buildings (including plumbing works or onsite wastewater treatment) it is likely that you will be required to get approvals under the *Building Act 2016*. Change of use, including visitor accommodation, may also require approval under the *Building Act 2016*. Advice should be sought from Council's Building Department or an independent building surveyor to establish any requirements.

- C. The developer should obtain a Plumbing Permit for the development prior to commencing construction.

ATTACHMENTS

- 1. **Assessment Checklist**

Public Copy

ASSESSMENT CHECKLIST

ZONE PROVISIONS

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Use class: Single Residential					
Setbacks and Building Envelope (Cl.12.4.2)	• A1 setback from frontage	✓			A1 – Complies – Extensions and swimming pool are located at the rear of the property.
	• A2 setback from frontage for carport/garage			✓	A2 – NA – Existing garage and no changes.
	• A3 containment within the building envelope		✓		A3 – Not Complying – Setbacks are required to be 4m from the rear boundary and may be within 1.5m from the side boundary if does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). The pool and deck comply in relation to the side setback being within the building envelope. Note is made that the pool is a minimum of 1.9m from side boundary. The pool and deck do not comply as they are located within the 4m rear setback area. The pool is setback a minimum of 1.9m and a maximum of 4.5m from the east side boundary. The pool is setback a minimum of 2.2m and a maximum of 4.9m from the south rear boundary. The proposed deck at the end of the pool is set back a minimum of 1.0m and a maximum of 3.7m from the south rear boundary.
	• A4 No trees of high conservation value will be impacted	✓			A4 – NA. No trees of high conservation value are on the site.
Site coverage and private open space (Cl.12.4.3)	• A1 (a) site coverage 25%	✓			A1(a) - Complies - No change to existing dwelling as proposal is a new deck and outdoor pool
	• A1(b) pervious surfaces 25%	✓			A1(b) – Complies - at least 25% of the site area is free from impervious surfaces.

CLAUSE	COMPLIES?			COMMENTS
	YES	NO	N/A	
<ul style="list-style-type: none"> A2 - Area of POS: <ul style="list-style-type: none"> (a) Area (b) Minimum dimension (c) Directly accessible & adjacent to habitable room (d) Location/orientation (e) Location/frontage (f) Gradient (g) Vehicle access/parking 		✓		A2 - Complies – the proposed deck and swimming pool are located at the side and rear of the lot. Existing POS is maintained at rear of the dwelling.
Sunlight and overshadowing (Cl. 12.4.4)	<ul style="list-style-type: none"> A1 – location of habitable rooms (north) 		✓	A1 – NA – No change to existing dwelling.
	<ul style="list-style-type: none"> A2 – location of multiple dwelling to the north of a habitable room of another dwelling on the same site 		✓	NA
	<ul style="list-style-type: none"> A3 - location of multiple dwelling to the north of a private open space of another dwelling on the same site 		✓	NA
Width of openings for garages and carports (Cl. 12.4.5)	<ul style="list-style-type: none"> A1 - width of garage openings 		✓	A1 – NA – No change to existing
Privacy (Cl. 12.4.6)	<ul style="list-style-type: none"> A1 – setbacks for balconies, decks, roof terrace, parking spaces and carports 	✓		A1 – Not Complying – the proposal as submitted and advertised has a floor level more than 1 m above natural ground level. There is no permanently fixed screen as required by A1.
	<ul style="list-style-type: none"> A2 - <ul style="list-style-type: none"> (a) setbacks ; or (b) separation and offsets for windows of habitable rooms. 		✓	A2 - NA.
Frontage Fences (Cl. 12.4.7)	<ul style="list-style-type: none"> A1 – maximum height of fences 		✓	A1 – NA.

Code Provisions

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
E6.0 Parking and Access Code					
Use standards – number of car parking spaces (Cl.E6.6.1)	<ul style="list-style-type: none">A1 - Number of on-site car parking spaces complies with table	✓			A1 – Complies – No change in existing car parking.
Number of vehicular accesses (Cl.E6.7.1)	<ul style="list-style-type: none">A1 – Number of vehicle access points complies	✓			A1 - complies – There is one vehicle access point.
Design of vehicular accesses (Cl.E6.7.2)	<ul style="list-style-type: none">A1 - Design of vehicle access points complies	✓			A1 - Complies – No change in existing car parking access.
Vehicular Passing Areas Along an Access (Cl.E6.7.3)	<ul style="list-style-type: none">A1 - Vehicular passing areas along an access.			✓	A1 – NA
On-Site Turning (CL.6.7.4)	<ul style="list-style-type: none">A1 - On-site turning must be provided to exit a site in a forward direction, except if it serves no more than two dwelling units	✓			A1 – Complies – there is 1 dwelling unit.
Layout of Parking Areas (CL.6.7.5)	<ul style="list-style-type: none">A1 - layout in compliance with Australian Standard.			✓	A1 – NA.
Surface Treatment of Parking Areas (CL.6.7.6)	<ul style="list-style-type: none">A1 - Parking spaces and vehicle circulation roadways provided	✓			A1 – Complies – No change in existing car parking access
Lighting of Parking Areas (CL.6.7.7)	<ul style="list-style-type: none">A1 - Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting			✓	A1 – NA
Landscaping of Parking Areas (CL.6.7.8)	<ul style="list-style-type: none">Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed			✓	A1 – NA.

CLAUSE		COMPLIES?			COMMENTS
		YES	NO	N/A	
Access to a road (Cl.6.7.14)	<ul style="list-style-type: none"> A1 – Access to a road complies with road authority requirements 	✓			A1 - Complies – No change in existing access to a road.
E7.0 Stormwater Management Code					
Stormwater drainage and disposal (Cl.E7.7.1)	<ul style="list-style-type: none"> A1 - Disposal of stormwater to public infrastructure 	✓			A1 - Complies – Stormwater is to be to the existing public stormwater infrastructure
	<ul style="list-style-type: none"> A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles 			✓	A2 - NA
	<ul style="list-style-type: none"> A3 – Design of minor stormwater drainage system 			✓	A3 - NA
	<ul style="list-style-type: none"> A4 – Design of major stormwater drainage system 			✓	A4 - NA

Note: All other codes were reviewed and are not applicable to the proposed use/development.

PLANNING AUTHORITY SESSION ADJOURNS

OPEN SESSION RESUMES

14 NOTICES OF MOTION

14.1 RECORDING OF WORKSHOPS

The following Notice of Motion was submitted by **Cr Wriedt**:

RECOMMENDATION

That Council resolves to record all future Councillor workshops.

Background

Council currently records the open and closed sessions of Council meetings, however there is no record kept of workshops involving Council staff and Councillors. It is proposed that all future Councillor workshops be recorded so that they can be referred to for clarification purposes. It is not intended that the workshop recordings be made available to the public. They would be treated the same way as recordings of closed sessions of Council.

Officer's Response

Whilst the issue of the audio recording of workshops could be dealt with in isolation, one option could be for Council to consider the development of a broader "Councillor Workshops Policy" which would include a statement relating to audio recording and any associated procedures. Such a policy would go much further in setting out a framework and procedures for the proper conduct of councillor workshops including, but not limited to: the scope and purpose of workshops, confidentiality, conflict of interest, Councillor conduct, and general administration and reporting. Adoption of a Councillor Workshop Policy would increase transparency and awareness around the decision-making process of Council.

Alternatively, if Council chooses to audio record Councillor Workshops without necessarily considering the matter as part of a broader Councillor Workshops Policy, then it is recommended that the Council Meeting Audio Recording Guidelines Policy be amended to include procedures and guidelines for the audio recording of Councillor Workshops and submitted to Council for adoption. Matters to be considered would include: the primary purpose/s for the recording, security/access/distribution, period of retention, and maintenance of privacy (particularly for external presenters).

Fred Moulton, Executive Manager Information Services

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

16 PETITIONS RECEIVED IN LAST PERIOD

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

17 OFFICERS REPORTS TO COUNCIL

17.1 REQUEST FOR CONSENT TO BUILD OUTSIDE A BUILDING ENVELOPE ON SEALED PLAN NO. 40591 AT 501 TINDERBOX ROAD, TINDERBOX

File Number: 7604931

Author: Vicky Shilvock, Planning Officer

Authoriser: Tasha Tyler-Moore, Manager Development Services

1. PURPOSE

- 1.1 The purpose of this report is for Council to consider granting consent, in accordance with the covenant on Sealed Plan No. 40591 to enable the construction of a dwelling, wastewater and outbuildings and to undertake tree removal outside the building envelope on Lot 6 of Sealed Plan No. 40591 known as 501 Tinderbox Road, Tinderbox. See Figure 1.

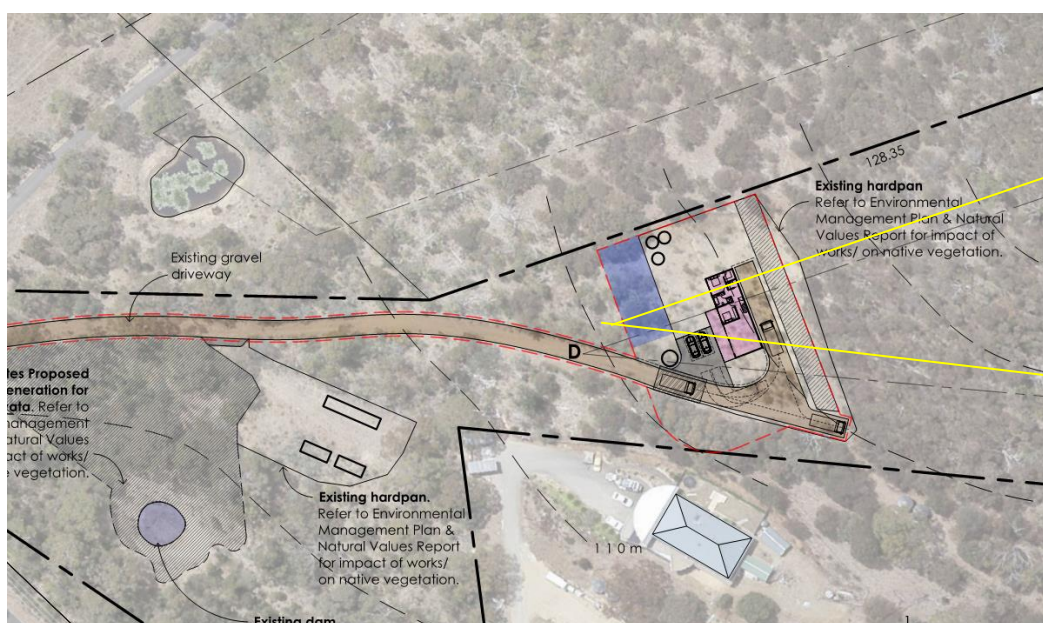


Figure1: Outline in yellow depicts the building envelope; Existing building envelope; dark black lines are the property boundary; proposed house shown in pink shading; wastewater area shown in blue shading.

- 1.2 The landowner proposes through a planning permit application (da-2019-64) to construct a dwelling, onsite wastewater infrastructure, undertake tree removal to meet bushfire management plan requirements and place several non-habitable shipping containers outside the abovementioned building envelope.

2. BACKGROUND

- 2.1 The subject site (Lot 6) forms part of a 16 lot residential subdivision of CT4523/80 which occurred in 1989.
- 2.2 The subject site is 5.3ha in area with frontage onto Tinderbox Road, however the unusual shape of the allotment almost makes the site present as an internal lot. The site is moderately steep with an extensive area of remnant *Allocasuarina* forest over most of the building envelope. A flat area adjacent to Tinderbox Road contains a significant *Eucalyptus ovata* vegetation community. There has been some previous

clearing (unapproved) and there is an area upslope that is terraced, contains no vegetation and is rocky. There is also a small flat area that currently contains several shipping containers (there is no evidence of approvals for the containers). Other than the shipping containers there have been no buildings constructed on the site.

- 2.3 The building area on the title is irregular in shape and is setback 80m from the frontage.
- 2.4 The site is zoned Environmental Living and part of the rear boundary adjoins Environmental Management zoned land owned by Kingborough Council. All remaining adjoining land (497, 499, 499A and 503 Tinderbox Road) is also zoned Environmental Living and contains single residential dwellings.
- 2.5 The subject covenant was placed on the title as part of the 1989 subdivision of CT4523/80 which created 16 lots. The building envelope on all titles which front Tinderbox Road West is setback in excess of 30m from the frontage. Other covenants include restrictions on tree removal and the external materials applied for a residential dwelling. The relevant covenants to this request are as follows:
 - c) *Not without the consent of the Corporation to remove any tree on such lot.*
 - e) *Not without the consent of the Corporation erect any building or other construction outside that portion of Lots 1,2,6,7,8,9,10,11,12,13 and 14 marked on the plan ABCD.*
- 2.6 The 'Corporation' referred to in the covenant means Kingborough Council.
- 2.7 A development application for a residential dwelling, associated wastewater disposal area, driveway and site for the storage of shipping containers on Lot 6 was received in February 2019 (DA-2019-64). Council staff have been working with the Applicant to address the limitations of the site, namely the building envelope restriction on the title and requiring Council consent for tree removal. The applicant has submitted this request for consent to building outside the envelope to enable the development application to be progressed.

3. STATUTORY REQUIREMENTS

- 3.1 The Certificate of Title prevents buildings or other construction from being erected outside the building envelope and any tree removal within the site without the prior consent of the Kingborough Council.
- 3.2 Section 94(5)(b) of the *Local Government (Building and Miscellaneous Provisions) Act 1993* provides that:

"(5) When a plan has taken effect a person must not –

 - (a); or*
 - (b) contravene a restriction on the use of land shown on the plan."*

A fine not exceeding 10 penalty units may apply to a contravention of this section
- 3.3 Therefore prior to Council, as a Planning Authority, processing a development application for development and works outside the building envelope, a decision must be made whether to grant consent in accordance with the requirements of the covenant on the title. It should be noted that even if approval is granted by Council to remove vegetation or build outside the envelope the application itself is still subject to assessment against the requirements of the Planning Scheme.

- 3.4 Under the *Kingborough Interim Planning Scheme 2015* (the Scheme) the proposed residential development has a permitted use status as the subject site is located within the Environmental Living zone. The site is also affected by several overlays including Bushfire Prone Area, Landslide, Biodiversity and Scenic Landscapes Codes. The proposed development does not meet the acceptable solutions of the zone or codes of the Scheme, therefore, the application for a residential development is a discretionary application.

4. DISCUSSION

- 4.1 The building envelope shown on the title is located on the widest part of the lot, on a steep slope in an area that includes an extensive *Allocasuarina* forest community to the east. The proposal in the planning application is to locate the dwelling and wastewater infrastructure within an existing cleared area toward the front of the building envelope (the dwelling would straddle the building envelope). The proposed siting minimises additional vegetation clearing and the orientation being linear to the contour best responds to the significant fall across the site. Containing the development within the existing building envelope would further impact on the site through additional clearing and push the development upslope where it would be more visually prominent.
- 4.2 The Applicant is also proposing to site several non-habitable outbuildings (shipping containers) on an area of existing cleared flat land at the bottom of the slope. This site is outside the building envelope, however, is a previously cleared site, which is flat and provides for an area to site outbuildings without undertaking additional clearing within the building envelope or further construction of an access driveway. The site is in excess of 20m from the frontage of Tinderbox Road and not readily visible from the public road due to vegetation lining the road reserve, however it is visible from the adjoining lot at 499 Tinderbox Road (southwest) which is located 50 metres upslope. It is considered that visually the view fields from 499 Tinderbox Road will tend to be across and over the shipping containers due to the difference in elevation and orientation.
- 4.3 Given the very uniform application of the building envelopes of the lots within the subdivision, it seems that the decision for the placement of the envelopes on the allotments was not based on the characteristics of the site such as topography and vegetation. It is more likely that the key focus was on setbacks from boundaries as they are consistent for all allotments. See Attachment 2.
- 4.4 The proposed dwelling and associated infrastructure would be located within 14m of the northern lot boundary outside the building envelope which is 30m from the boundary and therefore closer to 503 Tinderbox Road. The adjoining 6ha lot is extensively vegetated adjacent to the proposed siting for the dwelling and both the access driveway and dwelling are located upslope and in excess of 90 metres from the proposed dwelling. It is considered that siting the proposed development within 14m of the northern boundary will have a negligible impact on the residential amenity of 503 Tinderbox Road, due to screening vegetation, topography and setback from the residential use.
- 4.5 During a site visit, Council officers identified that there had been some previous understorey vegetation removal within a high value vegetation community adjacent to the existing dam including the re-establishment of drainage lines. The unauthorised works undertaken, which did not include tree removal, will form part of the development application assessment. The applicant has submitted an Environmental Management Plan which identifies that no further vegetation removal will be undertaken apart from required tree removal adjacent to the proposed dwelling to meet bushfire requirements.

- 4.6 All proposed native tree removal is required for the management of a Hazard Management Area adjacent to the dwelling or is for the removal of invasive weed species (*Pinus radiata*). The covenant requiring Council consent for tree removal does not distinguish between native and exotic species and therefore the Applicant has requested that Council grant consent for all identified trees for removal.
- 4.7 The design and siting of the dwelling and outbuilding outside of the building envelope would reduce the requirement to undertake additional excavation and construction costs and reduce the impacts from additional vegetation clearing. It would assist in maintaining both biodiversity values and impacts on the scenic landscapes of the Tinderbox Hills. See Attachment 3.

5. CONCLUSION

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

6. RECOMMENDATION

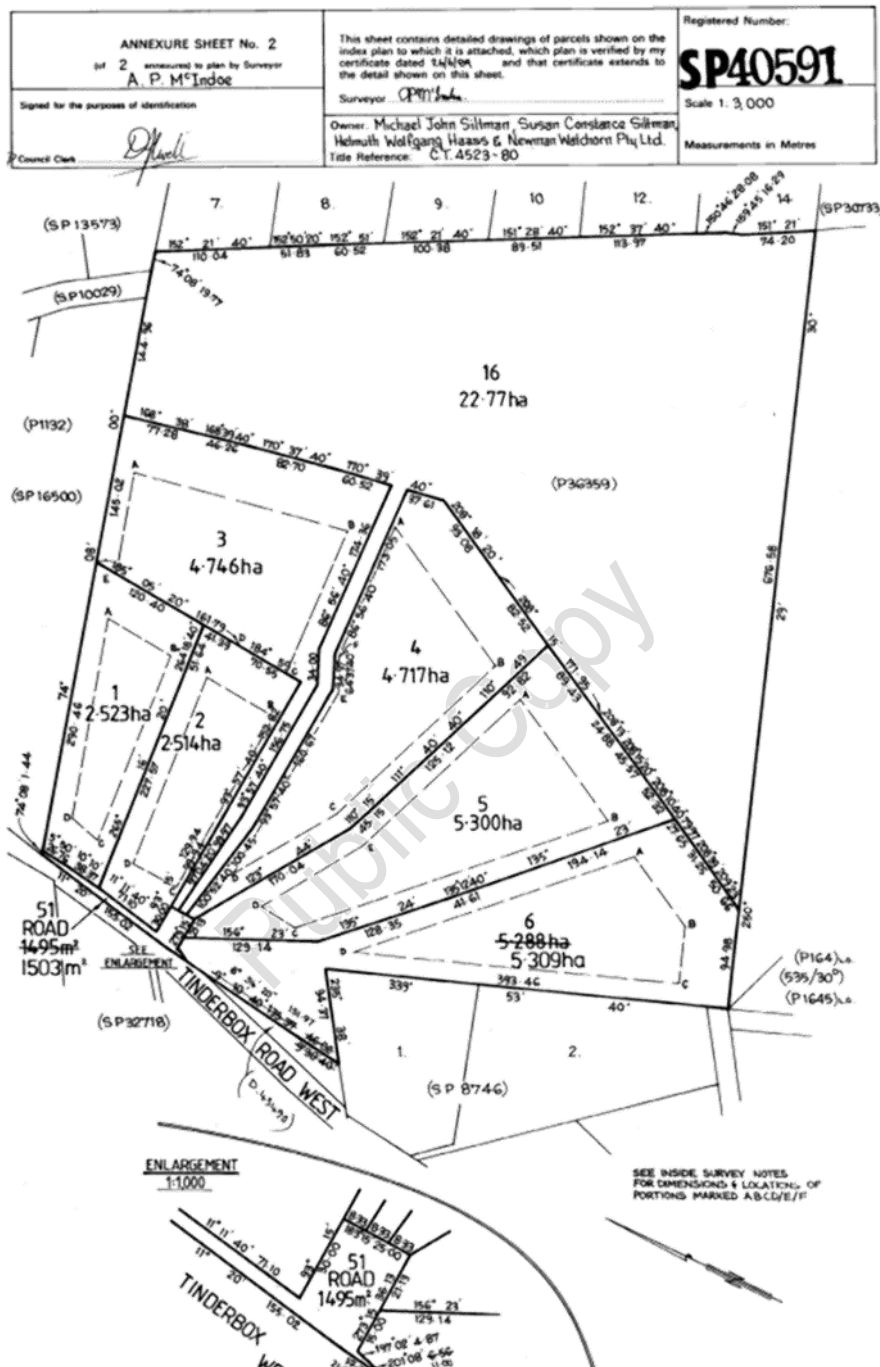
That Council:

- (a) determine to grant consent under the covenant on Sealed Plan No. 40591 to allow a development application, under the provisions of the *Land Use Planning and Approvals Act 1993* and the Kingborough Interim Planning Scheme 2015, to be considered for tree removal as required and the buildings and other structures outside the building envelope on Lot 6; generally in accordance with the plan shown in Attachment 2; and
- (b) note that this consent does not imply approval for the development or vegetation removal which will be subject to an assessment of the application under the above Act and planning scheme.

ATTACHMENTS

- 1. Title Plan
- 2. Proposal Plan
- 3. Aerial View Plan

Attachment 1: SP40591 showing Lot 6 building envelope



Attachment 2: Lot 6 shown in red and building envelope(in yellow) and proposed development including dwelling, driveway, wastewater disposal area and shipping container storage



Attachment 3: Aerial view of site and boundaries



17.2 COMMUNITY GRANTS REVIEW

File Number: 10.215

Author: Julie Alderfox, Community Development Officer

Authoriser: Scott Basham, Manager Compliance & Community Development

Strategic Plan Reference

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

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

- 1.1 The purpose of this report is to provide Council with recommendations following a review of the Kingborough Council Community Grants Program.

2. BACKGROUND

- 2.1 At its meeting of 10 March 2020, Council resolved to review its Community Grant Program (Minute C186/5-2020 refers), with the review to consider:

Quick response grants, art and sustainability focused grants, venue support grants, guidelines governing matching funding (e.g. does this prevent some community groups from applying), Our Say consultation to seek community feedback to the grant program, scoping of other local government community grant programs for best practice, grant assessment panel members (consideration of community representative and/or a Councillor), community grant information sessions, other matters identified by staff.

- 2.2 The Community Grants Program has been a core Community Services program supporting Kingborough-based activities and community groups for many years. The grants have become an anticipated funding opportunity that has assisted a range of sporting, cultural, service, environmental and arts groups to achieve their aims.
- 2.3 Currently, an annual allocation of \$40,000 is provided in Council's budget to service two rounds of \$20,000, with a maximum grant amount of \$3,000. Applicants must match the amount being applied for – either through cash or in-kind support.
- 2.4 In the 2017/2018 budget, the annual allocation dropped from \$60,000 to \$50,000. The allocation dropped again in the 2019/2020 budget to the current amount of \$40,000.
- 2.5 The maximum grant amount available to applicants was reduced from \$5,000 to \$3,000 in 2018/2019.

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements related to the content of this report.

4. DISCUSSION

- 4.1 Council's Community Grant Program currently has the following eligibility criteria:

The proposed project must:

- *Be delivered in the Kingborough municipality.*

- *Clearly identify and address a community need.*
- *Show how the community will be involved, both directly and indirectly, in the project; not duplicate existing programs, services or activities in the locality.*
- *The application organisation must:*
- *Be an incorporated not-for-profit organisation or be auspiced by an incorporate organisation.*
- *Be Kingborough based and operate within the municipality. Applications for projects from state or national bodies should be submitted by and be administered by and for the direct benefit of the local branch.*
- *Be financially viable and able to demonstrate the capacity to successfully manage and administer their proposed project on time and within budget.*
- *Demonstrate that other support and funding has also been obtained, or is being sought, to support the proposed project.*

Note: Council will not fund more than 50 per cent of the cost of any project. Other contributions may be financial or in-kind, including voluntary labour and materials and have appropriate public liability insurance over.

- 4.2 Since 2017, 126 grants have been allocated through the program. 93 (or roughly three quarters) have been for equipment or infrastructure. The remaining quarter has been allocated to assisting with community events and programs. Of the 93 allocations for infrastructure and equipment, one third were allocated to sporting groups.
- 4.3 Since 2014, the Community Grants program has been conducted as a bi-annual program. Prior to that time the program ran annually.
- 4.4 As part of the program review, 180 questionnaires were sent to community stakeholders. Whilst there was only a 10% response rate, of those who did respond, the vast majority were satisfied with the program.

Scoping of other Local Government Community Grant Programs:

- 4.5 Research has been undertaken into grant programs run by other councils in Tasmania and Victoria. The general objectives were found to be similar, however, the amount allocated varied widely.
- 4.6 Allocations vary from \$270,000 to \$20,000 for Councils with a similar size rate base. Kingborough offers a program in line with other councils in terms of the types of programs and activities being supported.
- 4.7 Some councils divide up and target their grant allocation to ensure an even mix of programs is being funded. However, this tends to be more prevalent amongst the larger Councils where the total funding available is much greater than the \$40,000 currently offered by Kingborough.
- 4.8 Larger councils use the online platform 'SmartyGrants' to streamline the grant application process. There is an annual fee and training costs associated with this program.
- 4.9 For Kingborough Council, the annual fee would be \$7,500 plus training costs. This is not considered to be a cost-effective model for a Council of our size.

Matching Funding Considerations:

- 4.10 The feedback from the survey and more general communication with applicants is that the requirement to provide matching funds to obtain a grant is not a major concern.
- 4.11 Matching funds can be of an in-kind nature and the majority of applications are able to contribute a volunteer labour to meet this criteria.
- 4.12 However, offering more flexibility with this prerequisite is recommended through the inclusion of a clause to the effect that if a community group can demonstrate or explain why matching funding cannot be provided, their application can still be considered

Venue Support:

- 4.13 Venue support is provided within the grant program as it currently stands. For example, groups can apply for funding to cover the cost of venue hire fees associated with the delivery of their event.
- 4.14 Community hall committees are eligible to apply for funds to purchase equipment and to fund improvements to their venue.
- 4.15 In addition, groups are able to apply for a discount or waiver of hire fees for venue through Council's Fee Exemptions and Reduction Policy at any time throughout the year.

Targeted Funding:

- 4.16 Targeted grant rounds such as those focusing on arts, sustainability or youth were found to be delivered by Councils allocating larger amounts to their grant program.
- 4.17 Given the current funding pool of \$40,000, targeted funding is not considered to be appropriate on a regular basis. However, when circumstances demand a particular focus (as occurred with Covid-19), a targeted grant round can be offered.
- 4.18 The broad criteria of "community benefit" is considered to provide a flexible response to particular needs within the community at a given time.

Quick Response Grants:

- 4.19 To provide more flexibility within grant programs, a rapid response component is offered by many other councils.
- 4.20 It is suggested that a portion of Kingborough's annual grant allocation (\$5,000) be set aside and made available as 'Quick Response' grants throughout the year.
- 4.21 The criteria for these grants would remain in line with the overall program with a focus on community benefit.
- 4.22 To assist with a rapid turnaround, it is recommended that a delegation be provided to the Director Environment, Development & Community to approve Quick Response grants.

Assessment Process:

- 4.23 There are varying processes throughout councils in the manner in which they assess grant applications.

- 4.24 In some councils, General Managers have delegated authority to allocate funds in accordance with set criteria.
- 4.25 In some instances, Councillors form part of the selection panel, whilst in others, community members are invited to participate in the selection process.
- 4.26 Where community members are part of the selection panel, it is usually in instances where the grant round aims are to fund partnership programs between groups and Councils.
- 4.27 It is considered that the current selection process undertaken, in which an internal panel provides recommendations to Council, is appropriate to meet Kingborough's general community focused grants. It provides a neutral environment for assessment, with all Councillors provided with the opportunity to review and amend the recommendations.

Other Considerations:

- 4.28 In general, stakeholders/community groups appear to be well informed about the grant program. However, it was felt that the development of an online grant information video for the Council website would ensure ongoing access to information about the grant program in an accessible format.
- 4.29 Given that the annual budget allocation has decreased over time, it seems appropriate that the grant round revert to being held annually to streamline the program. An August - October application period is recommended to coincide with the financial year and provides time for groups to have assessed their priorities.
- 4.30 If approved, any changes made to the Community Grant Program will be reflected in the Community Grants Policy, Community Grant Guidelines, application form and other relevant documentation.

5. FINANCE

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

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 Various councils both in Tasmania and in Victoria were approached to discuss their practices and methods for conducting community grants programs.
- 7.2 A questionnaire was emailed directly to a wide range of community stakeholders.
- 7.3 Community Services and other staff involved with community groups throughout Kingborough were approached for comment.

8. RISK

- 8.1 There are no risks associated with the content of this report.

9. CONCLUSION

- 9.1 At the 10 March 2020 Ordinary Council Meeting (C186/5-2020) a motion was carried to conduct a review of the community grants program.

- 9.2 A review has been undertaken that has included research into the process adopted by other Councils in the administration of their grant programs.
- 9.3 The review has concluded that some changes to the delivery of Council's grant program are appropriate to maximise the benefits it provides to the community.

10. RECOMMENDATION

That Council adopt the following recommendations in relation to the Community Grants Program:

- (a) Hold the grant round annually beginning in the 2021/2022 financial year;
- (b) Set aside \$5,000 from the \$40,000 allocation for 'Quick Response Community Assistance' grants of up to \$1000 to be available throughout the year. The criteria for which will remain in line with the Community Grants Program, with a delegation to be provided to the Director Environment, Development & Community to approve allocations;
- (c) Retain the requirement for matching funds whether in cash or in-kind, however, if a community group can demonstrate or explain why matching funding cannot be provided, their application can still be considered;
- (d) Retain the current assessment process;
- (e) Develop an online video to promote awareness and understanding of the grant program; and
- (f) Amend the Community Grants Policy to reflect the above changes.

ATTACHMENTS

Nil

17.3 STORMWATER DRAIN BLOCKAGE POLICY

File Number: 12.91

Author: Anthony Verdouw, Executive Officer Engineering Services

Authoriser: David Reeve, Executive Manager Engineering Services

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 present a new guidelines document to replace the current Council policy *5.4 Stormwater Drain Blockage Policy*.

2. BACKGROUND

- 2.1 In 2001 Council endorsed a *Sewerage and Stormwater House Connection Drain Blockage Policy* and corresponding drain clearance procedure.
- 2.2 The policy was last reviewed and endorsed by Council in 2018 as the *Stormwater Drain Blockage Policy*.
- 2.3 The policy outlines Council's position and procedures for drain blockages in private stormwater systems (typically the house connection).
- 2.4 The policy is now due for review and it considered that the existing policy can be replaced with a simple guidelines document for both staff and the community.

3. STATUTORY REQUIREMENTS

- 3.1 The *Urban Drainage Act 2013* applies to the guidelines.

4. DISCUSSION

- 4.1 The *Stormwater Drain Blockage Policy* clarifies who is responsible for clearing blockages in the public stormwater system and private stormwater systems and provides procedures for stakeholders to clear a blockage.
- 4.2 After review, it is suggested that the policy be rescinded and that a simplified guidelines document replace the current policy.
- 4.3 *Stormwater Drain Blockage Guidelines* have been drafted and are attached.
- 4.4 The content of the draft *Stormwater Drain Blockage Guidelines* does not dramatically differ from the original policy document. However, the new guidelines incorporate simplified formatting and revised terminology to better align with the *Urban Drainage Act 2013*.

5. FINANCE

- 5.1 As per the original policy, costs associated with clearing blockages of private stormwater systems are the responsibility of the landowner/resident.

- 5.2 Council will be responsible for reimbursement of costs incurred by a landowner/resident for an investigation associated with a blockage in a private stormwater system under certain circumstances with sufficient evidence as outlined in the guidelines. Claims for such reimbursements are extremely rare.

6. ENVIRONMENT

- 6.1 No environmental impacts are noted.

7. COMMUNICATION AND CONSULTATION

- 7.1 If endorsed by Council, the guidelines will be made publicly available on the Council website.

8. RISK

- 8.1 The guidelines aim to avoid the risk of damage to Council's stormwater infrastructure by deterring unauthorised work on both public and private stormwater systems.

9. CONCLUSION

- 9.1 New *Stormwater Drain Blockage Guidelines* have been drafted to replace the *Stormwater Drain Blockage Policy*. The guidelines incorporate revised terminology that aligns with the *Urban Drainage Act 2013* and provide clear procedures for Council staff and residents.

10. RECOMMENDATION

That the attached draft *Stormwater Drain Blockage Guidelines* be endorsed and made available to the public on Council's website, and that the previous Council Policy 5.4 *Stormwater Drain Blockage Policy* be rescinded.

ATTACHMENTS

1. **Policy-5.4-Stormwater-Drain-Blockage**
2. **Draft Stormwater Drain Blockage Guidelines**

CURRENT POLICY



Stormwater Drain Blockage Policy

Policy No: 5.4
 Approved by Council: 12 November 2018
 Next Review Date: 12 November 2020
 ECM File No: 12.91
 Version: 3.0

POLICY STATEMENT:	<p>1.1 Kingborough Council is committed to a fair and just statutory compliance regime.</p> <p>1.2 Council will adopt best practice governance standards in the delivery of statutory and community responsibilities.</p> <p>1.3 The Stormwater Drain Blockage Policy is a commitment by the Council to ensure that the community understands the responsibilities of property owners for maintenance and repair of stormwater connections in the event of blockages</p>
DEFINITIONS:	<p>2.1 <i>Private stormwater drainage line</i> – all parts of stormwater plumbing installations located upstream of a connection point to Council stormwater infrastructure (including the inspection opening at the connection point).</p> <p>2.2 <i>Council stormwater infrastructure</i> – all stormwater drainage infrastructure owned and/or operated by Council.</p>
OBJECTIVE:	<p>3.1 Inform stakeholders regarding who is responsible for clearing blockages in Council stormwater infrastructure and private stormwater drainage lines; and</p> <p>3.2 Provide a deterrent for unauthorised work to occur on Council stormwater infrastructure.</p>
SCOPE:	<p>4.1 This policy applies to all properties in the Kingborough municipal area.</p>
PROCEDURE: (POLICY DETAIL)	<p>5.1 Clearance of blockages in private stormwater drainage lines is to be carried out by licensed Plumbers.</p> <p>5.2 Costs associated with clearing blockages of private stormwater drainage lines are the responsibility of the landowner/occupier.</p> <p>5.3 Council will be responsible for reimbursement of costs incurred by a Landowner for an investigation associated with a blockage in a private stormwater drainage line under the following circumstances:</p> <p>5.3.1 Council has sufficient evidence that a blockage in private stormwater infrastructure has occurred; and</p> <p>5.3.2 Council is satisfied that there is sufficient evidence that the cause of the blockage in the private stormwater line was a result of a blockage in Council stormwater infrastructure; and</p> <p>5.3.3 The blockage occurred during a normal rainfall event for the land (less than 1 in 5 year ARI); and</p> <p>5.3.4 Costs associated with the investigation are deemed by Council to be fair and reasonable.</p> <p>5.4 Only Council or persons authorised by Council, are to clear blockages in Council stormwater infrastructure.</p> <p>5.5 Costs associated with clearing blockages in Council stormwater infrastructure are the responsibility of Council. An exception to this is where Council has identified a person responsible for causing the blockage in Councils stormwater infrastructure, in which case, the person responsible for the blockage will be responsible for payment of all costs associated with clearing the blockage.</p> <p>5.6 Persons undertaking work on Council stormwater infrastructure for the purpose of clearing a blockage without prior authorisation from Council may</p>

	be liable for penalties under Council's <i>Roads Parking and Stormwater By-law 4 of 2011</i> .
GUIDELINES:	6.1 Customer and Council staff guidelines outlining responsibilities for rectifying stormwater line blockages are available for customers and staff.
COMMUNICATION:	<p>7.1 Internal stakeholders: A copy of the Employee Guideline will be provided to all relevant Council officers.</p> <p>7.2 External stakeholders: A copy of the Customer Guideline will be:</p> <ul style="list-style-type: none"> provided to customers as required; provided to the Master Plumbers Association for distribution to their members; displayed on Council's website.
LEGISLATION:	<p>8.1 Building Act 2016</p> <p>8.2 Urban Drains Act 2013</p> <p>8.3 Roads Parking and Stormwater By-law 4 of 2011</p>
RELATED DOCUMENTS:	<p>9.1 Customer Guideline for Rectifying Stormwater Line Blockages – Kingborough Council.</p> <p>9.2 Staff Guideline for Rectifying Stormwater Line Blockages – Kingborough Council.</p>
AUDIENCE:	10.1 This policy is relevant for landowners, occupiers and licensed plumbers within the Kingborough Municipal Area.



Guideline for Rectifying Stormwater Line Blockages

Associated with Policy 5.4 – Stormwater Drain Blockage Policy

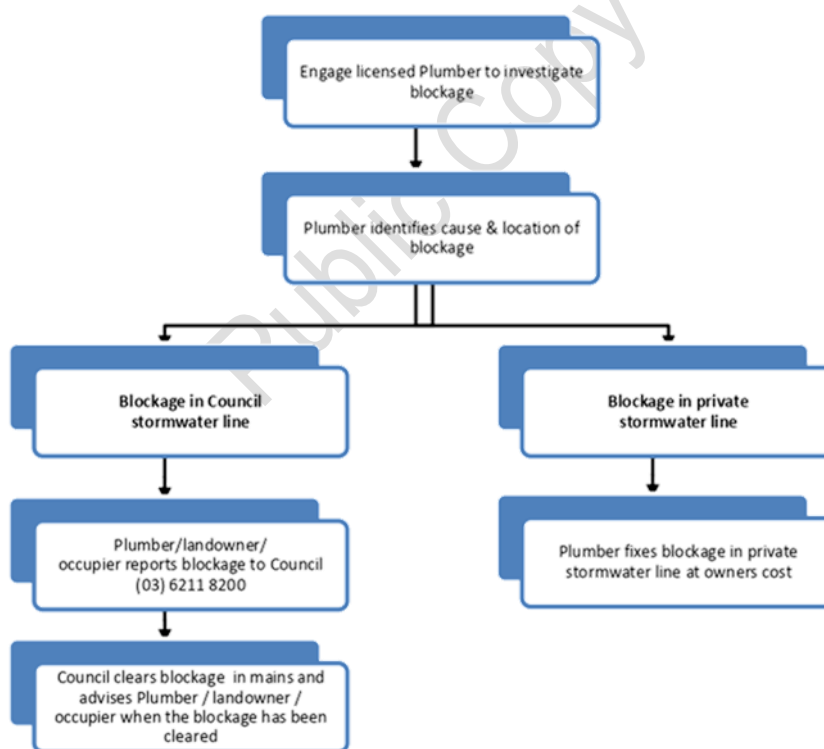
The following information is a guide on how to rectify a blockage in a Council owned stormwater line or a private stormwater line.

Responsibilities

Council is responsible for unblocking Council stormwater infrastructure. Council stormwater infrastructure begins immediately downstream of the inspection opening (IO) on a private stormwater line located on land. Private stormwater lines include all stormwater infrastructure on private land including the IO at the connection point to Council stormwater infrastructure.

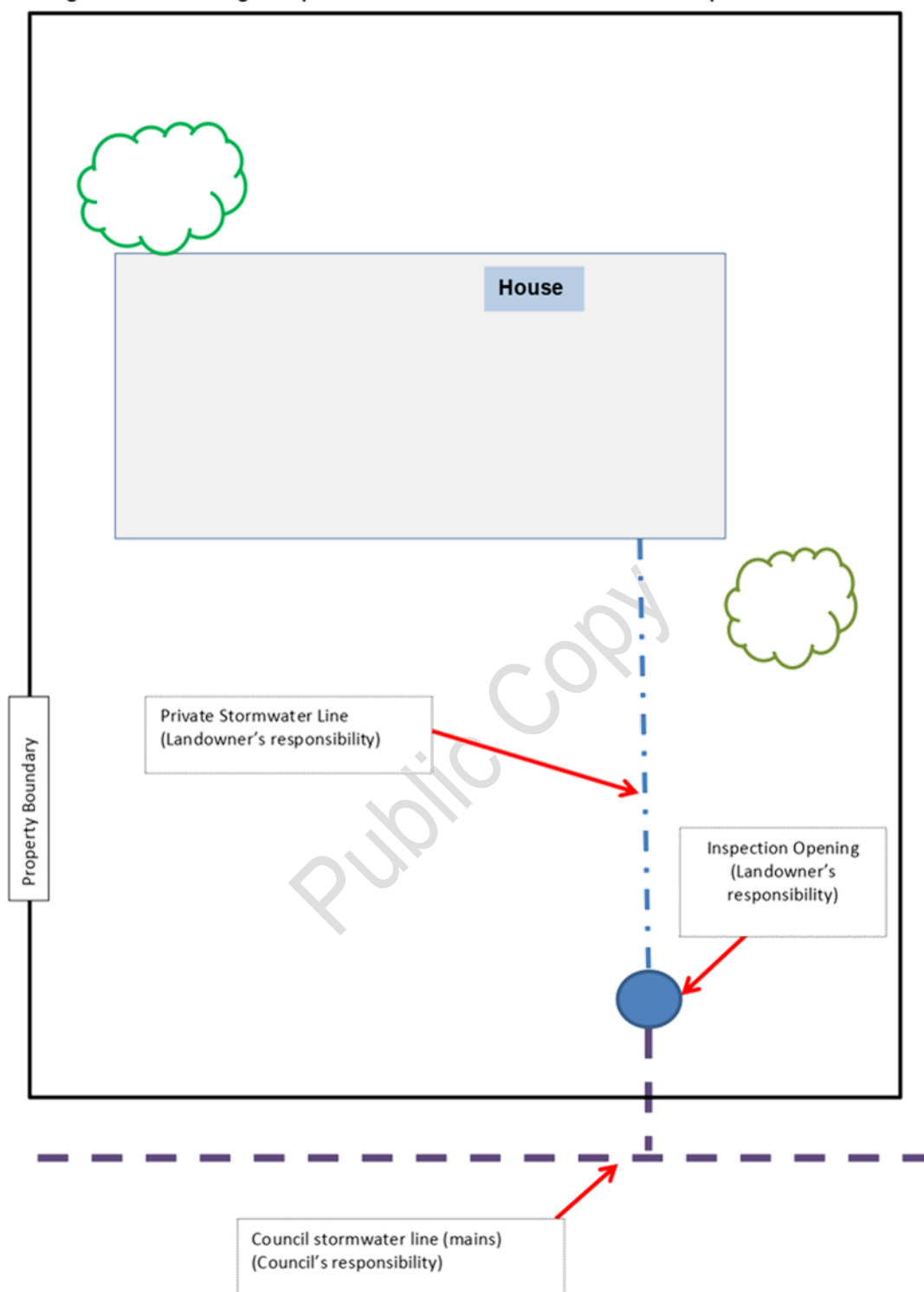
Council is not responsible for costs associated with the unblocking of private stormwater lines.

Recommended Process to Fix a Stormwater Blockage



Important: Licensed Plumbers have the necessary skills to identify and clear blockages in private stormwater drainage lines, as such, we recommend that you secure the services of a licensed Plumber to assist you in identifying the source of the blockage. Undertaking work on a Council stormwater main without prior approval from Council can incur penalties under, but not limited to, Council's *Roads Parking and Stormwater By-law 4 of 2011*.

Diagram Demonstrating Example of Landowner and Council Stormwater Responsibilities



PROPOSED GUIDELINES FOR APPROVAL



ECM File No: 12.91
Version: 1.0
Date: November 2020

Stormwater Drain Blockage Guidelines

1 DEFINITIONS

1.1 Related Legislation and Applicable Laws

- *Building Act 2016*
- *Urban Drainage Act 2013*
- *Roads Parking and Stormwater By-law 4 of 2011*

1.2 Scope and Application

These guidelines apply to all properties in the Kingborough municipal area connected to the public stormwater system.

1.3 Council

Kingborough Council (the organisation)

1.4 Private stormwater system

All parts of stormwater plumbing installations located upstream of a connection point to the public stormwater system (including the inspection opening at the connection point).

1.5 Public stormwater system

All stormwater drainage infrastructure owned and/or operated by Council.

2 PURPOSE

These guidelines are to:

- 2.1 Inform stakeholders who is responsible for clearing blockages in the public stormwater system and private stormwater systems; and
- 2.2 Deter unauthorised work on the public stormwater system.

3 GUIDELINES

- 3.1 In private stormwater systems, blockages should only be cleared by licensed Plumbers.
- 3.2 A blockage should always be cleared against the direction of flow. Under no circumstances is a blockage allowed to be pushed downstream as this may in turn cause blockages in the public stormwater system.
- 3.3 All costs associated with clearing blockages in private stormwater systems are the responsibility of the landowner/resident.
- 3.4 Council will only reimburse costs incurred by a Landowner for an investigation associated with a blockage in a private stormwater system under the following circumstances:
 - i. Council has sufficient evidence that a blockage in private stormwater infrastructure has occurred; and



ECM File No: 12.91
Version: 1.0
Date: November 2020

Stormwater Drain Blockage Guidelines

- ii. Council is satisfied that there is sufficient evidence that the cause of the blockage in the private stormwater system was a result of a blockage in the public stormwater system; and
 - iii. The blockage occurred during a normal rainfall event for the land (as per the latest version of the *Tasmanian Subdivision Guidelines, LGAT*); and
 - iv. Costs associated with the investigation are deemed by Council to be fair and reasonable.
- 3.5 Only Council or persons authorised by Council, are to clear blockages in the public stormwater system.
- 3.6 Costs associated with clearing blockages in the public stormwater system are the responsibility of Council. However, if Council identify a person responsible for causing a blockage in the public stormwater system, the person responsible for the blockage will be liable for payment of all costs associated with clearing the blockage.
- 3.7 Persons undertaking work on the public stormwater system for the purpose of clearing a blockage without prior authorisation from Council may be liable for penalties under Council's *Roads Parking and Stormwater By-law 4 of 2011* and / or the *Urban Drainage Act 2013*.

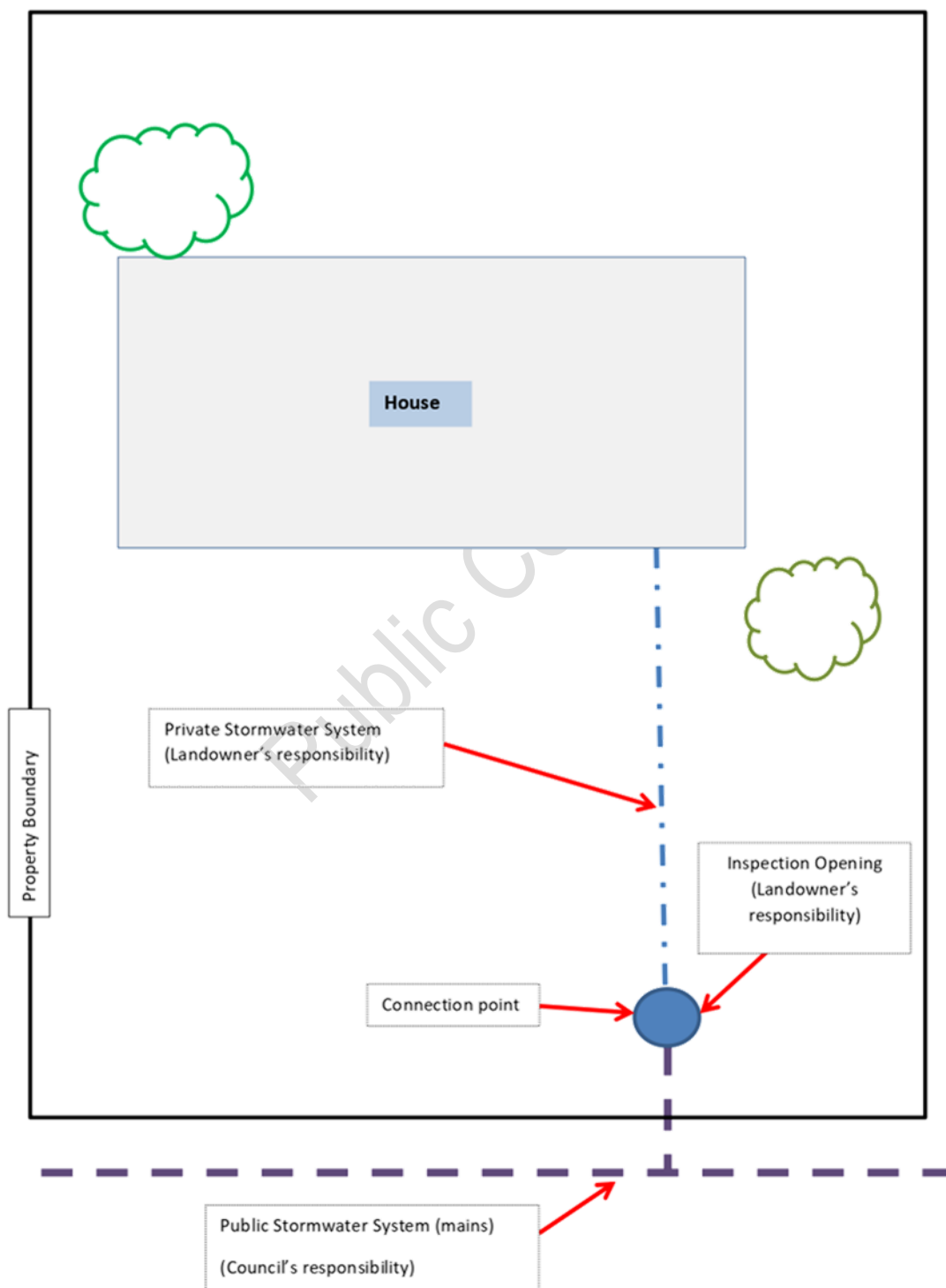
4 RESPONSIBILITIES

Council is responsible for unblocking the public stormwater system. Public stormwater infrastructure begins immediately downstream of the inspection opening (IO) on a private stormwater system located on private land. Private stormwater systems include all stormwater infrastructure on private land including the IO at the connection point to the public stormwater system.

Council is not responsible for costs associated with the unblocking of a private stormwater system.

Stormwater Drain Blockage Guidelines

Diagram demonstrating example of landowner and Council stormwater responsibilities:

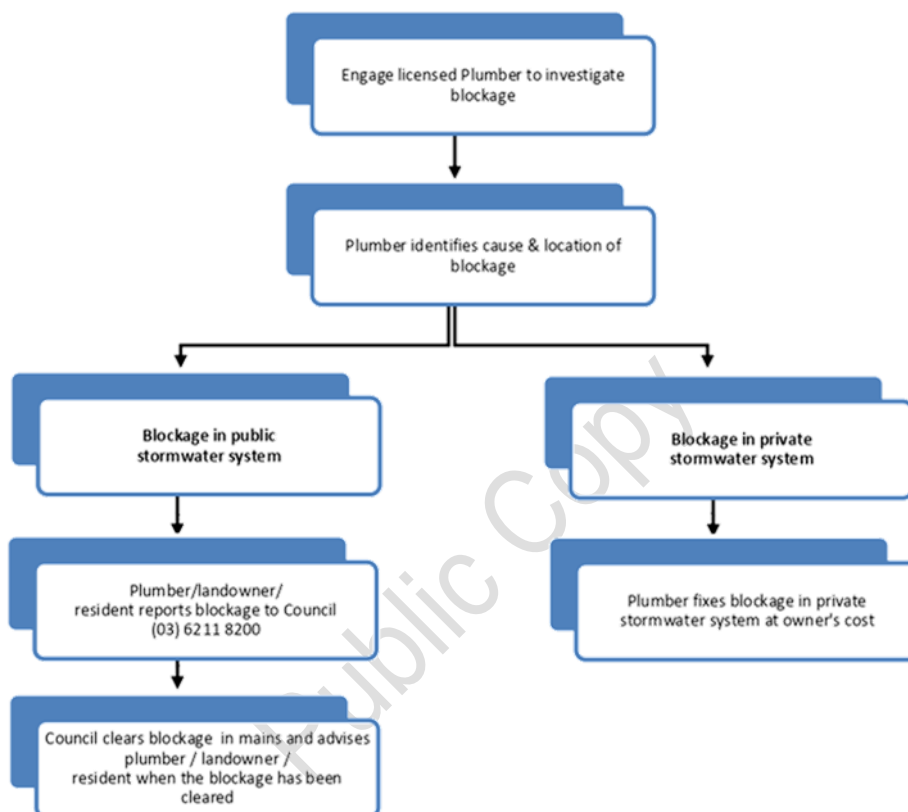




ECM File No: 12.91
Version: 1.0
Date: November 2020

Stormwater Drain Blockage Guidelines

5 RECOMMENDED PROCESS TO FIX A STORMWATER BLOCKAGE



Important: Licensed Plumbers have the necessary skills to identify and clear blockages in stormwater systems. We strongly advise that you engage a licensed Plumber to identify the source of any blockage in a private stormwater system.

Undertaking work on the public stormwater system without prior approval from Council can incur penalties under, but not limited to, Council's *Roads Parking and Stormwater By-law 4 of 2011*.

17.4 ENFORCEMENT POLICY

File Number: 12.219

Author: Scott Basham, Manager Compliance & Community Development

Authoriser: Daniel Smee, Executive Manager Governance & Community Services

Strategic Plan Reference

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

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

1.1 The purpose of this report is to review and update Council's Enforcement Policy.

2. BACKGROUND

2.1 At its meeting of the 30 November 2016, Council endorsed an Enforcement Policy that is now due for review.

3. STATUTORY REQUIREMENTS

3.1 The requirement to enforce compliance with the law is a mandatory obligation for the majority of legislation that is administered by Council.

4. DISCUSSION

4.1 Since its inception in 2016, the Policy it has provided considerable direction to Council officers concerning the development of compliance frameworks and compliance outcomes.

4.2 The Policy has successfully ensured that transparency, procedural fairness and natural justice are applied to the decision-making process regarding compliance and enforcement options, and successfully directed the priority in which Council undertakes enforcement action.

4.3 The Policy also highlights the need for enforcement outcomes to be in the public interest and allows for discretion within the decision-making process.

4.4 The November 2019 WLF Accounting & Advisory, Compliance Framework Final Report identifies that the endorsed Enforcement Policy establishes a consistent approach to all Council investigations including strategy, process operating frameworks and the decision-making process.

4.5 A copy of the endorsed Policy with track changes is attached as Annexure One (1) to this report.

4.6 A copy of the revised Policy is attached as Annexure Two (2) to this report. Minor amendments have been made to the Policy which do not modify its intent.

5. FINANCE

5.1 Clause 4.3(ii) of the Policy includes a guideline where the public interest is weighed up against the cost to the Council, when considering enforcement action.

6. ENVIRONMENT

- 6.1 The degree of harm or potential for environmental harm have been included in the policy as factors for consideration in determining the priority for enforcement action.

7. COMMUNICATION AND CONSULTATION

- 7.1 The Policy will be made available via Council's website.

8. RISK

- 8.1 In the absence of a policy there is a risk that enforcement action will be inconsistent and not undertaken within a priority framework.

9. CONCLUSION

- 9.1 The Policy establishes a consistent approach to all Council investigations including strategy, process operating frameworks and the decision-making process.
- 9.2 The 30 November 2016 endorsed Enforcement Policy is due for review. Minor amendments have been made which do not modify its intent.

10. RECOMMENDATION

That Council endorse the revised Enforcement Policy as attached to this report.

ATTACHMENTS

1. **Endorsed 2016 Enforcement Policy**
2. **Revised 2020 Enforcement Policy**

CURRENT POLICY WITH TRACKED CHANGES



Policy No: 4.16 Minute No: ~~C544/24-16~~
 Approved by Council: ~~December 2016~~ November 2020 ECM File No: 12.219
 Next Review Date: ~~December 2020~~ November 2025 Version: ~~2.1.0~~
 Responsible Officer: ~~Executive Manager~~ Director -Governance & ~~Property~~ Community Services

Enforcement Policy	
POLICY STATEMENT	1.1 Council is committed to ensure enforcement is carried out in the public interest and is transparent, fair, efficient and consistent. This Enforcement Policy defines the standards and expectations set by Council, for the exercise of duties, functions and responsibilities involved in carrying out any enforcement in the Kingborough Municipal Area.
DEFINITIONS	2.1 "Authorised Officer" means a person appointed by the General Manager, Minister or the Council for the purposes of administering and enforcing legislation. 2.2 Relevant to law "Authorised Person" has the same meaning as Authorised Officer. 2.3 "Council Officer" means an employee of a council appointed under section 21 of the Environmental Management and Pollution Control Act 1994. 2.4 "Council" means the Kingborough Council. 2.5 "Enforcement" means to make people obey something, or to compel obedience to a law, regulation or command.
OBJECTIVE	3.1 To provide consistency in enforcement action in matters of non-compliance; 3.2 To ensure transparency, procedural fairness and natural justice principles are applied; and 3.3 To ensure that enforcement action is proportionate to the alleged offence in each case.
SCOPE	4.1 The Policy applies to Council's responsibility for administration and enforcement of legislation including, but not limited to; <ul style="list-style-type: none"> Local Government Act 1993 Building Act 2016 and associated regulations Dog Control Act 2000 and associated regulations Environmental Management and Pollution Control Act 1994 and associated regulations Food Act 2003 and associated regulations and guidelines Land Use Planning and Approvals Act 1993 Local Government (Highways) Act 1982 Public Health Act 1997 Litter Act 2007 Weed Management Act 1999 Traffic Act 1925 Road Rules 2019 Council By-laws 4.2 Specific provisions within legislation that require Council to ensure or take reasonable steps to ensure that legislation is complied with and enforced include: <ul style="list-style-type: none"> Section 41 of the Building Act 2016 Section 20A of the Environmental Management and Pollution Control Act 1994 Section 97 of the Food Act 2003

	<ul style="list-style-type: none"> • <i>Section 48 and 63A of the Land Use Planning and Approvals Act 1993</i> • <i>Section 27 of the Public Health Act 1997 2000</i> <p>4.3 Council's enforcement actions will be underpinned by the following principles:</p> <p>(i) Proportionality Enforcement action will be undertaken within a priority framework, with specific reference to the public interest.</p> <p>(ii) Public Interest Public interest or benefits will be weighed up against the cost to the Council of enforcement action. In considering the public interest Council will have regard to whether the unlawful activity:</p> <ul style="list-style-type: none"> • Impacts a significant number of people; • Will disadvantage the community; • Has attracted sustained public attention and no resolution is proposed or is likely; • Creates public health and safety hazards and/or exposure of legal liability to the Council; and • Is consistent or inconsistent with the environment in which the activity is being undertaken. <p>(iii) Consistency Council will take a similar approach in similar matters to achieve similar outcomes. While decisions on enforcement require the use of judgement and discretion to assess varying circumstances, officers will: follow standard operating procedures wherever possible; ensure fair, equitable and non-discriminatory treatment; and record any deviation from standard operating procedures and the reasons.</p> <p>(iv) Transparency Council will be open and transparent about compliance actions where there is a requirement to do so. When remedial action is needed Council will explain why the action is necessary and will provide advice on the process for seeking a review of, or how to appeal against a decision.</p> <p>(v) Natural Justice Natural justice and procedural fairness will be ensured to any person to whom a complaint relates.</p> <p>(vi) Independence Authorised Officers will investigate compliance issues impartially and undertake enforcement action in a manner that is free from undue interference.</p>
PROCEDURE (POLICY DETAIL)	<p>5.1 <u>Delegations</u> Authorised Officers will be appointed such that they may respond to routine compliance and enforcement requests and meet Council's service standards and in the provision of statutory obligations.</p> <p>5.2 <u>Powers of Authorised Officers</u> An Authorised Officer may exercise powers and functions in accordance with their relevant delegation. For the purposes of this Policy, powers may include, but are not limited to:</p> <ul style="list-style-type: none"> • Power of entry; • Inspection and investigation; • Examine and inspect any works, plant or other article; • Questioning and interview; • Take photographs, films, audio and video;

	<ul style="list-style-type: none"> • Require records to be produced for inspection; • Examine, copy and inspect any records; • Issuing of Infringement Notices; • Issuing of Notices; and • Commencing a prosecution process. <p>5.3 <u>Staff Training</u></p> <p>Council will ensure that Authorised Officers are competent to use procedures that support the Policy.</p> <p>5.4 <u>Compliance and Enforcement Options</u></p> <p>An Authorised Officer may use the following compliance enforcement options to achieve an appropriate outcome for breaches of legislation:</p> <p>(vii) No Action:</p> <p>No action will be taken when, after investigation, no breaches of the legislation are discovered. It may also be appropriate to take no action when:</p> <ul style="list-style-type: none"> • The complaint is frivolous, anonymous, vexatious or trivial in nature; • The alleged offence is outside Council's area of authority; or • Taking action may prejudice other major investigations. <p>(viii) Informal Action:</p> <p>Informal action to achieve compliance with legislation may include offering verbal or written warning or a request for action. The circumstances in which informal action may be appropriate include:</p> <ul style="list-style-type: none"> • The act or omission is not serious enough to warrant formal action; • Past history reasonably suggests that informal action will secure compliance; • The consequences of non-compliance will not pose a <u>significant</u> risk; or • Where informal action may prove more effective than a formal approach. <p>(ix) Formal Action</p> <p>Formal action may take the form of the service of an order, infringement notice or prosecution.</p> <p>(a) <i>Service of Notices, Orders and Directions</i></p> <p>Various pieces of legislation require a notice, order or direction to be issued to remedy a breach. When legally required, Council will provide an opportunity to make representations concerning a <u>notice</u>, order or direction.</p> <p>(b) <i>Service of an Infringement Notice</i></p> <p>Infringement Notices will be served in accordance with this policy for any contravention of Council's By-laws or any Legislation that Council is authorised to enforce, in instances where prosecution has not commenced.</p> <p>(c) <i>Prosecution</i></p> <p><u>Without limiting discretionary power provisions</u>, Council will commence or continue a prosecution when:</p> <ul style="list-style-type: none"> • <u>it is in the public interest to do so; or</u> • <u>The offence is of a serious nature; or</u> • <u>There has been an intent to gain; or</u> • <u>The offence was intentionally committed.</u> <p>The following factors will be taken into consideration in relation to this enforcement option:</p> <ul style="list-style-type: none"> • The need to maintain the rule of law (e.g. an offence which is a
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	<p>community safety issue);</p> <ul style="list-style-type: none"> • The need for deterrence, (e.g. an offence that represents a negative impact on the environment); • The need to reduce the risk of a continuation of an offence of adverse impact; and • The need to maintain public confidence in the Council acting in the interest of the community and as a regulator.
GUIDELINES	<p>6.1 <u>Discretionary Power</u></p> <p>The requirement to enforce compliance with the law is a mandatory obligation of most of the Acts that Council Administers. These Acts provide the specific legislative framework for Council to enforce rules and regulations. While these Acts provide the enforcement tool, how Council chooses to enforce remains at its discretion.</p> <p>6.2 <u>Priority for Enforcement Action</u></p> <p>Council's response to non-compliance will be prioritised in accordance with the degree of urgency involved, the circumstances of the breach of the Legislation and the outcome if not addressed within an appropriate time frame. Any investigation will determine the nature and seriousness of the breach and the nature of the response will be determined on the following considerations:</p> <ul style="list-style-type: none"> • The degree of harm or potential harm resulting from the breach; • The extent to which the breach endangers human health, safety or the environment; • Whether the harm caused by the breach is temporary or long lasting; • The resource implications associated with investigating the breach; • Whether there has been an intent to gain; • Whether the offence was intentionally committed; and • Whether the breach is likely to create a liability for Council. <p>Any decision to commence an investigation will also be prioritised on the basis of the above considerations, along with other factors including the source and validity of the initial information.</p> <p>6.3 <u>Options for dealing with an Infringement Notice</u></p> <p>Council acknowledges the right of people issued with infringement notices to make an application for variation/withdrawal or lodge a notice of election to have the matter heard and determined by a court in accordance with relevant legislation. Any application or election must be on the prescribed form and should set out the circumstances and mitigations for disputing the alleged offence.</p> <p>The review of any applications or elections shall be undertaken by Council's Compliance Coordinator and a recommendation made to the Director <u>Manager</u> Governance and Property Services. In the event that an application or election relates to a staff member or Councillor, a recommendation shall be made to the General Manager for decision.</p> <p>A recommendation to withdraw an infringement notice (either partially or wholly) shall only be made in circumstances in which there has been an error of law or mistaken identity. In instances where relevant mitigations are present and the likelihood of a successful prosecution is compromised, a cautioned infringement notice letter of direction or signed undertaking may be issued on review.</p> <p>6.4 <u>Infringement Recovery</u></p> <p>Infringements that have not been actioned within appropriate time frames will be subject to a recovery process. Depending on the circumstances of the infringement, this may entail referral to one of the following:</p>

	<ul style="list-style-type: none"> • The Monetary Penalty Enforcement Service; • A private collection agency; • Council's solicitors; or • The Magistrates Court. <p>6.5 <u>Disclosure and Confidentiality</u></p> <p>Details of Council's enforcement action will remain confidential in accordance with the provisions of Council's Privacy Policy, the <i>Personal Information Protection Act 2004</i> and the <i>Right to Information Act 2009</i>. However, Council reserves the right to disclose enforcement information when it is in the public interest to do so and will provide disclosure in accordance with common legal practices.</p>
COMMUNICATION	7.1 Members of the public, Authorised Officers, Councillors and staff
LEGISLATION	<p>8.1 The following legislation is applicable to this policy:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Building Act 2016</i> • <i>Dog Control Act 2000</i> • <i>Environmental Management and Pollution Control Act 1994</i> • <i>Food Act 2003</i> • <i>Land Use Planning and Approvals Act 1993</i> • <i>Urban Drainage Act 2013</i> • <i>Local Government (Highways) Act 1982</i> • <i>Public Health Act 1997</i> • <i>Litter Act 2007</i> • <i>Weed Management Act 1999</i> • <i>Traffic Act 1925</i> • <i>Road Rules 2019</i> • Council By-laws
RELATED DOCUMENTS	9.1 Nil
AUDIENCE	10.1 Members of the public, Authorised Officers, Councillors and staff

UPDATED POLICY FOR APPROVAL



Policy No:	4.16	Minute No:	TBA
Approved by Council:	November 2020	ECM File No:	12.219
Next Review Date:	November 2025	Version:	2.0
Responsible Officer:	Executive Manager Governance & Property Services		

Enforcement Policy	
POLICY STATEMENT	<p>1.1 Council is committed to ensure enforcement is carried out in the public interest and is transparent, fair, efficient and consistent. This Enforcement Policy defines the standards and expectations set by Council, for the exercise of duties, functions and responsibilities involved in carrying out any enforcement in the Kingborough Municipal Area.</p>
DEFINITIONS	<p>2.1 “Authorised Officer” means a person appointed by the General Manager, Minister or the Council for the purposes of administering and enforcing legislation.</p> <p>2.2 Relevant to law “Authorised Person” has the same meaning as Authorised Officer.</p> <p>2.3 “Council Officer” means an employee of a council appointed under section 21 of the Environmental Management and Pollution Control Act 1994.</p> <p>2.4 “Council” means the Kingborough Council.</p> <p>2.5 “Enforcement” means to make people obey something, or to compel obedience to a law, regulation or command.</p>
OBJECTIVE	<p>3.1 To provide consistency in enforcement action in matters of non-compliance;</p> <p>3.2 To ensure transparency, procedural fairness and natural justice principles are applied; and</p> <p>3.3 To ensure that enforcement action is proportionate to the alleged offence in each case.</p>
SCOPE	<p>4.1 The Policy applies to Council’s responsibility for administration and enforcement of legislation including, but not limited to;</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> • <i>Building Act 2016 and associated regulations</i> • <i>Dog Control Act 2000 and associated regulations</i> • <i>Environmental Management and Pollution Control Act 1994 and associated regulations</i> • <i>Food Act 2003 and associated regulations and guidelines</i> • <i>Land Use Planning and Approvals Act 1993</i> • <i>Local Government (Highways) Act 1982</i> • <i>Public Health Act 1997</i> • <i>Litter Act 2007</i> • <i>Weed Management Act 1999</i> • <i>Traffic Act 1925</i>



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	<ul style="list-style-type: none"> • <i>Road Rules 2019</i> • Council By-laws <p>4.2 Specific provisions within legislation that require Council to ensure or take reasonable steps to ensure that legislation is complied with and enforced include:</p> <ul style="list-style-type: none"> • <i>Section 41 of the Building Act 2016</i> • <i>Section 20A of the Environmental Management and Pollution Control Act 1994</i> • <i>Section 97 of the Food Act 2003</i> • <i>Section 48 and 63A of the Land Use Planning and Approvals Act 1993</i> • <i>Section 27 of the Public Health Act 1997</i> <p>4.3 Council's enforcement actions will be underpinned by the following principles:</p> <p>(i) Proportionality</p> <p>Enforcement action will be undertaken within a priority framework, with specific reference to the public interest.</p> <p>(ii) Public Interest</p> <p>Public interest or benefits will be weighed up against the cost to the Council of enforcement action. In considering the public interest Council will have regard to whether the unlawful activity:</p> <ul style="list-style-type: none"> • Impacts a significant number of people; • Will disadvantage the community; • Has attracted sustained public attention and no resolution is proposed or is likely; • Creates public health and safety hazards and/or exposure of legal liability to the Council; and • Is consistent or inconsistent with the environment in which the activity is being undertaken. <p>(iii) Consistency</p> <p>Council will take a similar approach in similar matters to achieve similar outcomes. While decisions on enforcement require the use of judgement and discretion to assess varying circumstances, officers will: follow standard operating procedures wherever possible; ensure fair, equitable and non-discriminatory treatment; and record any deviation from standard operating procedures and the reasons.</p> <p>(iv) Transparency</p> <p>Council will be open and transparent about compliance actions where there is a requirement to do so. When remedial action is needed Council will explain why the action is necessary and will provide advice on the process for seeking a review of, or how to appeal against a decision.</p>
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	<p>(v) Natural Justice</p> <p>Natural justice and procedural fairness will be ensured to any person to whom a complaint relates.</p> <p>(vi) Independence</p> <p>Authorised Officers will investigate compliance issues impartially and undertake enforcement action in a manner that is free from undue interference.</p>
PROCEDURE (POLICY DETAIL)	<p>5.1 <u>Delegations</u></p> <p>Authorised Officers will be appointed such that they may respond to routine compliance and enforcement requests and meet Council's service standards and the provision of statutory obligations.</p> <p>5.2 <u>Powers of Authorised Officers</u></p> <p>An Authorised Officer may exercise powers and functions in accordance with their relevant delegation. For the purposes of this Policy, powers may include, but are not limited to:</p> <ul style="list-style-type: none"> • Power of entry; • Inspection and investigation; • Examine and inspect any works, plant or other article; • Questioning and interview; • Take photographs, films, audio and video; • Require records to be produced for inspection; • Examine, copy and inspect any records; • Issuing of Infringement Notices; • Issuing of Notices; and • Commencing a prosecution process. <p>5.3 <u>Staff Training</u></p> <p>Council will ensure that Authorised Officers are competent to use procedures that support the Policy.</p> <p>5.4 <u>Compliance and Enforcement Options</u></p> <p>An Authorised Officer may use the following compliance enforcement options to achieve an appropriate outcome for breaches of legislation:</p> <p>(i) No Action:</p> <p>No action will be taken when, after investigation, no breaches of the legislation are discovered. It may also be appropriate to take no action when:</p> <ul style="list-style-type: none"> • The complaint is frivolous, anonymous, vexatious or trivial in nature; • The alleged offence is outside Council's area of authority; or • Taking action may prejudice other major investigations. <p>(ii) Informal Action:</p> <p>Informal action to achieve compliance with legislation may include offering verbal or written warning or a request for action. The circumstances in which informal action may be appropriate include:</p>



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RELATED DOCUMENTS	9.1 Nil
AUDIENCE	10.1 Members of the public, Authorised Officers, Councillors and staff

17.5 KINGBOROUGH COMMUNITY SAFETY COMMITTEE**File Number:** 5.476**Author:** Anthony Verdouw, Executive Officer Engineering Services**Authoriser:** David Reeve, Executive Manager Engineering Services**Strategic Plan Reference**

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

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

- 1.1 The purpose of this report is to present minutes from the meeting of the Kingborough Community Safety Committee (KCSC) held on 5 October 2020 and to present a motion adopted by the Committee.

2. BACKGROUND

- 2.1 KCSC met on 5 October 2020 and the Minutes of the meeting are attached to this report.

3. STATUTORY REQUIREMENTS

- 3.1 KCSC is a committee appointed by Council in accordance with section 24 of *the Local Government Act 1993*.

4. DISCUSSION

- 4.1 The Committee discussed the Jindabyne Road and Hutchins Street non-connection and Council's Roads Engineer provided advice on the background of the non-connection.

- 4.2 Following the discussion, the Committee passed the below motion:

In the interests of increasing community safety, by reducing traffic on Roslyn Avenue and Auburn Road and creating an additional access point for emergency vehicles, the Kingborough Community Safety Committee seek the support of Council in requesting an updated report on the feasibility of connecting Jindabyne Road and Hutchins Street.

- 4.3 Regarding the motion the following is the relevant officers comments to consider:

4.3.1 The Jindabyne-Hutchins connection has been considered by Council a number of times since 1992. The last report was put to Council in 2015 where it was resolved that no further action be taken in regard to the construction of a road connection between Jindabyne Road and Hutchins Street. It was recommended that a more comprehensive traffic management plan for central Kingston be undertaken before any further consideration be given to a possible connection.

4.3.2 Roslyn Avenue and Auburn Road are important connector roads between Kingston CBD, Kingston Beach, Kingston Heights and Blackmans Bay. They have daily traffic volumes in the order of 6,500 vehicles and 1,000 vehicles

respectively and currently operate with a good level of service and safety factor. While there is a perception in the community that parked vehicles in Auburn Road create a safety issue, observations by Council's Engineering Officers and the State crash statistics do not support this view. Generally parked vehicles result in slower traffic speeds with motorists slowing and stopping to give way to approaching motorists.

- 4.3.3 Traffic volumes on Jindabyne Road and Hutchins Street have not been recently measured however they currently operate with a good level of service and good safety factor. The section of Jindabyne Road west of Wombara Avenue is a no through road with three small cul-de-sacs. Traffic would be predominantly local traffic and is estimated to be in the range of 300 vehicles per day. Hutchins Street has eight side roads between Auburn Road and the dead end. Hutchins Street also connects to Baynton Street and the surrounding road network via Marigold Court. Traffic volumes on this section of Hutchins Street are estimated to be in the range of 1500 vehicles per day.
- 4.3.4 Creating the Jindabyne Hutchins connection has the potential to increase traffic volumes on both roads significantly and while the roads have good width there are insufficiencies in their horizontal and vertical geometry. Both roads are steep and motorists will struggle to maintain a safe speed. To manage the insufficiencies and steep downgrade, traffic calming measures would need to be implemented.
- 4.3.5 Traffic modelling has not been undertaken to understand the potential impacts of additional traffic at the junction of Jindabyne Road and Roslyn Avenue and the junctions of Hutchins Street with Church Street and Channel Highway. In addition, there have been no traffic assessments to understand the impact on road safety, particularly in the vicinity of Kingston Primary School and St Aloysius Primary School.
- 4.3.6 It has been previously noted that the connection was proposed to be constructed in such a way to discourage use by through traffic. When combined with the extent of traffic calming that may be required this is a possible outcome. However, it would be a costly project for a minor gain.
- 4.3.7 A recent report on the CBD area and its surrounds by PlaceScore identified Hutchins Street from Church Street to Channel Highway as an important link as part of the Civic Spine. This relied on reducing vehicular traffic and attracting greater use by pedestrians. A connection from Jindabyne to Hutchins would encourage more vehicular traffic in this area.

4.4 A previous report to Council from 2015 regarding the matter is attached for reference.

5. FINANCE

- 5.1 In 2015 the estimated cost to design and construct the 65-metre road link between Jindabyne Road and Hutchins Street, including significant traffic calming measures on both roads was estimated at around \$500,000. This could be in the vicinity of \$650,000 in today's economy.
- 5.2 It should also be noted that the traffic calming options originally proposed may not meet the new "Safe System" guidelines due to the gradient of Hutchins Street and could prove considerably more costly, potentially in the order of \$1,000,000.

6. ENVIRONMENT

- 6.1 The land separating Jindabyne Road and Hutchins Street is known as Boronia Hill Reserve. It was established over 20 years ago and is an important parcel of natural bushland of high conservation value. It is an important habitat for both flora and fauna.

7. COMMUNICATION AND CONSULTATION

- 7.1 KCSC will be communicated with regarding Council's resolution on the motion they have raised.

8. RISK

- 8.1 Further investigation into the feasibility of connecting Jindabyne Road and Hutchins Street will likely generate strong public reaction, as has happened on previous occasions.

9. CONCLUSION

- 9.1 The Kingborough Community Safety Committee met on 5 October 2020.
- 9.2 A motion requesting the support of Council for an updated feasibility report into the possible connection of Jindabyne Road and Hutchins Street was carried for Council consideration.
- 9.3 No significant changes have occurred since 2015 to suggest that Council should review their previous position on the Jindabyne Road to Hutchins Street connection.

10. RECOMMENDATION

That Council:

- (a) Notes the Minutes of the Kingborough Community Safety Committee.
- (b) Does not support the request for an updated report on the feasibility of connecting Jindabyne Road and Hutchins Street and informs the Kingborough Community Safety Committee accordingly.

ATTACHMENTS

1. **KCSC Minutes 5 October 2020**
2. **Council Report - Jindabyne Rd and Hutchins St Connection - 2015**

MINUTES

Kingborough Community Safety Committee

Meeting No. 2020-5

Monday 5 October 2020

The logo for Kingborough, featuring the word "Kingborough" in a serif font, with a green swoosh underline.

MINUTES of a Meeting of the Kingborough Community Safety Committee held at the Kingborough Civic Centre, Kingston, on Monday 5 October 2020 at 10:36am

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		✓
	Act. Insp Nikala Parsons	✓	
Kingborough Access Advisory Committee Representative	Ms Julie Taylor	✓	
Kingborough Bicycle Advisory Committee	Mr Gordon Keith	✓	
Council Officers in Attendance:			
Executive Officer	Mr Anthony Verdouw	✓	
Roads Engineer	Ms Renai Clark	✓	
Roads Technical Officer	Ms Anna Joseph	✓	
Other Attendees:			
Roads Safety Advisory Council	Mr Neil Spark	✓	

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: Brian Dale
 SECONDED: Rodney Street

That the Minutes of the Committee meeting held on Monday 3 August 2020, as circulated be amended and confirmed.

CARRIED

AMENDMENT: Action Item (2): Roger McGinniss to follow up regarding bus stops in Firthside.

GENERAL BUSINESS**1. Review Action Items From Previous Meeting** (Jo Westwood)

Cr Jo Westwood addressed the Action Items generated from previous meetings, noting completed items and progress on uncompleted items.

Regarding Item number 2020-4-1, Cr Westwood indicated that Sarah Wilcox was unable to attend this meeting but will be invited to the next meeting.

Action Item (1): Cr Westwood to invite Council's Media and Communications Officer to next meeting.

Action Item (2): Anthony Verdouw to add intersection visibility concerns at Edison Avenue/Garnet Street and Garnett Street/Roslyn Avenue to intersection register.

Action Item (3): Cr Westwood to forward email advice regarding School Zone Timing to all Committee members.

2. Tasmanian Police Crime & Traffic Statistics (Nikala Parsons)

Acting Inspector Nikala Parsons discussed Kingborough's crime statistics (*Appendix A*). A/Insp Parsons noted an overall reduction in total offenses across the State year-to-date, attributable to Covid-19 restrictions. Noted a small increase in Public Place Assaults since Covid-19 restrictions have eased.

The committee noted the positive response by motorists to the 'Keep Left' signboard on the Southern Outlet and thanked Tasmania Police for this initiative.

Action Item (4): Nikala Parsons to follow up and advise the number of offenses on the Southern Outlet year-to-date.

Neil Spark entered the meeting

3. National Road Safety Week (Neil Spark)

Neil Spark provided an update on the upcoming National Road Safety Week, to run from 15 November to 22 November 2020.

Action Item (5): Cr Westwood and/or Sarah Wilcox to advise Neil on quantities of Road Safety Week merchandise for the Civic Centre.

Neil Spark left the meeting

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

Cr Jo Westwood advised that the trailers and components have been ordered and that operational costs for managing the trailers is estimated to be higher than first anticipated.

Committee members suggested that grant funding could be pursued for future ongoing operational costs, or service clubs could be asked to assist in the future.

Roger McGinniss left the meeting 11:55am

A/Insp Nikala Parsons left the meeting 12:05pm

5. Jindabyne Road and Hutchins Street Connection (Jo Westwood/Renai Clark)

Renai Clark discussed the background to the non-connection of Jindabyne Road and Hutchins Street, advising that traffic calming measures along both roads would also need to be considered if the connection were constructed.

Committee members discussed a previous Council report on the matter, circulated to all members prior to the meeting, and the additional advice provided by Renai.

MOTION: In the interests of increasing community safety, by reducing traffic on Roslyn Avenue and Auburn Road and creating an additional access point for emergency vehicles, the Kingborough Community Safety Committee seek the support of Council in requesting an updated report on the feasibility of connecting Jindabyne Road and Hutchins Street.

MOVED: Michael Hughes

SECONDED: Rodney Street

In Favour: Ross Thomas, Brian Dale, Michael Hughes, Rodney Street, Tanya Flakemore

Against: Neil Broomfield, Cr Jo Westwood, Gordon Keith, Julie Taylor

CARRIED 5/4

6. KCSC Web Page (Jo Westwood)

Deferred to next Committee meeting.

7. Correspondence

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

8. Other Business

Action Item (6): Renai Clark to follow up traffic and pedestrian issues noted on Freeman Street with drivers pulling out of the Channel Court carpark and doing U-turns in the Christian Homes driveway and on Sherburd Street.

Action Item (7): Anthony Verdouw to follow up with the Council Depot regarding opportunities for increased visibility, yellow lighting or items installed, for Road Safety Week.

Action Item (8): Renai Clark to follow up opportunities to better alert motorists when approaching the Whitewater Creek Track/Summerleas Road intersection.

Action Item (9): Anthony Verdouw to add Maranoa Road/Kingston Town intersection visibility issues due to overgrown vegetation to register for Depot Works Request.

NEXT MEETING

The next meeting of the Committee is to be held at 10:30am, Monday 7 December 2020.

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 12:25pm.

Public Copy

(Appendix A)

CRIME - KINGBOROUGH

Period: 01-Jul-20 to 28-Sep-20 As at: 28-Sep-20 09:43	
Indicator	2020-21 YTD
Total Offences	119
Serious Crime	1
Offences Against the Person	28
Public Place Assault	7
Offences Against Property	85
Property Damage Offences	23
Building Burglary Offences	9
- Home Burglary Offences	6
- Business Burglary Offences	0
- Other Building Burglary Offences	3
Conveyance Burglary Offences	7
- Motor Vehicle Burglary Offences	7
- Other Conveyance Burglary Offences	0
Stolen Motor Vehicle Offences	1
SMVs Recovered	1
Shoplifting Offences	9
Fraud and Similar Offences	3
Other (Miscellaneous) Offences	2

TRAFFIC CRASHES – KINGBOROUGH

Period: 01-Jul-20 to 28-Sep-20 As at: 28-Sep-20 09:43	
Indicator	2020-21 YTD
Total Crashes	54
<i>Fatal</i>	1
<i>First Aid</i>	1
<i>Minor</i>	6
<i>Not Known</i>	1
<i>Property Damage Only</i>	45
<i>Serious</i>	0
Fatal and Serious Injury Crashes	1
<i>Fatal</i>	1
<i>Serious Injury Crashes</i>	0

(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*

7 December

Public Copy

Action Items					
Meeting #	Item Number	Description	Responsibility of	Due Date	Complete
2020-4	3	Discuss with Australia Post any concerns it has regarding intersection visibility.	Anthony Verdouw	30/10/2020	<input type="checkbox"/>
2020-4	6	Discuss possible opportunities for further advertising police clearance rates	Jason Elmer / Jo Westwood	7/12/2020	<input type="checkbox"/>
2020-5	1	Invite Council's Media and Communications Officer to next meeting.	Jo Westwood	7/12/2020	<input type="checkbox"/>
2020-5	2	Add intersection visibility concerns at Edison Avenue/Garnet Street and Garnett Street/Roslyn Avenue to intersection register.	Anthony Verdouw / Renai Clark	30/10/2020	<input type="checkbox"/>
2020-5	3	Forward email advice regarding School Zone Timing to all Committee members.	Jo Westwood	7/12/2020	<input type="checkbox"/>
2020-5	4	Follow up and advise committee on traffic offenses recorded on the Southern Outlet year-to-date.	Nikala Parsons	7/12/2020	<input type="checkbox"/>
2020-5	5	Advise Neil Spark on quantities of Road Safety Week merchandise for the Civic Centre.	Jo Westwood / Sarah Wilcox	7/12/2020	<input type="checkbox"/>
2020-5	6	Follow up traffic and pedestrian issues noted on Freeman Street with drivers pulling out of the Channel Court carpark and doing U-turns in Christian Homes driveway and Sherburd Street.	Renai Clark	7/12/2020	<input type="checkbox"/>
2020-5	7	Follow up with Council Depot opportunities for increased visibility, yellow lighting or items installed, for Road Safety Week.	Anthony Verdouw	15/11/2020	<input type="checkbox"/>
2020-5	8	Follow up opportunities to better alert motorists when approaching the Whitewater Creek Track/Summerleas Road intersection.	Renai Clark	7/12/2020	<input type="checkbox"/>
2020-5	9	Add Maranoa Rd/Kingston Town intersection visibility issues due to overgrown vegetation to register for Depot Works Request.	Anthony Verdouw	7/12/2020	<input type="checkbox"/>
2020-4	2	Follow up with DSG regarding bus stops in Firthside	Roger McGinnis	5/10/2020	<input checked="" type="checkbox"/>
2020-4	6	Write letter to David Wiss in appreciation for his assistance on the committee	Jo Westwood	5/10/2020	<input checked="" type="checkbox"/>
2020-4	7	Provide information to Neil Broomfield regarding school zone timing	Matthew Snow	5/10/2020	<input checked="" type="checkbox"/>

2020-4	8	Pursue concept of opening link from Jindabyne Road to Hutchins Street	Jo Westwood	5/10/2020	✓
2020-4	9	Add Jindabyne/Hutchins link to Agenda for next meeting	Matthew Snow	5/10/2020	✓
2020-4	10	Discuss increased monitoring of schools with police patrol teams	Jason Elmer	5/10/2020	✓
2020-4	11	Discuss initiatives with RSAC and invite to next meeting	Jo Westwood	5/10/2020	✓
2020-4	12	Discuss promotion of Safe Speeds for Schools project with Council's Media and Communications Officer	Matthew Snow	5/10/2020	✓
2020-4	13	Add Freeman Street to footpath painting register	Matthew Snow	5/10/2020	✓
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, Tarooma Primary and St Aloysius College.	Matthew Snow/Jo Westwood	5/10/20	✓
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	✓
2019-1	1	Collate suggested changes to ToR	Matthew Snow	30/06/2020	ongoing

REPORT TO: COUNCIL

SUBJECT : **JINDABYNE ROAD AND HUTCHINS STREET CONNECTION**

OFFICER: TONY FERRIER

FILE REF: 23.344, 23.149, 28.46

1. PURPOSE

Strategic Plan Reference

Future Direction	1	Good governance
Desired Strategic Outcome	1.6	Forward planning and leadership

- 1.1 This report is provided so that Council may further consider a possible road connection between Jindabyne Road and Hutchins Street.

2. BACKGROUND THE JANUARY 2015 COUNCIL MEETING IT WAS RESOLVED (MINUTE C6/1-15 REFERS):

That Council staff be directed to undertake an assessment of completing the section of roadway linking Jindabyne Road and Hutchins Street, including traffic assessments and the financial cost of undertaking the work necessary.

- 2.1 The two roads were originally designed to connect and in fact the top end of Hutchins Street was originally named Jindabyne Road. This proposed connection is readily apparent from their alignment as indicated on the aerial photograph below.



- 2.2 This matter cannot be considered without referring to the previous investigations and public reaction to this road link proposal. Although this all occurred quite a few years ago, many of the same issues and concerns remain current.
- 2.3 In 1992, the final report of the Kingborough Road Hierarchy Study was produced. This report considered the possible road connection in some detail. An extract from this report is as follows:

The prospect of constructing Jindabyne Road over Boronia Hill has been the source of considerable public debate in recent years. On the one hand, a new link is seen as providing a convenient link between established and future residential subdivisions, as well as a route for bus operations. On the other hand, a new link is seen as creating traffic safety and amenity problems through the established residential areas at either end, particularly in the vicinity of the Kingston and St Aloysius Primary Schools. Particular problems include steep gradients, restricted sight distances over crests, adverse crossfall and adjacent schools and kindergarten.

Council referred the issue to Transport Division of DRT and requested their advice on the traffic safety issue. DRT's response was that the new link would in future attract up to 3,000 v.p.d. and that such a volume would be acceptable, subject to appropriate LATM installations to control traffic speed and volume. A traffic speed of 3,000 v.p.d. is at the upper limit of volumes which are acceptable in residential streets, especially those streets with steep grades and restricted horizontal geometry (such as the northern parts of Jindabyne Road and Hutchins Street), and sensitive frontage land uses such as schools.

In this context it is relevant to examine the possible justifications for connecting the two parts of Jindabyne Road, specifically for residential access and for bus operations.

The link would improve the overall accessibility of the high level allotments; it would also provide an alternative north-south link for the established lower level residential areas. A substantial number of the existing residents along Jindabyne Road, both north and south, appear to value their relative isolation, and place little value on increased road accessibility to the other side of Boronia hill. The same sentiments may well apply to future occupants of any new high level allotments. If the residents do not want it, and the existing traffic system can perform satisfactorily without it, there appears to be no residential access justification in building the Jindabyne Road link.

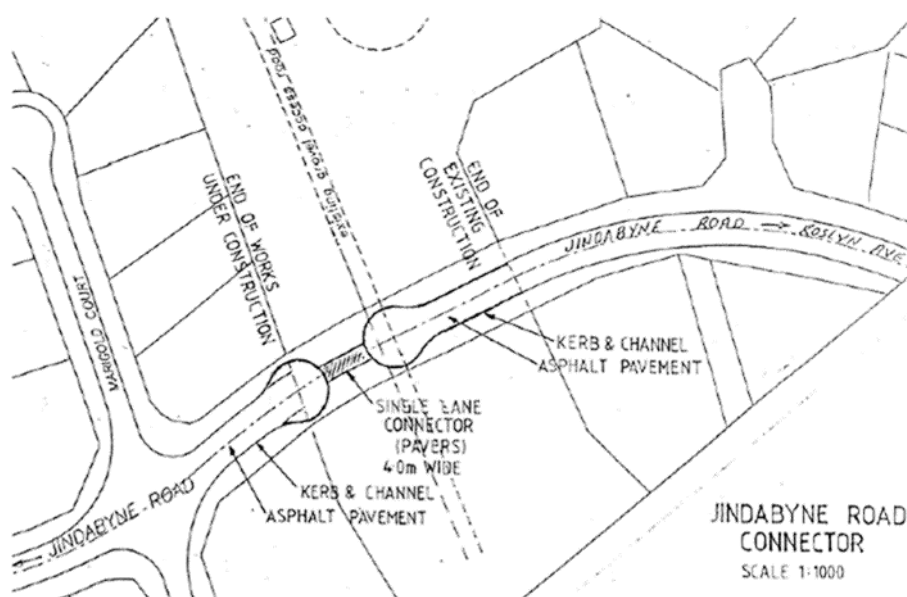
The residential areas on the north-west and south-east sides of Boronia Hill have no convenient bus services. The Jindabyne Road link, and other possible high level roads in the surrounding area have been proposed as future routes for buses. Although it is socially desirable to have all developed areas within walking distance of a bus route, the highest priority is for such services in areas where car availability is low, and where other aspects of disadvantage apply. Observations of the existing development in the high level areas of Boronia Hill indicate that car availability would be high; thus the need for, and the potential use of, public transport would probably be low.

Also, roads such as the existing Jindabyne Road and Hopkins Street have vertical and horizontal alignments which do not really suit bus operations. There are long sections of steep grade, with few opportunities for other vehicles to pass slow-

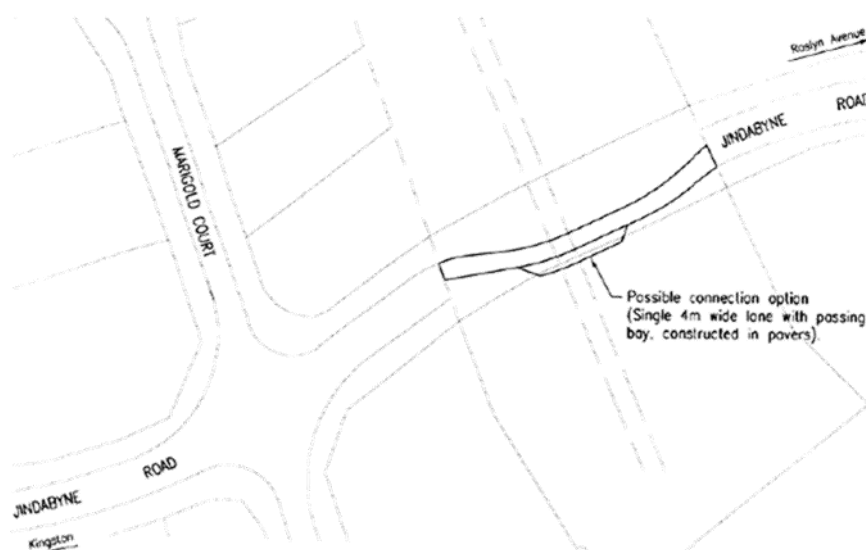
moving buses; there are a few flat sections to allow for convenient bus stops. If there is little social need for buses through the subject area, and if bus operations could in any event prove difficult, there appears to be no bus service justification for building the Jindabyne Road link.

One of the justifications advanced for the Jindabyne Road link is that it would provide an alternate route between Blackmans Bay and Kingston, and would thus direct some traffic away from Roslyn Avenue. Such an outcome is seen by some residents as equitable, in that the traffic "problem" is spread over two roads, whereas the problem is currently confined to the single Roslyn Avenue route. This proposition is not considered to carry much weight for the following reasons:

- (1) The main problem section on Roslyn Avenue is between Mount Royal Road and Algona Road, where current traffic volumes are in the range 6,000 to 9,000 v.p.d. The worst problem area is south of Jindabyne Road, where the high traffic volumes occur along the primary school frontages. Construction of the Jindabyne Road link would not provide an alternative for usage of this worst part of Roslyn Avenue, so has only limited benefits in this respect.*
 - (2) The Transport Tasmania analysis indicated that only about 1,600 v.p.d. at most would divert to the new Jindabyne Road link. Actual road operating conditions, resulting from the steep grades over Boronia hill, may in fact attract substantially lower volumes and, in this situation, relief for Roslyn Avenue would be of very limited amount.*
 - (3) Other traffic strategies, such as promoting Algona Road, would have positive impacts on Roslyn Avenue but without the risks of extra traffic usage of Jindabyne Road.*
- 2.4 Although a great deal of the above text (written in 1992) is still relevant, a great deal has changed in the intervening 23 years – in particular the connection of Baynton Street and Hutchins Street, the construction of the Kingston Bypass, and the subsequent increased use of Algona Road and reduced traffic levels on Roslyn Avenue.
- 2.5 The Kingborough Road Hierarchy Study concluded that "a full, collector road link **not** be constructed between the two existing parts of Jindabyne Road". It did however recommend that the link be made to local street standards, but only if the then anticipated improvements to Algona Road and Roslyn Avenue meant that the link became essentially not needed for through traffic. That is, there would, as a result, be little demand for through traffic on the Jindabyne Road link because most vehicles going to Kingston or Hobart would prefer to use the Algona Road and Roslyn Avenue connections.
- 2.6 As a result of this conclusion (and the abovementioned improvements to Algona Road and Roslyn Avenue) Council designed a Jindabyne Road connector as shown on the diagram below.



- 2.7 This proposed road connection was considered by Council in February 1994 and a motion to construct such a connection was lost (by a tied vote). In the subsequent years Council continued to be lobbied by residents to further consider this road link.
- 2.8 In December 2000, Council decided to review the matter and to update the previous road link proposal. In the subsequent few months Council received petitions (both for and against) and a great deal of correspondence. There were various officer reports to Council, innumerable discussions with residents and some media coverage.
- 2.9 It was then noted that since 1992, circumstances had changed – such as further residential development to the west of Boronia Hill, the increased recreational use and development of Boronia Hill itself, road improvements within central Kingston and the commissioning of an Integrated Transport Strategy (which might make recommendations in regard to the road link).
- 2.10 Based on these changes, the then proposal was to consider a single lane 4 metre wide paved roadway about 60 metres long with central passing bay – as shown on the diagram below. The cost of this construction was then estimated to be \$71,000. It was also acknowledged that additional traffic management works would be necessary, including traffic calming measures on Hutchins Street and roundabouts at Dorset Drive, Keen Court and Seabreeze Court.



- 2.11 An initial draft of the abovementioned transport strategy was completed at this time – *Kingborough Municipality: 2001 Transport Strategy Review*. It, at that stage, found that the arguments for and against completion of the link were balanced on technical grounds, particularly if speeds are controlled either by traffic management or a formal low speed zone.
- 2.12 Based on the work that had been undertaken to date, the Council decided in March 2001 to abandon the construction of the link road (and to rename the western side of Jindabyne Road to Hutchins Street). This decision was made on the basis that the road link could not be justified on the basis of technical grounds. The *Kingborough Municipality: Transport Strategy Review 2002* was subsequently completed and it was noted within it that Council had resolved not to construct the Jindabyne Road link.
- 2.13 This has been the situation up until the present day.

3. **STATUTORY REQUIREMENTS**

- 3.1 There are no statutory requirements to consider in regard to this report.

4. **DISCUSSION**

- 4.1 During the last 12-15 years, there have been further developments or activities that should be considered when reviewing the need to establish this road link. These include:
- The construction of the Kingston Bypass has resulted in most through traffic from Blackmans Bay now using Algonia Road and this has reduced the previous heavy traffic on the northern parts of Roslyn Avenue.
 - The construction of the Baynton Street extension (in 2004) that then connected through to Hutchins Street (via Marigold Court). This provided alternative options for all residents on the western side of

Boronia Hill to access central Kingston and, as a result increased traffic on Hutchins Street.

- The Boronia Hill Reserve has received much greater levels of on ground management and maintenance in recent years, particularly in relation to bushfire hazard reduction as part of the implementation of the Boronia Hill Fire Management Plan (2009). The Boronia Hill Flora Track is a popular local walk and passes through the road link site.

4.2 In addition to the abovementioned points, the other main change in recent years has been the significant redevelopment within the Kingston CBD at the lowermost section of Hutchins Street. Any increase in traffic down Hutchins Street will need to be accommodated within any future redesigns of Church Street and Channel Highway intersections.

4.3 The current situation in regard to central Kingston is that there is a need for a thorough traffic management study. This is necessary regardless of any future Jindabyne Road link. It is in fact necessary that these investigations be completed before the road link is further considered. It first needs to be established what the desired future function of Hutchins Street is, along with its potential capacity to accept additional traffic from Jindabyne Road, however much this might be. The background to this is that there is a relatively urgent need to:

- Design and construct the Boulevard Road within the former Kingston High School site (in order to facilitate the further development of this site in accordance with its Development Plan) and the new road intersection with Beach Road.
- Design and complete the upgrade of the final section of Channel Highway between John Street and Hutchins Street (including an improved streetscape and a review of how pedestrians can most safely cross this busy road).
- Design and upgrade John Street and in particular its intersections with Channel Highway and Beach Road (with the roundabout having to be reconsidered in the context of the abovementioned Boulevard Road intersection with Beach Road).
- Determine the necessary changes that need to be made at the junction of Hutchins Street and Channel Highway – with consideration given to the fact that Hutchins Street now provides one of the main entrances to Channel Court (with increased vehicle numbers now entering Channel Court via Police Road).
- Better understand the future changes in traffic behaviour (once the abovementioned works are completed) throughout central Kingston – and then how this might then require further works to address future congestion problems (such as at each of the Church Street road intersections) and to provide additional parking facilities (to replace the John Street facilities that will be lost to the redevelopment of the high school site).

4.4 All of this work needs to be based on a coordinated plan that clearly defines the future functions and capacity of each of the affected roads and road junctions. While there has been a lot of previous consideration given to these

much anticipated works in the past, this now needs to be reviewed and presented in a more holistic or coordinated manner. This plan now needs to be prepared as soon as possible so that the abovementioned works can be properly costed and included within the Council's capital works program.

- 4.5 This is the main priority for Council, and needs to be finalised before any Jindabyne Road link can be considered.
- 4.6 Once these investigations for central Kingston are completed, it will still be difficult to estimate the amount of increased through traffic that would use a Jindabyne Road link. In order to estimate the impact, it would first be necessary to have a good understanding of existing traffic behaviour on each of the main collector roads (Roslyn Avenue, Algona Road, Redwood Road, Auburn Road, Beach Road, Hutchins Street, plus Jindabyne Road itself).
- 4.7 Traffic counts would need to be taken and analysed in some depth. That is, an extensive traffic study would need to be conducted that encompassed all of Kingston, Blackmans Bay and Kingston Beach.

5. **FINANCE**

- 5.1 The cost to construct the 65 metre long road link between Jindabyne Road and Hutchins Street (based on the road being of a similar standard to these two existing adjoining roads) is estimated to be \$180,000.
- 5.2 Previous proposals for the road link have always acknowledged that there would also be a need to install traffic calming measures on both Jindabyne Road and Hutchins Street. This includes the installation of a number of small roundabouts at the junctions of Dorset Drive, Keen Court and Seabreeze Court. The cost of this additional work is estimated to be in the order of \$250,000 – noting that the extent of such works still needs to be defined. It should also be noted that due to the gradient of Hutchins Street and the site geometry at the junctions that construction of roundabouts may not be feasible. Alternative traffic calming methods will need to be considered.
- 5.3 Total cost of the traffic management plan, designs and construction is therefore estimated to be in the order of \$500,000. This does not take into account any additional measures that might need to be taken within central Kingston if significantly increased traffic levels occur at the lower end of Hutchins Street.

6. **COMMUNICATION AND CONSULTATION**

- 6.1 A connection between Jindabyne Road and Hutchins Street was the subject of intense public scrutiny in early 2001, following a decision by Council to review the matter. A number of public meetings had been held prior to this and a great deal of correspondence was received at that time.
- 6.2 On the basis of the then comments, the main arguments for and against the road link were:

For:

- Additional connecting roads within the suburban area should be provided in instances such as this in order to ensure maximum driver choice, access and convenience, as well as improved bus and emergency access.

- The road link would reduce traffic impacts on the northern section of Roslyn Avenue (where driveway access and parking is difficult) and this would provide an alternative connection into central Kingston for many residents.
- Traffic is not being encouraged to use Algona Road (in order to relieve traffic levels on Roslyn Avenue) and the Kingston Bypass is unlikely to ever be constructed.
- Traffic calming measures and reduced speed limits on Jindabyne Road could address the safety concerns that had been raised.

Against:

- Concerns by residents on the two roads in regard to increased traffic flow, public safety and noise – particularly in regard to the geometry of the road (relatively steep, broad curves, poor sightlines, many driveways). Traffic calming measures would be needed and these would greatly reduce the actual usefulness of the link.
 - There are primary schools at the ends of both Jindabyne Road and Hutchins Street, plus the church at Rowallan Park and the Child Care centre in Kingston. Increased through traffic would conflict with these sensitive uses at peak times.
 - The road link would fragment the Boronia Hill reserve, so that it could no longer function as an effective wildlife corridor. Roadkill would be prevalent, recreational amenity would diminish and adverse visual impacts on the skyline are likely.
- 6.3 Since the decision made by Council two months ago to review the potential link road, there have been many resident enquiries received. In response, it has been stressed that the current investigations are very preliminary in nature and that an active public consultation process would be conducted if Council felt that the road link might be feasible.

7. **RISK**

- 7.1 The most immediate risk in relation to this road link proposal is that of an adverse public reaction. The past history indicates that any proposal to construct the road link will be very controversial. It appears that there are people who both support and object to the road link, however it is also likely that there will now be less community support for the road link than there was 14 years ago (due to more people using Algona Road and less traffic on Roslyn Avenue).
- 7.2 The other risks are mainly associated with the potential adverse impacts of actually constructing the road link and relate to the environmental damage to the Boronia Reserve, removal of skyline vegetation, external traffic impacts (eg within central Kingston), loss of local amenity (eg recreational use of Boronia Reserve) and the high construction costs if additional traffic calming measures are required.
- 7.3 There is also the risk that few people would use the road link because of all the traffic calming measures that would be necessary. Previous designs have limited the road link to a single lane in order to discourage through traffic,

which begs the question as to why have a road link when people are being discouraged from using it.

8. **CONCLUSION**

- 8.1 This report provides an assessment of the issues that need to be taken into account in considering a roadway linking Jindabyne Road and Hutchins Street. It has reviewed the need for further traffic assessments and the financial cost of undertaking the necessary work.
- 8.2 Previous assessments of the road link (in 1992 and 2001) have identified that there were no technical grounds to create the link – in that it would not significantly alleviate any other traffic problems that are occurring elsewhere. If constructed it would now provide a convenient through road for many local residents wishing to access central Kingston, but this must be weighed against the adverse impacts that have been canvassed in this report. It does appear that the changes in traffic behaviour since the original assessments were conducted have not increased the need for the road link.
- 8.3 If the road link is constructed then additional traffic calming measures would need to be constructed on Jindabyne Road and Hutchins Street. The extent of these measures would require a more detailed traffic management plan – which includes an assessment of the capacity of the two roads and the likely future traffic volumes. It is estimated that the total cost of constructing the road link, the traffic calming measures and completing the underlying traffic management plan would be in the order of \$500,000.
- 8.4 Constructing this road link will undoubtedly result in additional traffic coming down Hutchins Street into central Kingston. Before this can occur it is necessary to better understand the capacity of Hutchins Street (and the Channel Highway and Church Road intersections) to accept additional traffic into the future. This work is part of a broader project that requires a more comprehensive traffic management plan for central Kingston and which includes the future impacts of the high school site redevelopment.
- 8.5 It is recommended that priority be given to these investigations and future works, prior to the Jindabyne Road and Hutchins Street connection being further considered. These proposed further investigations will be the subject of a separate report to Council.

9. **RECOMMENDATION**

MOVED
SECONDED

That no further action be taken in regard to the construction of a possible road connection between Jindabyne Road and Hutchins Street.

TONY FERRIER
DEPUTY GENERAL MANAGER

Date: 27 February 2015

17.6 KINGBOROUGH BICYCLE ADVISORY COMMITTEE**File Number: 28.114****Author: Anthony Verdouw, Executive Officer Engineering Services****Authoriser: David Reeve, Executive Manager Engineering Services****Strategic Plan Reference**

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

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

- 1.1 The purpose of this report is to present minutes from the meeting of the Kingborough Bicycle Advisory Committee (KBAC) held on 9 October 2020 and to present two motions adopted by the Committee.

2. BACKGROUND

- 2.1 KBAC met on 9 October 2020 and the Minutes of the meeting are attached to this report.

3. STATUTORY REQUIREMENTS

- 3.1 KBAC is a committee appointed by Council in accordance with section 24 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 The Committee adopted two motions during the meeting to be considered by Council.
- 4.2 The Committee discussed that cyclist requirements need to be considered for maintenance works as well as capital works, and passed the below motion:

That Council consider the impacts on cyclists and pedestrians of any changes that might arise as a result of maintenance works within the municipality.

Officer response

- 4.2.1 Maintenance works are typically undertaken on a small scale (generally under \$5000) and would not typically impact cycle and pedestrian infrastructure significantly.
- 4.2.2 Considering the impacts on cyclists and pedestrians with capital infrastructure bids is sufficient, as larger maintenance projects such as road reseals are captured during this process.
- 4.2.3 Following a previous motion from the Committee, the Capital Works Project Bid Sheet has been updated to include considerations for cyclists and pedestrians.
- 4.3 The Committee noted that no bicycle parking was available at the Channel Museum and a letter signed by the Chair on behalf of the Committee was sent to the Museum requesting that bike racks be installed. The Committee subsequently passed the below motion:

That the Committee request the Mayor or General Manager write a letter to the Channel Museum requesting that bike racks be installed at the Museum.

Officer response

4.3.1 Council has no power to enforce that bike racks are installed at the Channel Museum.

4.3.2 It is noted a request for the Channel Museum to install bike racks has already been sent on behalf of the Kingborough Bike Advisory Committee. It is unlikely that a further request from Council will further advance this matter.

5. FINANCE

5.1 There are no significant financial considerations regarding the two motions proposed by the Committee.

6. ENVIRONMENT

6.1 Encouraging safer cycling and more cycling infrastructure promotes more active lifestyles and potentially reduces reliance on vehicles providing an improved environmental outcome.

7. COMMUNICATION AND CONSULTATION

7.1 KBAC will be consulted on Council's resolutions regarding the motions raised.

8. RISK

8.1 There are no apparent risks associated with the motions raised by the Committee.

9. CONCLUSION

9.1 The Kingborough Bicycle Advisory Committee met on 9 October 2020.

9.2 The Committee adopted two motions, one regarding infrastructure maintenance works and the other regarding the provision of bike racks at the Channel Museum.

9.3 At the time this report was written no reply had been received from the Channel Museum as to their support or otherwise for bike racks at their facility.

10. RECOMMENDATION

That Council:

- (a) Notes the Minutes of the Kingborough Bicycle Advisory Committee.
- (b) Notes that capturing impacts on cyclists and pedestrians will be undertaken in all future capital works bids.
- (c) Notes that a request has been sent to the Channel Museum to install bike racks at its facility.

ATTACHMENTS

1. KBAC Minutes 9 October 2020

MINUTES

Kingborough Bicycle Advisory Committee

Meeting No. 2020-5

Friday 9 October 2020



MINUTES of a Meeting of the Kingborough Bicycle Advisory Committee held at the Kingborough Civic Centre, Kingston, on Friday 9 October 2020 at 9:00a.m.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Flora Fox	✓	
	Cr Amanda Midgley		✓
Members:	Ms Suzanne Betts	✓	
	Mr Rod Hartridge		✓
	Mr Gordon Keith	✓	
	Ms Danielle O'Hara		✓
	Mr Rob Sheers	✓	
	Mr Peter Tuft	✓	
Cycling South	Ms Mary McParland		✓
Bicycle Network	Ms Alison Hetherington		✓
Council Officers In Attendance:			
Executive Officer	Mr Anthony Verdouw		✓
Roads Engineer	Ms Renai Clark	✓	
Roads Technical Officer	Ms Anna Joseph	✓	
Communications & Engagement Advisor	Ms Sarah Wilcox	✓	

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

LEAVE OF ABSENCE

No leave of absence requested.

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES

MOVED: Rob Sheers

SECONDED: Gordon Keith

That the Minutes of the Committee meeting held on Friday 14 August 2020, as circulated be confirmed.

Carried Unanimously

BUSINESS ARISING FROM PREVIOUS MINUTES

1. Kingborough Chronicle Article

Action Item (1): Consider an article promoting bike parking facilities in the municipality, for example, facilities at the Kingston Wetlands and Huntingfield.

Action Item (2): Consider an article addressing cycling safety, aligning with National Road Safety Week.

2. Representation at Kingborough Community Safety Committee

Gordon Keith offered to represent KBAC at the next KCSC meeting to be held on 7 December 2020 at 10:30am.

Gordon provided a brief update from the previous KCSC meeting held 5 October 2020.

3. Kingborough Bike Plan

A sub-committee of KBAC members has formed to discuss the development of the Bike Plan. The sub-committee has developed a rough framework for the plan and will continue to meet to further refine the document.

Action Item (3): Officers to contact Mary to organise another sub-committee bike plan meeting.

4. Motions carried from previous meeting

The Committee discussed that cyclist considerations need to be considered for maintenance works as well as capital works.

MOTION: That Council consider the impacts on cyclists and pedestrians of any changes that might arise as a result of maintenance works within the municipality.

MOVED: Peter Tuft

SECONDED: Suzanne Betts

Carried

5. Cycling South Report

Mary McParland was not present at the meeting to provide a report.

CORRESPONDENCE

Cr Flora Fox discussed the correspondence.

Action Item (4): Raise issue of bike connection between Sports Centre and Spring Farm Road with Su Sprott and request Su provide further information to the Committee about proposed trail linkages.

GENERAL BUSINESS

6. KBAC Website

Sarah advised of the below upcoming communications opportunities:

- Council will deliver communications for National Road Safety Week between 15-22 November 2020.
- The Great Cycle Challenge is on during October. It is a cycling challenge fundraising to help fight kids' cancer.

Sarah advised that there will be a dedicated Council web page for the Committee.

Action Item (5): Peter and other Committee members to forward any relevant links for key organisations and maps to Sarah so she can include on the new website.

7. Brightwater Road Upgrade Works – Bike Lane Query

The Committee discussed David Reeve's response to Cr Fox regarding consideration of bike lane on Brightwater Road.

Renai reaffirmed that the reconstructed road is now wider which allows heavy vehicles to negotiate the corners. In this instance an off-centre centreline would not be practical.

Committee members recommended staff utilise the Strava heat map to get a better idea of the cycling use on certain roads.

OTHER BUSINESS

8. Letter to Channel Museum Regarding Bike Racks

Suzanne drafted a letter to the museum.

Action Item (6): Cr Fox to sign formal letter and officers to send on behalf of the Committee.

MOTION: That the Committee request the Mayor or General Manager write a letter to the Channel Museum requesting that bike racks be installed at the Museum.

MOVED: Suzanne Betts

SECONDED: Rob Sheers

Carried

9. Tas Bike Collectives Workshop

Cr Fox advised she will attend the workshop on behalf of the Committee on 5 November 2020 from 10am-11am.

Other Committee members are welcome to attend if interested.

A potential pilot program in Kingborough during 2021 to provide disadvantaged children the opportunity to fix a bike and also involves bike skills courses for children.

10. Bike Storage at Schools

Richard suggested secure bicycle enclosures be considered at schools for student bike storage. Richard suggested these could be installed in larger high schools around the municipality: St Aloysius, Calvin, Kingston High, Tarooma.

Action Item (7): Committee to include this consideration as part of Kingborough Bike Plan.

11. Pedestrians on Whitewater Creek Track

Richard noted pedestrians on the Whitewater Creek track and uncertainty involved with sharing tracks with pedestrians.

12. DSG - Channel Highway Corridor Study

Committee noted that the document includes positive active transport considerations and aligns with some key action items within the proposed Kingborough Bike Plan.

13. Northwest Bay River Trail Feasibility Study

The Trail Feasibility Study has been updated with community feedback from the completed community engagement forum. The study is available on the Council website.

MATTERS OF GENERAL INTEREST

14. Bicycle Network - Riding Program Healthy Tasmania

The Committee indicated support of the proposal.

Action Item (8): Officers to prepare a letter of support for the proposal by 21 October 2020.

NEXT MEETING

The next meeting of the Committee is to be held on Friday 11 December 2020 at 9:00am.

CLOSURE: There being no further business, the Chairperson declared the meeting closed at 10:30am.

Kingborough Bicycle Advisory Committee

Action List

Item #	Meeting Date	Minute Item	Details	Responsible Officer	Progress	Due Date
-	13/12/19	General Business - KBAC Action Plan	Look at reviewing Action Plan after Council elections.	All members		TBA
-	01/11/19	Kingborough Chronicle Article	Members provide ideas for news articles to chairperson	All members		(Each Meeting)
-	14/08/20	Kingborough Bike Plan	Provide costings on document creation, mapping and project design.	Mary McParland		11/12/20
1	9/10/20	Kingborough Chronicle Article	Consider a Chronicle article promoting bike parking facilities in the municipality, for example, facilities at the Kingston Wetlands and Huntingfield.	All members		11/12/20
2	9/10/20	Kingborough Chronicle Article	Consider a Chronicle article addressing cycling safety, aligning with National Road Safety Week.	All members		11/12/20
3	9/10/20	Kingborough Bike Plan	Officers to contact Mary to organise a sub-committee bike plan meeting.	Anthony Verdouw/Mary McParland		26/10/20
4	9/10/20	Correspondence	Raise issue of bike connection between Sports Centre and Spring Farm Road with Su Sprott and request Su provide further information to the Committee about proposed trail linkages	Su Sprott	Information provided to Committee members	11/12/20
5	9/10/20	KBAC Website	Peter and other Committee members to forward any relevant links for key organisations and maps to Sarah so she can include on the new website	All members	Information provided to Sarah from Committee members	11/12/20

Kingborough Bicycle Advisory Committee

Action List

Item #	Meeting Date	Minute Item	Details	Responsible Officer	Progress	Due Date
6	9/10/20	Other Business – Channel Museum	Cr Fox to sign formal letter and officers to send on behalf of the committee	Renai Clark	Mailed 9/10/20	30/10/20
7	9/10/20	Other Business	Committee to include this consideration as part of Kingborough Bike Plan.	Bike Plan Sub-Committee		11/12/20
8	9/10/20	Matters of General Interest	Officers to prepare a letter of support for the proposal by 21 October 2020.	Anthony Verdouw	Letter sent 15/10/20	21/10/20

17.7 APPOINTMENT OF MEMBERS TO COUNCIL SPECIAL COMMITTEES

File Number: 22.99

Author: Michelle Allen, Liaison Officer/Recovery Coordinator, Governance & Property

Authoriser: Scott Basham, Manager Compliance & Community Development

Strategic Plan Reference

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

Strategic Outcome: 1.1 A Council that engages with and enables its community.

1. PURPOSE

- 1.1 The purpose of this report is to recommend to Council the appointment of members to Special Committees to manage nine of Council's community halls.

2. BACKGROUND

- 2.1 During September and October nominations were called for membership of the following Special Committees for a two-year term:

- Adventure Bay Hall Management Committee
- Bruny Island Community Centre Management Committee (Alonnah Hall)
- Kettering Community Hall Management Committee
- Lower Longley Community Hall Management Committee
- Lunawanna Community Hall Management Committee
- North Bruny Community Centre Management Committee (Dennes Point Hall)
- Snug Hall Management Committee
- Tarooma Hall Management Committee
- Woodbridge Hall Management Committee

3. STATUTORY REQUIREMENTS

- 3.1 Committees to manage Council's halls are constituted as Special Committees of Council under Section 24 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 The Terms of Reference for Council's Special Committees provide for a standard composition of up to eleven members for each committee.
- 4.2 All nominations received have been made in accordance with the standard procedures for the Special Committees and no issues are raised with the proposed nominees.

- 4.3 Nominations received for the respective Committees do not exceed the maximum quota of numbers – hence it is recommended that all applicants be appointed.
- 4.4 The list of nominations received is detailed in the recommendations below. Overall, there is very little change to the makeup of the Committees, both in terms of numbers and membership.

5. FINANCE

- 5.1 There are no financial implications associated with the appointment of members to Council's Special Committees.

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 Advertisements calling for nominations were published in the Kingborough Chronicle on 29 September and 16 October and in the Kingston and Channel Classifieds on 1 and 15 October. Notification was also provided through Council's Facebook Page.
- 7.2 Nomination forms were available on Council's website as a submittable form.
- 7.3 Written advice was provided to the current members of each of the Special Committees thanking them for their contribution and advising that nominations would be open shortly.

8. RISK

- 8.1 There are no identified risks to Council associated with this matter.

9. CONCLUSION

- 9.1 Hall Management Committees provide a valuable service in managing Council assets for the benefit of local communities.
- 9.2 The appointment of members for a two-year term from 1 January 2021 is recommended.

10. RECOMMENDATION

That approval be given for the appointment of members of Special Committees of Council to manage community halls in accordance with the provisions of Section 24 of the *Local Government Act 1993* as follows:

Adventure Bay Hall Management Committee:

1. Graeme Kingston
2. Bernd Farasin
3. Julius Schwing
4. Margaret Graham

Bruny Island Community Centre Committee:

1. Trevor Adams
2. Sue Brazendale
3. Mathew Fagan
4. Caroline Rannersberger
5. Jessie Mahjouri

Kettering Hall Management Committee:

1. Tony Owen
2. Shane Procter
3. David Davey
4. Annick Ansselin
5. Valerie Brown

Lower Longley:

1. Sue Larsen
2. Guy Greener
3. Kristen Kuns
4. Janet Symons
5. Andrew Pinner
6. Stephen Ward
7. John Cox

Lunawanna Hall Management Committee:

1. Kerry Marvell
2. Rodney Hopwood
3. David Conley
4. Bill Hughes
5. Victoria Bull
6. Karen Maddern

North Bruny Community Centre Management Committee:

1. Michael Way
2. Marlene Schmidt
3. James Laver
4. Geoffrey Bain
5. Kris Jones
6. Kate Morton
7. Suzanne Gorrington
8. Garth Pope

Snug Hall Management Committee:

1. Michael Christie
2. Laura Blake
3. Isaac Forster
4. Marcus Thalmann
5. Margaret Thalmann

Taroona Community Hall Management Committee:

1. Lyn Long
2. Lynn Romeo
3. Pam Rowell
4. Deidre Brown
5. Karin Schaefer
6. Gillian Paxton
7. Stephen Willey

Woodbridge Hall Management Committee:

1. Craig Meredith
2. Graham Rae
3. Suzanne Edwards
4. Stephen Burke
5. Warwick Lee
6. Penny Egan
7. Jo Dixon

ATTACHMENTS

Nil

17.8 FINANCIAL REPORT - OCTOBER 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 October 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 \$69k over budget, with the general rate being \$35k over and the garbage rate being \$34k over budget of which \$14k relates to recycling and \$27k relating to garbage collection. Green waste collection revenue is \$7k under budget.
 - Statutory fees and fines are \$122k over budget due primarily to planning fees of \$136k over budget due to greater than expected planning applications.
 - User fees are \$201k over budget primarily due to the stronger than expected revenue from KSC and hall rentals which have recovered quicker from the pandemic shut down than expected.
 - Grants Recurrent were \$255k over budget and this is the grant income carried forward from 2019/20 under the new accounting standards and a new grant of

\$96k for community facilities upgrades. This income will be matched with expenditure in 2020/21.

- Employee costs are \$81k under budget primarily due to a refund of worker comp insurance under the reimbursement scheme with the insurer.
- Materials and Services costs are \$242k under budget due primarily to Infrastructure Services and environmental services being under budget because of timing differences between budget and expenditure.
- Other Expenses is \$133k under budget due to timing differences with the budget in expenditure for tourism, rate remissions and community grants.
- Grants Capital is over budget by \$3.03m 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. Also, Council has received \$2.0m under the Hobart City deal arrangement and funding for Lighthouse Road on Bruny Island.

4.2 Councils cash and investments amount to \$14.84m at the end of October, which is up \$3.96m from the October 2019 figure due to the operational and capital expenditure.

5. FINANCE

5.1 Councils Underlying Result for October 2020 is \$1.18m favourable variance due to revenue received being \$0.707m over budget and expenditure of \$0.465m 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 October 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 due 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.

9. CONCLUSION

9.1 After the first quarter of the 2020/21 financial year, Council is on track to deliver a result that is an improvement on the budget underlying deficit.

10. RECOMMENDATION

That Council endorses the attached Financial Report at 31 October 2020

ATTACHMENTS

- 1. October 2020 Financial Report**
- 2. October 2020 Capital Report**

Kingborough



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

SUBMITTED TO COUNCIL
23 NOVEMBER 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
Summary Operating Statement Total for All Programs	9

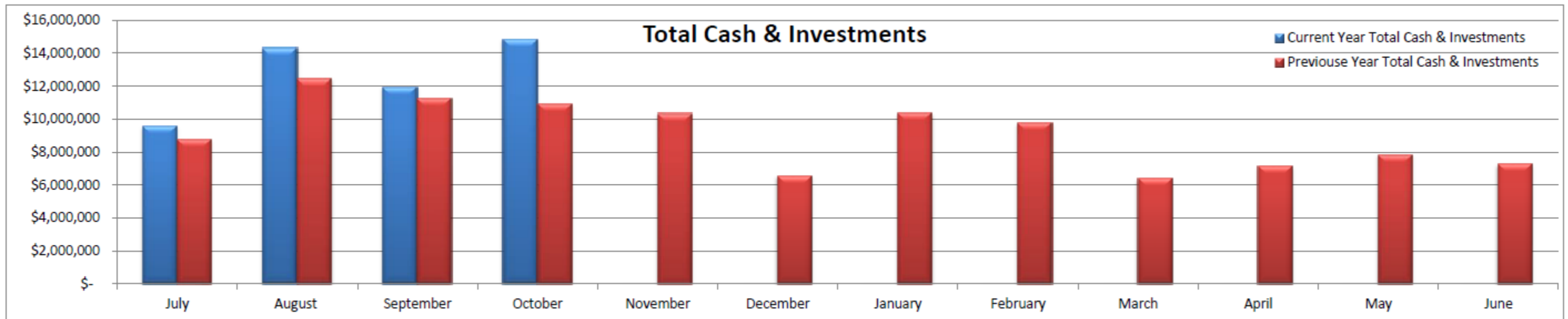
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KINGBOROUGH COUNCIL - October 2020

CASH BALANCES

Balance Type	July	August	September	October	November	December	January	February	March	April	May	June
Reserves	\$ 3,250,945	\$ 3,260,695	\$ 3,271,895	\$ 3,282,932								
Held in Trust	\$ 1,802,013	\$ 1,703,089	\$ 1,709,109	\$ 1,710,609								
Unexpended Capital Works*	\$ 1,066,905	\$ 1,243,588	\$ 1,222,632	\$ 2,081,002								
Current Year Total Committed Cash	\$ 6,119,864	\$ 6,207,371	\$ 6,203,636	\$ 7,074,543	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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	\$ 3,431,421	\$ 8,100,052	\$ 5,735,370	\$ 7,761,409	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash	\$ 9,551,285	\$ 14,307,424	\$ 11,939,006	\$ 14,835,953	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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 - October 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	\$1,119,740	\$595,545	\$2,070,868								
CBA - Applications Account			\$1,100	\$10,371	\$152,971	\$6,483								
CBA - AR Account			\$3,963	\$16,685	\$169,974	\$18,827								
CBA – Business Online Saver			\$5,550,347	\$9,942,263	\$7,796,160	\$9,515,015								
Total Cash			\$ 6,333,272	\$ 11,089,059	\$ 8,714,650	\$ 11,611,192	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
INVESTMENTS														
Mystate 3	0.75%	23-Dec-20	\$2,008,318	\$2,008,318	\$2,013,892	\$2,013,892								
Tascorp HT	0.25%	Managed Trust	\$115,028	\$115,053	\$115,076	\$115,101								
Tascorp Cash Indexed	0.35%	Managed Trust	\$1,094,666	\$1,094,994	\$1,095,388	\$1,095,768								
Total Investments			\$ 3,218,013	\$ 3,218,365	\$ 3,224,356	\$ 3,224,760	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Current Year Total Cash & Investments			\$ 9,551,285	\$ 14,307,424	\$ 11,939,006	\$ 14,835,953	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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	\$2,700,000	\$2,700,000	\$2,700,000								
Tascorp	3.47%	11-Oct-23	\$2,800,000	\$2,800,000	\$2,800,000	\$2,800,000								
Tascorp (Grant Funded)	2.13%	27-Jun-24	\$2,400,000	\$2,400,000	\$2,400,000	\$2,400,000								
Tascorp (Grant Funded)	1.99%	21-Jan-25	\$2,100,000	\$2,100,000	\$2,100,000	\$2,100,000								
Tascorp	1.32%	16-Jun-23	\$2,900,000	\$2,900,000	\$2,900,000	\$2,900,000								
			\$ 12,900,000	\$ 12,900,000	\$ 12,900,000	\$ 12,900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

KINGBOROUGH COUNCIL - October 2020

RESERVES

Accounts	July	August	September	October	November	December	January	February	March	April	May	June
Boronia Hill Reserve	\$ 10,733	\$ 10,733	\$ 10,733	\$ 10,733								
Car Parking	\$ 46,248	\$ 46,248	\$ 46,248	\$ 46,248								
Hall Equipment Replacement	\$ 69,033	\$ 69,033	\$ 69,033	\$ 69,033								
IT Equipment Replacement	\$ 3,618	\$ 3,618	\$ 3,618	\$ 3,618								
KSC Equipment Replacement	\$ 112,333	\$ 112,333	\$ 112,333	\$ 112,333								
Office Equipment Replacement	\$ 72,226	\$ 72,226	\$ 72,226	\$ 72,226								
Plant & Equipment Replacement	\$ 478,792	\$ 478,792	\$ 478,792	\$ 478,792								
Public Open Space	\$ 893,213	\$ 902,963	\$ 909,913	\$ 909,913								
Tree Preservation Reserve	\$ 783,719	\$ 783,719	\$ 787,969	\$ 799,006								
Unexpended Grants	\$ 781,030	\$ 781,030	\$ 781,030	\$ 781,030								
Current Year Total Reserves	\$ 3,250,945	\$ 3,260,695	\$ 3,271,895	\$ 3,282,932	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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

KINGBOROUGH COUNCIL - October 2020

BUDGET NOTES

RECONCILIATION OF ORIGINAL TO FORECAST BUDGET	
BUDGET UNDERLYING RESULT	(2,430,863)
Forecast Changes:	
Rate Income	100,000
Statutory Fees & Fines - Planning	150,000
User Fees - KSC	200,000
Grants Recurrent	300,000
Materials & Services - Expenditure of Grant Funds	(300,000)
Employee Costs - Workers Comp reimbursement	100,000
FORECAST UNDERLYING RESULT	(1,880,863)
Adjustments not affecting the Underlying Surplus	
Capital Grants	3,000,000
Net Operating Surplus.	2,595,137

KINGBOROUGH COUNCIL – October 2020

Summary Operating Statement All

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	29,506,525	29,437,840	68,685	29,530,000	29,630,000	100,000
Income Levies	1,700,831	1,663,000	37,831	1,663,000	1,663,000	0
Statutory Fees & Fines	875,261	752,850	122,411	2,114,200	2,264,200	150,000
User Fees	449,310	248,195	201,115	1,057,318	1,257,318	200,000
Grants Recurrent	618,903	363,880	255,023	2,552,600	2,852,600	300,000
Contributions - Cash	81,773	59,040	22,733	177,000	177,000	0
Reimbursements	1,082,765	1,080,000	2,765	1,150,000	1,150,000	0
Other Income	284,652	288,220	(3,568)	1,158,400	1,158,400	0
Internal Charges Income	73,332	73,320	12	220,000	220,000	0
Total Income	34,673,353	33,966,345	707,008	39,622,518	40,372,518	750,000
Expenses						
Employee Costs	5,359,274	5,441,130	81,856	15,015,515	14,915,515	100,000
Expenses Levies	416,440	415,750	(690)	1,663,000	1,663,000	0
Loan Interest	24,490	32,680	8,190	98,000	98,000	0
Materials and Services	3,017,136	3,259,370	242,234	9,797,085	10,097,085	(300,000)
Other Expenses	2,334,118	2,467,090	132,972	3,830,180	3,830,180	0
Internal Charges Expense	73,332	73,320	(12)	220,000	220,000	0
Total Expenses	11,224,789	11,689,340	464,551	30,623,780	30,823,780	(200,000)
Net Operating Surplus/(Deficit) before:	23,448,563	22,277,005	1,171,558	8,998,737	9,548,737	550,000
Depreciation	3,782,442	3,791,120	8,678	11,373,600	11,373,600	0
Loss/(Profit) on Disposal of Assets	(8,251)	0	8,251	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	19,674,373	18,485,885	1,188,488	(2,774,863)	(2,224,863)	550,000
Interest	19,922	31,320	(11,398)	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)	19,694,295	18,517,205	1,177,090	(2,430,863)	(1,880,863)	550,000
Grants Capital	3,026,017	0	3,026,017	476,000	3,476,000	3,000,000
Contributions - Non Monetary Assets	0	0	0	1,000,000	1,000,000	0
NET SURPLUS/(DEFICIT)	22,720,312	18,517,205	4,203,107	(954,863)	2,595,137	3,550,000
Underlying Result						
Grant Received in Advance	0	0	0	0	0	0
UNDERLYING RESULT	19,694,295	18,517,205	1,177,090	(2,430,863)	(1,880,863)	550,000
TOTAL CASH GENERATED	15,911,853	14,726,085	1,185,768	8,942,737	9,492,737	(550,000)

KINGBOROUGH COUNCIL – October 2020

Summary Operating Statement Governance

	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	24,419,263	24,383,880	35,383	24,450,000	24,450,000	0
Income Levies	1,700,831	1,663,000	37,831	1,663,000	1,663,000	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	27,468	28,320	(852)	85,000	85,000	0
Grants Recurrent	314,661	283,000	31,661	2,350,000	2,400,000	50,000
Contributions - Cash	50,736	36,680	14,056	110,000	110,000	0
Reimbursements	1,082,765	1,080,000	2,765	1,150,000	1,150,000	0
Other Income	382	13,500	(13,118)	273,000	273,000	0
Internal Charges Income	0	0	0	0	0	0
Total Income	27,596,106	27,488,380	107,726	30,081,000	30,131,000	50,000
Expenses						
Employee Costs	224,452	236,710	12,258	688,140	688,140	0
Expenses Levies	416,440	415,750	(690)	1,663,000	1,663,000	0
Loan Interest	0	0	0	0	0	0
Materials and Services	223,246	129,360	(93,886)	244,000	294,000	(50,000)
Other Expenses	1,527,730	1,565,920	38,190	2,121,200	2,121,200	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	2,435,219	2,347,740	(87,479)	4,716,340	4,766,340	50,000
Net Operating Surplus/(Deficit) before:	25,160,887	25,140,640	20,247	25,364,660	25,364,660	0
Depreciation	70,970	34,000	(36,970)	102,000	102,000	0
Loss/(Profit) on Disposal of Assets	(8,251)	0	8,251	400,000	400,000	0
Net Operating Surplus/(Deficit) before:	25,098,168	25,106,640	(8,472)	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)	25,098,168	25,106,640	(8,472)	25,112,660	25,112,660	0
Grants Capital	3,026,017	0	3,026,017	476,000	1,576,000	1,100,000
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)	28,124,185	25,106,640	3,017,545	26,588,660	27,688,660	1,100,000
TOTAL CASH GENERATED	25,027,198	25,072,640	(45,442)	25,010,660	25,010,660	0

KINGBOROUGH COUNCIL – October 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	93,863	101,080	(7,217)	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	47,519	45,920	1,599	137,800	137,800	0
Internal Charges Income	50,000	50,000	0	150,000	150,000	0
Total Income	191,382	197,000	(5,618)	591,000	591,000	0
Expenses						
Employee Costs	970,260	943,670	(26,590)	2,753,110	2,753,110	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	24,490	32,680	8,190	98,000	98,000	0
Materials and Services	292,223	285,640	(6,583)	702,600	702,600	0
Other Expenses	573,488	600,630	27,142	981,600	981,600	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	1,860,460	1,862,620	2,160	4,535,310	4,535,310	0
Net Operating Surplus/(Deficit) before:	(1,669,079)	(1,665,620)	(3,459)	(3,944,310)	(3,944,310)	0
Depreciation	21,335	30,800	9,465	173,400	173,400	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(1,690,413)	(1,696,420)	6,007	(4,117,710)	(4,117,710)	0
Interest	19,922	31,320	(11,398)	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)	(1,670,492)	(1,665,100)	(5,392)	(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)	(1,670,492)	(1,665,100)	(5,392)	(4,023,710)	(4,023,710)	0
TOTAL CASH GENERATED	(1,649,157)	(1,634,300)	(14,857)	(3,850,310)	(3,850,310)	0

KINGBOROUGH COUNCIL – October 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	197,849	200,130	(2,281)	456,000	456,000	0
User Fees	68,939	41,235	27,704	124,440	124,440	0
Grants Recurrent	78,979	0	78,979	0	100,000	100,000
Contributions - Cash	0	0	0	0	0	0
Reimbursements	0	0	0	0	0	0
Other Income	1,669	600	1,069	1,800	1,800	0
Internal Charges Income	0	0	0	0	0	0
Total Income	347,436	241,965	105,471	582,240	682,240	100,000
Expenses						
Employee Costs	603,656	581,620	(22,036)	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	183,305	142,810	(40,495)	449,675	549,675	(100,000)
Other Expenses	29,785	54,640	24,855	124,400	124,400	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	816,746	779,070	(37,676)	2,252,925	2,352,925	(100,000)
Net Operating Surplus/(Deficit) before:	(469,309)	(537,105)	67,796	(1,670,685)	(1,670,685)	0
Depreciation	128,564	400	(128,164)	1,200	1,200	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(597,873)	(537,505)	(60,368)	(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)	(597,873)	(537,505)	(60,368)	(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)	(597,873)	(537,505)	(60,368)	(1,671,885)	(1,671,885)	0
TOTAL CASH GENERATED	(469,309)	(537,105)	(188,532)	(1,670,685)	(1,670,685)	0

KINGBOROUGH COUNCIL – October 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	333,706	155,960	177,746	779,878	939,878	160,000
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	32,143	33,960	(1,817)	101,900	101,900	0
Internal Charges Income	0	0	0	0	0	0
Total Income	396,104	189,920	206,184	881,778	1,041,778	160,000
Expenses						
Employee Costs	441,886	526,060	84,174	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	133,935	160,760	26,825	473,300	473,300	0
Other Expenses	27,669	74,620	46,951	189,400	189,400	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	603,490	761,440	157,950	2,197,435	2,197,435	0
Net Operating Surplus/(Deficit) before:	(207,386)	(571,520)	364,134	(1,315,657)	(1,155,657)	160,000
Depreciation	201,778	156,640	(45,138)	470,000	470,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(409,164)	(728,160)	318,996	(1,785,657)	(1,625,657)	160,000
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)	(409,164)	(728,160)	318,996	(1,785,657)	(1,625,657)	160,000
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)	(409,164)	(728,160)	318,996	(1,785,657)	(1,625,657)	160,000
TOTAL CASH GENERATED	(207,386)	(571,520)	364,134	(1,315,657)	(1,155,657)	160,000

KINGBOROUGH COUNCIL – October 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	568,230	426,680	141,550	1,280,000	1,280,000	0
User Fees	0	1,680	(1,680)	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	3,309	0	3,309	0	0	0
Internal Charges Income	0	0	0	0	0	0
Total Income	571,539	428,360	143,179	1,285,000	1,285,000	0
Expenses						
Employee Costs	840,124	849,260	9,136	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	42,476	54,640	12,164	164,000	164,000	0
Other Expenses	47,077	47,760	683	143,200	143,200	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	929,678	951,660	21,982	2,787,950	2,787,950	0
Net Operating Surplus/(Deficit) before:	(358,139)	(523,300)	165,161	(1,502,950)	(1,502,950)	0
Depreciation	2,135	2,640	505	8,000	8,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(360,274)	(525,940)	165,666	(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)	(360,274)	(525,940)	165,666	(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)	(360,274)	(525,940)	165,666	(1,510,950)	(1,510,950)	0
TOTAL CASH GENERATED	(358,139)	(523,300)	165,161	(1,502,950)	(1,502,950)	0

KINGBOROUGH COUNCIL – October 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	15,319	24,960	(9,641)	75,000	75,000	0
User Fees	0	0	0	0	0	0
Grants Recurrent	98,907	80,880	18,027	202,600	252,600	50,000
Contributions - Cash	31,037	20,680	10,357	62,000	(88,000)	(150,000)
Reimbursements	0	0	0	0	0	0
Other Income	1,844	5,160	(3,316)	15,500	15,500	0
Internal Charges Income	0	0	0	0	0	0
Total Income	147,107	165,000	(17,893)	455,100	355,100	(100,000)
Expenses						
Employee Costs	445,651	436,180	(9,471)	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	52,825	195,120	142,295	585,600	635,600	(50,000)
Other Expenses	31,546	38,280	6,734	114,800	114,800	0
Internal Charges Expense	0	0	0	0	0	0
Total Expenses	555,559	669,580	114,021	1,973,594	2,023,594	(50,000)
Net Operating Surplus/(Deficit) before:	(408,452)	(504,580)	96,128	(1,518,494)	(1,668,494)	(150,000)
Depreciation	913	1,000	87	3,000	3,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(409,366)	(505,580)	96,214	(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)	(409,366)	(505,580)	96,214	(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)	(409,366)	(505,580)	96,214	(1,521,494)	(1,671,494)	(150,000)
TOTAL CASH GENERATED	(408,452)	(504,580)	96,128	(1,518,494)	(1,668,494)	(150,000)

KINGBOROUGH COUNCIL – October 2020

Summary Operating Statement Infrastructure Services

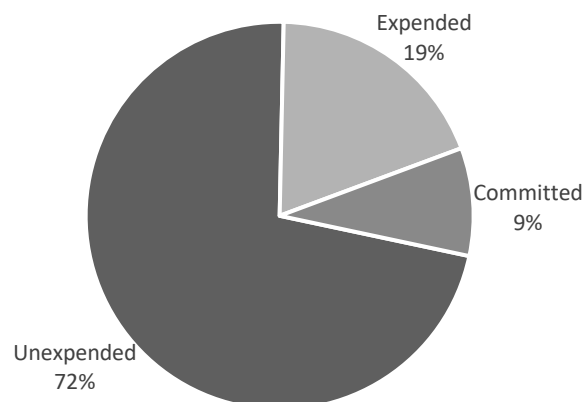
	YTD Actuals	YTD Budget	YTD Variance	Annual Budget	Forecast Budget	Forecast Variance
Income						
Rates	5,087,263	5,053,960	33,303	5,080,000	5,110,000	30,000
Income Levies	0	0	0	0	0	0
Statutory Fees & Fines	0	0	0	0	0	0
User Fees	19,197	21,000	(1,803)	63,000	63,000	0
Grants Recurrent	96,102	0	96,102	0	0	0
Contributions - Cash	0	1,680	(1,680)	5,000	5,000	0
Reimbursements	0	0	0	0	0	0
Other Income	197,786	189,080	8,706	628,400	628,400	0
Internal Charges Income	23,332	23,320	12	70,000	70,000	0
Total Income	5,433,679	5,289,040	144,639	5,846,400	5,876,400	30,000
Expenses						
Employee Costs	1,833,245	1,867,630	34,385	4,608,736	4,608,736	0
Expenses Levies	0	0	0	0	0	0
Loan Interest	0	0	0	0	0	0
Materials and Services	2,089,126	2,291,040	201,914	7,177,910	7,177,910	0
Other Expenses	96,823	85,240	(11,583)	155,580	155,580	0
Internal Charges Expense	73,332	73,320	(12)	220,000	220,000	0
Total Expenses	4,092,526	4,317,230	224,704	12,162,226	12,162,226	0
Net Operating Surplus/(Deficit) before:	1,341,154	971,810	369,344	(6,315,826)	(6,285,826)	30,000
Depreciation	3,356,747	3,565,640	208,893	10,697,000	10,697,000	0
Loss/(Profit) on Disposal of Assets	0	0	0	0	0	0
Net Operating Surplus/(Deficit) before:	(2,015,593)	(2,593,830)	578,237	(17,012,826)	(16,982,826)	30,000
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)	(2,015,593)	(2,593,830)	578,237	(17,012,826)	(16,982,826)	30,000
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)	(2,015,593)	(2,593,830)	578,237	(17,012,826)	(16,982,826)	30,000
TOTAL CASH GENERATED	(5,372,339)	(6,159,470)	787,131	(6,315,826)	(6,285,826)	30,000

KINGBOROUGH COUNCIL
CAPITAL EXPENDITURE TO 31/10/2020

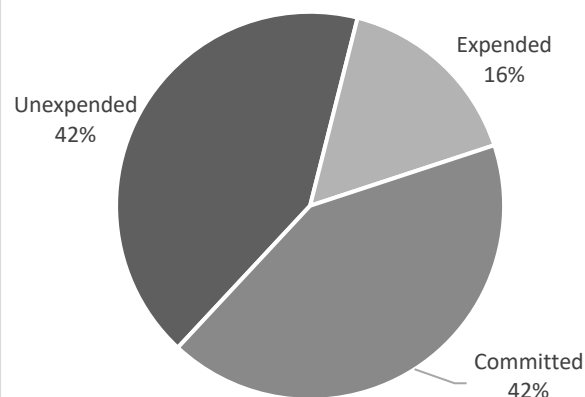
EXPENDITURE BY ASSET TYPE

	Budget					Actual			Remaining
	Carry Forward	2020/21	Grants Received	IMG Adjustments	Total	Actual	Commitments	Total	
EXPENDITURE BY ASSET TYPE									
Roads	2,414,890	6,685,000	-	15,000	9,114,890	2,059,399	750,159	2,809,558	6,305,332
Stormwater	1,048,597	1,803,500	-	68,000	2,920,097	181,347	268,733	450,080	2,470,017
Property	687,343	1,610,000	50,000	12,500	2,359,843	616,354	290,638	906,992	1,452,851
Other	320,135	233,000	32,900	(95,500)	490,535	23,685	53,221	76,906	413,629
Sub total	4,470,965	10,331,500	82,900	-	14,885,365	2,880,786	1,362,751	4,243,536	10,641,829
Kingston Park	4,961,738	2,000,000	-	-	6,961,738	1,140,199	2,935,572	4,075,771	2,885,967
Bruny Island Tourism	1,450,731		-	-	1,450,731	34,549	57,361	91,910	1,358,821
City Deal Funding	(100,000)		500,000	-	400,000	-	-	-	400,000
Local Roads and Community Infrastructure	-		201,949	-	201,949	-	-	-	201,949
Grand Total	10,783,434	12,331,500	784,849	-	23,899,783	4,055,534	4,355,684	8,411,218	15,488,565

Infrastructure Assets



Kingston Park



KINGBOROUGH COUNCIL

CAPITAL EXPENDITURE TO 31/10/2020

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget					Actual			Remaining	
					Carry Forward	2020/21	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	-	-	-	46,122
4	Closed	C00690 KP Community Hub Design	Kingston Park	New	52,343	-		-		52,343	-	-	-	52,343
5	Open	C00691 KP Open Space Design (Playstreet)	Kingston Park	New	46,720	-		-		46,720	884	-	884	45,836
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	6,297	86,172	92,469	22,384
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	38,753	-	38,753	14,432
10	Open	C01628 KP Site - General Expenditure	Kingston Park	New	212,722	-		-		212,722	51,007	939	51,945	160,777
11	Closed	C03068 Kingston Park 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	34,061	194,108	228,169	(92,088)
13	Open	C03175 KP Community Hub Plant & Equipment	Kingston Park	New	-	-		-		-	1,824	3,837	5,661	(5,661)
14	Open	C03173 KP Public Open Space – Playground	Kingston Park	New	3,632,894	-		-		3,632,894	978,022	2,196,105	3,174,128	458,766
15	Open	C03293 Pardalote Parade Northern Section (TIP)	Kingston Park	New	342,175	-		-		342,175	-	-	-	342,175
16	Open	C03278 KP Perimeter shared footpath	Kingston Park	New	-	-		-		-	-	-	-	-
17	Open	C03174 KP Public Open Space - Hub link to Playground	Kingston Park	New	-	-		-		-	-	-	-	-
18	Open	C03279 KP Boulevard Construction Stage 1B	Kingston Park	New	-	-		-		-	-	-	-	-
19	Open	C03306 KP Road F design and construct	Kingston Park	New	-	-		-		-	13,762	35,071	48,833	(48,833)
20	Open	C03280 KP Stormwater wetlands	Kingston Park	New	-	-		-		-	15,588	-	15,588	(15,588)
21										-	-	-	-	-
22					4,961,738	2,000,000	-	-	-	6,961,738	1,140,199	2,935,572	4,075,771	2,885,967
23														
24		BRUNY ISLAND TOURISM GRANT												
25														
26	BI	Bruny Island Tourism Grant	Bruny Tourism	New	150,000			-		150,000	-	-	-	150,000
27	Open	C03282 Alonnah footpath - BI Tourism Grant	Bruny Tourism	New	471,870			-		471,870	15,891	9,800	25,691	446,179
28	Open	C03283 Dennes Point public toilets - BI Tourism Grant	Bruny Tourism	Upgrade	100,000			-		100,000	1,025	1,125	2,150	97,850
29	Open	C03284 Adventure Bay Road road safety measures - BI Touri	Bruny Tourism	New	118,765			-		118,765	-	-	-	118,765
30	Open	C03285 Waste disposal sites - BI Tourism Grant	Bruny Tourism	New	110,000			-		110,000	12,864	45,064	57,928	52,072
31	Open	C03286 Visitor information - BI Tourism Grant	Bruny Tourism	New	130,460			-		130,460	4,293	-	4,293	126,167
32	Open	C03287 Mavista Falls Track and picnic area - BI Tourism G	Bruny Tourism	New	300,000			-		300,000	-	-	-	300,000
33	Open	C03288 Nebraska Road road safety measures - BI Tourism	Bruny Tourism	New	69,636			-		69,636	475	1,372	1,847	67,789
34														
35					1,450,731	-	-	-	-	1,450,731	34,549	57,361	91,910	1,358,821
36														
37		CITY DEAL FUNDING												
38														
39	G10034	City Deal Funding (Funding \$7,900,000 paid 2020/21 \$2.0m, 2021/22 \$2m, 2022/23 \$3.9)			-		500,000	-	(900,000)	(400,000)	-	-	-	(400,000)
40	Place	Place Strategy development	Expenditure in C03107 Channel Hwy 2019/20		(100,000)			-	100,000	-	-	-	-	-
41		Kingston Interchange Improvements			-			-	800,000	800,000	-	-	-	800,000
42		Other initiatives to be determined			-			-		-	-	-	-	-
42	G80001	Transform Kingston Program	in Operational expenditure		-			-		-	-	-	-	-
43					-			-		-	-	-	-	-
44														
45					(100,000)	-	500,000	-	-	400,000	-	-	-	400,000
46														

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget					Actual			Remaining	
					Carry Forward	2020/21	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commit-ments		Total
47	LOCAL ROADS & COMMUNITY INFRASTRUCTURE													
48														
49	G10036				-	298,051		-	(596,102)	(298,051)	-	-	-	(298,051)
50	OpExp	Kingborough Community Facility maintenance (Act 5030)			-	(96,102)		-	96,102		-	-	-	-
51	C03408	Gormley Drive gravel resheet			-			-	55,000	55,000	-	-	-	55,000
52	C03409	Jenkins St, pedestrian refuge			-			-	40,000	40,000	-	-	-	40,000
53	C03410	Morris Ave pedestrian crossing and refuge			-			-	75,000	75,000	-	-	-	75,000
54	C03411	Nebraska Road retaining Wall repairs			-			-	35,000	35,000	-	-	-	35,000
55	C03412	Tower Court reconstruction			-			-	220,000	220,000	-	-	-	220,000
56	C03413	Woodbridge Hall, replace roof and front porch			-			-	75,000	75,000	-	-	-	75,000
57														
58					-	-	201,949	-	-	201,949	-	-	-	201,949
59														
60														
61	Open	C03005	Coningham Toilet Block Replacement	Property	Renewal	130,000	-		-	130,000	3,451	100,500	103,951	26,049
62	Open	C03111	Kelvedon Park Changerooms/Clubrooms	Property	Renewal	(26,739)	-	50,000	-	23,261	32,483	-	32,483	(9,222)
63	Open	C03192	Lunawanna Public Toilet Replacement	Property	Renewal	12,017	-		-	12,017	-	-	-	12,017
64	Open	C03217	Margate Hall Roof Replacement	Property	New		-		-	-	5,339	2,250	7,589	(7,589)
65	Open	C03218	Barretta Vehicle Washdown Facility	Property	New	99,575	-		-	12,500	157,222	-	157,222	(45,147)
66	Open	C03219	Barretta Pump Station	Property	New	190,923	-		-	190,923	173,031	23,902	196,933	(6,010)
67	Open	C03220	Replace Kerb -KWS	Property	Renewal	37,656	-		-	37,656	952		952	36,704
68	Open	C03222	Wash down facility for twin ovals workshop	Property	New	29,717	-		-	29,717	4,994	958	5,952	23,765
69	Open	C03223	Glensyn units -Septic system	Property	Renewal	22,450	-		-	22,450	-	-	-	22,450
69	Open	C03224	Middleton Hall - Septic system	Property	Renewal	-	-		-	-	5,923	-	5,923	(5,923)
70	Open	C03225	Trial Bay-Septic system	Property	Renewal	17,469	-		-	17,469	4,454	-	4,454	13,015
71	Open	C03265	Cat holding facility Bruny Island fit out	Property	Upgrade	7,123	-		-	7,123	-	9,619	9,619	(2,496)
72	Open	C02373	Kettering Hall Disability Access	Property	Upgrade	7,000	-		-	7,000	-	-	-	7,000
73	Open	C03318	Blackmans Bay Foreshore Playground	Property	Renewal	64,790	-		-	64,790	58,900	5,890	64,790	-
74	Open	C03304	Blowhole Coastal Fence Replacement	Property	30% R / 70% U	89,446	-		-	89,446	2,010	87,045	89,055	391
75	Open	C03308	Barretta Walking Floor Blg Safety Upgrade	Property	New	14,366	-		-	14,366	14,366	-	14,366	-
76	Open	C03319	Heat Pumps for FDC building	Property	New	(8,450)	-		-	(8,450)	9,666	-	9,666	(18,116)
77	Closed	C90010	Playground renewal	Property	Renewal	-	50,000		-	50,000	-	-	-	50,000
78	Closed	C90011	Street furniture replacement	Property	Renewal	-	15,000		-	(15,000)	-	-	-	-
79	Open	C03396	Street Furniture Beach Rd Snug	Property	Renewal	-	-		-	15,000	-	11,584	11,584	3,416
80	Open	C03320	Adventure Bay Hall Wastewater Pump Out System	Property	New	-	73,000		-	73,000	-		-	73,000
81	Open	C03321	Barretta Re-use Station Security Cameras	Property	New	-	30,000		-	30,000	-	19,290	19,290	10,710
82	Open	C03322	Blackmans Bay Skate Park Irrigation	Property	New	-	10,000		-	10,000	-	-	-	10,000
83	Open	C03323	Blackmans Bay Foreshore Toilets - Upgrade	Property	Upgrade	-	81,500		-	81,500	1,410	-	1,410	80,090
84	Open	C03324	Civic Centre - Office Accommodation Design	Property	Upgrade	-	30,000		-	30,000	9,450	-	9,450	20,550
85	Open	C03325	Kettering Community Hall Public Toilets Upgrade	Property	Upgrade	-	45,000		-	45,000	-	-	-	45,000
86	Open	C03326	Kingston Beach Oval Changerooms Upgrade	Property	Upgrade	-	100,000		-	100,000	414	-	414	99,586
87	Open	C03327	Kingston View Drive Dog Park - Puppy Fencing	Property	New	-	5,000		-	5,000	2,640	-	2,640	2,360
88	Open	C03328	Barretta Re-Use Shop Toilet Upgrade	Property	Renewal	-	41,000		-	41,000	152	29,600	29,752	11,248
89	Open	C03329	Light Wood Park 2 Female Changerooms	Property	Upgrade	-	200,000		-	200,000	-	-	-	200,000
90	Open	C03330	Light Wood Park 2 cricket nets	Property	Renewal	-	30,000		-	30,000	303	-	303	29,697
91	Open	C03331	Light Wood Park 3 training lights	Property	Renewal	-	240,000		-	240,000	7,112	-	7,112	232,888
92	Open	C03332	Light Wood Park 3 Fencing	Property	New	-	10,000		-	10,000	-	-	-	10,000
93	Open	C03333	Middleton Cemetery Columbarium Wall	Property	New	-	12,000		-	12,000	531	-	531	11,469
94	Open	C03334	Nierinna Creek Track Steps Upgrade	Property	Renewal	-	46,000		-	46,000	40,960	-	40,960	5,040
95	Open	C03335	Public Recycling & Waste Enclosures	Property	New	-	40,000		-	40,000	-	-	-	40,000
96	Open	C03314	Silverwater Park Upgrade	Property	Upgrade	-	250,000		-	250,000	-	-	-	250,000
97	Open	C03336	Snug Hall Roof Replacement	Property	Renewal	-	50,000		-	50,000	-	-	-	50,000
98	Open	C03337	Snug Beach Access Steps	Property	Renewal	-	22,500		-	22,500	22,500	-	22,500	-
99	Open	C03338	Tingira Road Access Steps	Property	Renewal	-	49,000		-	49,000	49,000	-	49,000	-
100	Open	C03339	Twin Ovals Synthetic Area Pitch Covers	Property	New	-	10,000		-	10,000	9,090	-	9,090	910

Closed		Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget					Actual			Remaining	
						Carry Forward	2020/21	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commitments		Total
101	Open	C03340	Christopher Johnson Park Toilet Upgrade	Property	Upgrade	-	60,000	-	-	-	60,000	-	-	-	60,000
102	Open	C03341	Woodbridge Hall Toilet Upgrade	Property	Renewal	-	110,000	-	-	-	110,000	-	-	-	110,000
103	Open			Property		-	-	-	-	-	-	-	-	-	-
104	Open														
105	Open					687,343	1,610,000	50,000	-	12,500	2,359,843	616,354	290,638	906,992	1,452,851
106	Open														
107	Open	C03130	Multi-function devices - CC, Depot, KSC etc	IT	New	66,720	-	-	-	-	66,720	-	-	-	66,720
108	Open	C00613	Purchase IT Equipment	IT	New	-	-	-	-	-	-	1,566	3,332	4,897	(4,897)
109	Open	C00672	Digital Local Government Program	IT	New	67,518	-	-	-	-	67,518	7,486	-	7,486	60,032
110	Open	C01602	Financial Systems Replacement	IT	Renewal	163,931	-	-	-	-	163,931	619	-	619	163,312
111	Open	C03070	Desktop PC Replacement	IT	Renewal	12,364	-	-	-	-	12,364	5,342	16,066	21,408	(9,044)
112	Open	C03403	Replace two way system in vehicles	IT	Renewal	-	130,000	-	-	-	130,000	-	-	-	130,000
113	Open	C03404	Core Server replacement	IT	Renewal	-	68,000	-	-	-	68,000	-	-	-	68,000
114	Open	C03405	Wireless networking	IT	Renewal	-	35,000	-	-	-	35,000	8,671	-	8,671	26,329
112															
113						310,533	233,000	-	-	-	543,533	23,685	19,397	43,082	500,451
114															
115	Closed	C90003	Design/survey for future works	Design		-	100,000	-	-	-	100,000	-	-	-	100,000
116	Open	C03199	Snug Tiers Reconstruction -Design	Design	Renewal			-	-	-	-	4,976	-	4,976	(4,976)
117	Open	C03090	Gormley Drive Extension /Spring Farm link road	Design	New			-	-	-	-	5,210	-	5,210	(5,210)
118	Open	C03093	Garnett Street, Blackmans Bay SW Upgrade Desi	Design	Upgrade			-	-	-	-	6,819	-	6,819	(6,819)
119				Design				-	-	-	-	-	-	-	-
120						-	100,000	-	-	-	100,000	17,005	-	17,005	82,995
121															
122				Reserves		-	-	-	-	-	-	-	-	-	-
123															
124						-	-	-	-	-	-	-	-	-	-
125															
126	Open	C03187	Brightwater Road stage 2	Roads	70% N / 30% R	152,791	412,000	-	-	-	564,791	365,916	153,612	519,528	45,263
127	Open	C03064	John Street Kingston - Reconstruction	Roads	Renewal	50,000	-	-	-	-	50,000	34,910	37,656	72,565	(22,565)
128	Open	C03066	Talone Road Construction	Roads	70% R / 30% U	1,173,958	-	-	-	-	1,173,958	625,964	90,813	716,777	457,181
129	Open	C03107	Channel Highway John St to Hutchins St	Roads	Upgrade	220,693	200,000	-	-	-	420,693	9,390	11,650	21,040	399,653
130	Open	C03201	Tower Court reconstruction-Design	Roads	Renewal	23,182	-	-	-	-	23,182	2,395	-	2,395	20,787
131	Open	C03205	Leslie Road widening	Roads	Renewal	42,946	-	-	-	-	42,946	5,034	-	5,034	37,912
132	Open	C03212	Pelverata Road	Roads	Upgrade	-	-	-	-	-	-	5,488	1,610	7,098	(7,098)
133	Open	C03216	Hinsby Road Pedestrian Improvements	Roads	50% R / 50% U	40,000	-	-	15,000	-	55,000	54,815	2,743	57,557	(2,557)
134	Open	C03276	Upgrade Street Lighting to LED	Roads	Upgrade	711,320	-	-	-	-	711,320	7,265	59,425	66,690	644,630
135	Open	C03342	Pelverata Road (vic 609) Reconstruction - Design	Roads	Upgrade	-	35,000	-	-	-	35,000	-	-	-	35,000
136	Open	C03096	Adventure Bay Road (vic 334) Realignment	Roads	Upgrade	-	570,000	-	-	-	570,000	4,389	29,132	33,521	536,479
137	Open	C03193	Barnes Bay Jetty Replacement	Roads	50% R / 50% N	-	52,500	-	-	-	52,500	3,200	97,240	100,440	(47,940)
138	Open	C01183	Beach Road (vic 2-14)Footpath	Roads	Renewal	-	265,000	-	-	-	265,000	11,477	-	11,477	253,523
139	Open	C03343	Besters Rd Junction Sealing	Roads	Renewal	-	20,000	-	-	-	20,000	-	-	-	20,000
140	Open	C03344	Browns-Proctors Road Sealing of Approaches to Bro	Roads	New	-	30,000	-	-	-	30,000	-	-	-	30,000
141	Open	C03311	Browns Road (vic 1 -51) Rehabilitation - Stage 1 Des	Roads	New	-	85,000	-	-	-	85,000	-	-	-	85,000
142	Open	C03345	Diamond Drive (vic 1-9) Pavement Rehabilitation	Roads	Renewal	-	210,000	-	-	-	210,000	2,569	-	2,569	207,431
143	Open	C03346	Gordon Jetty Fender Replacement	Roads	Renewal	-	16,000	-	-	-	16,000	6,291	-	6,291	9,709
144	Open	C03312	Groombridges Road (vic Oxleys Rd--99) Sealing	Roads	Renewal	-	840,000	-	-	-	840,000	22,945	2,200	25,145	814,855
145	Open	C03315	Kingston Beach Sailing Club Carpark Upgrade	Roads	new	-	366,000	-	-	-	366,000	6,119	-	6,119	359,881
146	Open	C03347	Kingston Heights (vic 2-22) Footpath & Kerb and Cha	Roads	50% R / 50% U	-	42,000	-	-	-	42,000	-	-	-	42,000
147	Open	C03313	Margate Oval Carpark Upgrade	Roads	New	-	55,000	-	-	-	55,000	2,567	-	2,567	52,433
148	Open	C03348	Middleton Esplanade (vic Beach Rd 24-26) Stabilisat	Roads	Upgrade	-	250,000	-	-	-	250,000	3,661	-	3,661	246,339
149	Open	C03349	Nubeena Crescent Pedestrian Refuge	Roads	New	-	45,000	-	-	-	45,000	-	-	-	45,000
150	Open	C03350	Opal Drive (vic 5) Pavement rehabilitation	Roads	New	-	160,000	-	-	-	160,000	394	-	394	159,606
151	Open	C03316	Osborne Esplanade (vic 25a) Pedestrian Crossing	Roads	Renewal	-	170,000	-	-	-	170,000	13,372	5,400	18,772	151,228
152	Open	C03351	Pengana Place (vic 1) footpath	Roads	New	-	36,000	-	-	-	36,000	26,090	2,609	28,699	7,301

Closed		Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget					Actual			Remaining
						Carry Forward	2020/21	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commit-ments	
153	Open	C03352	Sandfly Road (vic 520) Bridge Approach Correction	Roads	New	-	30,000	-	-	30,000	377	-	377	29,623
154	Open	C03353	Stratford Place (vic 8) Footpath & Kerb and Channel	Roads	Renewal	-	19,000	-	-	19,000	8,150	-	8,150	10,850
155				Roads		-	-	-	-	-	-	-	-	-
156														
157	Closed	C90006	Access ramps	Roads	New	-	20,000	-	(12,000)	8,000	-	-	-	8,000
158	Open	C03406	Beach Rd, Snug - Access Ramps	Roads	New	-	-	-	12,000	12,000	-	-	-	12,000
159														
160	Closed	C90002	2020/21 Resheeting Program	Roads	Renewal	-	-	-	-	-	-	-	-	-
161	Open	C03397	Watsons Road - Resheet	Roads	Renewal	-	109,000	-	-	109,000	24,230	19,839	44,069	64,931
162	Open	C03398	Old Bernies Road - Resheet	Roads	Renewal	-	247,000	-	-	247,000	827	8,880	9,707	237,293
163	Open	C03399	Snug Falls Road – - Resheet	Roads	Renewal	-	171,000	-	-	171,000	-	57,858	57,858	113,142
164	Open	C03400	Dulcia Road - Resheet	Roads	Renewal	-	212,000	-	-	212,000	139,353	39,086	178,439	33,561
165	Open	C03401	Killora Road – CH2475 to Nebraska Road - Reshe	Roads	Renewal	-	339,000	-	-	339,000	103,801	127,082	230,883	108,117
166				Roads	Renewal	-	-	-	-	-	-	-	-	-
167														
168	Closed	C90001	2020/21 Resealing Program	Roads	Renewal	-	-	-	-	-	-	-	-	-
169	Open	C03376	Crystal Downs Drive	Roads	Renewal	-	202,000	-	-	202,000	183,647	-	183,647	18,353
170	Open	C03377	Murlali Court	Roads	Renewal	-	30,000	-	-	30,000	24,913	-	24,913	5,087
171	Open	C03378	Taroo Court	Roads	Renewal	-	18,000	-	-	18,000	18,080	-	18,080	(80)
172	Open	C03379	Baringa Road	Roads	Renewal	-	80,000	-	-	80,000	85,210	223	85,433	(5,433)
173	Open	C03380	Cartwright Lane	Roads	Renewal	-	15,000	-	-	15,000	14,519	881	15,400	(400)
174	Open	C03381	Churchill Road	Roads	Renewal	-	90,000	-	-	90,000	-	-	-	90,000
175	Open	C03382	Coolamon Road	Roads	Renewal	-	47,000	-	-	47,000	38,407	-	38,407	8,593
176	Open	C03383	Elandra Road	Roads	Renewal	-	36,000	-	-	36,000	30,746	-	30,746	5,254
177	Open	C03384	Karingal Court	Roads	Renewal	-	69,000	-	-	69,000	55,888	-	55,888	13,112
178	Open	C03385	Spring Farm Road	Roads	Renewal	-	98,000	-	-	98,000	88,504	1,697	90,200	7,800
179	Open	C03386	Sandfly Road at Pelverata Road	Roads	Renewal	-	32,000	-	-	32,000	123	-	123	31,877
180	Open	C03387	Cutana Parade	Roads	Renewal	-	67,000	-	-	67,000	825	-	825	66,175
181	Open	C03388	Beach Road Snug	Roads	Renewal	-	117,000	-	-	117,000	10,545	524	11,070	105,930
182	Open	C03389	Howden Road	Roads	Renewal	-	161,000	-	-	161,000	-	-	-	161,000
183	Open	C03390	Conningham Road - Hopwood St to Albert Rd	Roads	Renewal	-	40,000	-	-	40,000	-	-	-	40,000
184	Open	C03391	Conningham Road - Old Station Rd to No. 100	Roads	Renewal	-	15,000	-	-	15,000	-	-	-	15,000
185	Open	C03392	Sandfly Road - Huon Hwy to Allens Rivulet Rd	Roads	Renewal	-	99,000	-	-	99,000	-	-	-	99,000
186	Open	C03393	Van Morey Road	Roads	Renewal	-	116,000	-	-	116,000	-	-	-	116,000
187	Open	C03394	Willuna Close	Roads	Renewal	-	9,000	-	-	9,000	-	-	-	9,000
188	Open	C03395	Prep works 2021/22	Roads	Renewal	-	237,500	-	-	237,500	-	-	-	237,500
189				Roads	Renewal	-	-	-	-	-	-	-	-	-
190														
191						2,414,890	6,585,000	-	-	15,000	9,014,890	2,042,394	750,159	2,792,553
192														
193	Open	C03161	Community Road Safety Grant - Driving Simulator	Other	Renewal	9,602	-	-	-	9,602	-	-	-	9,602
194	Open	C03402	Digital Speed Display Trailers (4) - CRSG State Growt	Other	New	-	-	32,900	-	32,900	-	33,824	33,824	(924)
195														
196						9,602	-	32,900	-	42,502	-	33,824	33,824	8,678
197														
198	Open	C03023	Tyndall Beach Erosion Stabilisation	Stormwater	New	8,138	-	-	-	8,138	8,545	2,707	11,252	(3,114)
199	Open	C03026	Algona Road Stage 1 SW Upgrade	Stormwater	50% R / 50% U	628,705	-	-	-	628,705	6,176	-	6,176	622,529
200	Open	C03117	Beach Road Kingston Stormwater Upgrade	Stormwater	Upgrade	-	-	-	-	-	-	-	-	-
201	Open	C03129	Blackmans Bay stormwater low flow diversion	Stormwater	Upgrade	103,589	-	-	(49,000)	54,589	7,058	-	7,058	47,531
202	Open	C03163	Stormwater Regional Flood Gauge Network	Stormwater	New	-	-	-	-	-	4,287	-	4,287	(4,287)
203	Open	C03236	Milford Road stormwater upgrade	Stormwater	New	-	-	-	-	-	1,270	537	1,807	(1,807)
204	Open	C03237	Manuka Road Stormwater Upgrade	Stormwater	New	-	-	-	-	-	1,450	-	1,450	(1,450)
205	Open	C03239	Taroona Crescent stormwater upgrade	Stormwater	50% N / 50% R	100,000	-	-	13,000	113,000	112,148	1,907	114,054	(1,054)
206	Open	C03241	Burwood Drive stormwater upgrade	Stormwater	50% N / 50% R	94,168	-	-	-	94,168	5,287	4,107	9,395	84,773
207	Open	C03242	Leslie Road Stormwater Upgrade	Stormwater	New	41,000	-	-	-	41,000	5,893	193	6,085	34,915

Closed	Capital Project No.	Description	Department	Renewal, Upgrade, or New	Budget					Actual			Remaining		
					Carry Forward	2020/21	Grants Rec., POS Funding Council Decision	On Costs allocated	IMG Adjustments	Total	Actual	Commitments		Total	
208	Open	C03244	Van morey Road stormwater upgrade (vic 279)	Stormwater	Renewal	-	-	-	-	-	850	-	850	(850)	
209	Open	C03245	Allens Rivulet Road Stormwater upgrade	Stormwater	Renewal	-	-	-	-	-	1,350	1,065	2,415	(2,415)	
210	Open	C03246	Leslie Road (vic 645) SW Upgrades	Stormwater	Upgrade	-	-	-	-	-	1,364	-	1,364	(1,364)	
211	Open	C03247	Huon Road (vic 1678) SW Upgrades	Stormwater	Upgrade	-	-	-	-	-	1,470	-	1,470	(1,470)	
212	Open	C03249	Allens Rivulet Road (vic 279)	Stormwater	Upgrade	-	-	-	-	-	1,200	-	1,200	(1,200)	
213	Open	C03250	Algona Road Stage 2 SW Upgrade-design only	Stormwater	50% N / 50% R	23,504	-	-	-	23,504	8,290	-	8,290	15,214	
214	Open	C03251	Hillside Catchment Investigation	Stormwater	50% N / 50% R	15,684	-	-	-	15,684	122	-	122	15,562	
215	Open	C03256	CBD Catchment Investigation	Stormwater	50% N / 50% R	33,809	-	-	-	33,809	-	-	-	33,809	
216	Open	C03354	Pit replacement & upgrade 2020/21	Stormwater	50% N / 50% R	-	50,000	-	-	50,000	752	-	752	49,248	
217	Open	C03355	Algona Road Stage 2 Stormwater Upgrade - Reline	Stormwater	Renewal	-	383,000	-	-	383,000	-	-	-	383,000	
218	Open	C03356	Beach Road, Kingston Stage 2 Stormwater Upgrade	Stormwater	Upgrade	-	242,000	-	30,000	272,000	5,065	253,997	259,062	12,938	
219	Open	C03357	Boronia-Sherburd-CBD Stormwater Survey	Stormwater	New	-	47,000	-	-	47,000	-	-	-	47,000	
220	Open	C03358	Coffee Creek Erosion Repair	Stormwater	50% R / 50% U	-	16,500	-	-	16,500	-	-	-	16,500	
221	Open	C03359	Coffee Creek Hydraulic Assessment	Stormwater	New	-	55,000	-	-	55,000	2,253	-	2,253	52,747	
222	Open	C03360	Ewing Avenue Outfall DTS	Stormwater	50% R / 50% U	-	54,000	-	-	54,000	-	-	-	54,000	
223	Open	C03361	Flinders Esp Stormwater EXTENSION	Stormwater	New	-	116,000	-	-	116,000	3,694	-	3,694	112,306	
224	Open	C03362	Flowerpot, Blackmans Bay DTS	Stormwater	New	-	59,000	-	-	59,000	-	-	-	59,000	
225	Open	C03363	Harpers Road Stormwater Upgrade - ROAD ONLY	Stormwater	New	-	168,000	-	-	168,000	1,310	-	1,310	166,690	
226	Open	C03364	Leslie Road (viz 48) Stormwater Upgrade	Stormwater	50% R / 50% U	-	25,000	-	-	25,000	-	-	-	25,000	
227	Open	C03365	Margate Rivulet Hydraulic Assessment	Stormwater	New	-	77,000	-	-	77,000	-	-	-	77,000	
228	Open	C03366	Palmers Rd Culvert Upgrade	Stormwater	50% R / 50% U	-	21,500	-	-	21,500	-	-	-	21,500	
229	Open	C03367	Pear Ridge, Margate Stormwater Upgrade	Stormwater	New	-	31,000	-	-	31,000	-	-	-	31,000	
230	Open	C03368	Roslyn-Pearsall-Wells-Ocean Stormwater Survey	Stormwater	New	-	30,000	-	-	30,000	-	-	-	30,000	
231	Open	C03369	Snug Falls Rd Culvert Upgrades	Stormwater	50% R / 50% U	-	27,000	-	-	27,000	-	-	-	27,000	
232	Open	C03370	Talbots Road Culvert Upgrades (vic 146)	Stormwater	New	-	34,500	-	-	34,500	-	4,220	4,220	30,280	
233	Open	C03371	Jindabyne Road stormwater improvements	Stormwater	New	-	15,000	-	-	15,000	-	-	-	15,000	
234	Open	C03372	Kingston Heights vicinity of house number 37	Stormwater	New	-	15,000	-	-	15,000	-	-	-	15,000	
235	Open	C03373	Taroona Crescent Stormwater Upgrade STAGE 2	Stormwater	New	-	217,000	-	-	217,000	1,454	-	1,454	215,546	
236	Open	C03374	Timbertop Drive Stormwater Upgrade	Stormwater	New	-	57,000	-	-	57,000	61	-	61	56,939	
237	Open	C03375	Yacht Club Kingston Beach DTS	Stormwater	Upgrade	-	63,000	-	-	63,000	-	-	-	63,000	
238	Open	C03414	Van Morey Rd Culvert Upgrades	Stormwater	New	-	-	-	49,000	49,000	-	-	-	49,000	
239	Open	C03415	157 Channel Highway – Stormwater Replacement	Stormwater	New	-	-	-	25,000	25,000	-	-	-	25,000	
240				Stormwater	New	-	-	-	-	-	-	-	-	-	
241											-	-	-	-	
242						1,048,597	1,803,500	-	-	68,000	2,920,097	181,347	268,733	450,080	2,470,017
243	B00000	Capital Balancing Account	Other							(95,500)	(95,500)	-	-	-	(95,500)
244	OC	On costs on capital project				505,000				505,000					505,000
TOTAL CAPITAL EXPENDITURE						10,783,434	12,836,500	784,849	-	-	24,404,783	4,055,534	4,355,684	8,411,218	15,993,565

	Budget	Actual incl Commitments
Renewal	8,243,381	2,473,500
Upgrade	3,975,362	739,114
New	3,171,624	1,030,921
	15,390,367	4,243,535
Kingston Park New	6,961,738	4,075,770
Bruny Island Tourism grant New	1,450,731	91,910
City Deal funding	400,000	-
Local Roads and Community Infrastructure	201,949	-
	24,404,785	8,411,215

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

KINGSTON PARK**CAPITAL EXPENDITURE TO 31/10/2020**

	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	0	0	46,122
C00690 KP Community Hub Design	52,343		0	0	0	52,343
C00691 KP Open Space Design (Playstreet)	46,720		884	0	884	45,836
C01606 KP Parking Strategy	(2,000)		0	0	0	(2,000)
C03179 KP Temporary Car Park	114,853		6,297	86,172	92,469	22,384
C01618 Boulevard Construction Stage 1A	320,154		0	419,340	419,340	(99,186)
C01627 KP Site - Land Release Strategy	53,185		38,753	0	38,753	14,432
C01628 KP Site - General Expenditure	219,211		51,007	939	51,945	167,266
C03069 KP Community Hub Construction	136,081		34,061	194,108	228,169	(92,088)
C03175 KP Community Hub Plant & Equipment	0		1,824	3,837	5,661	(5,661)
C03173 KP Public Open Space - Playground	3,632,894		978,022	2,196,105	3,174,128	458,766
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		13,762	35,071	48,833	(48,833)
C03280 KP Stormwater wetlands	0		15,588	0	15,588	(15,588)
Total	6,961,738		1,140,199	2,935,572	4,075,771	2,885,967

18 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*

Request to Purchase Council Footway in Alonnah

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

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

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	
Request to Purchase Council Footway in Alonnah	

CLOSURE

APPENDIX

- A Minutes of the Access Advisory Committee October 2020
- B Infrastructure Works Report: August - October 2020
- C Delegated Authority Report 28 October 2020 to 10 November 2020
- D Audit Panel Minutes dated 16 October 2020
- E Mayor's Communications

Public Copy

A MINUTES OF THE ACCESS ADVISORY COMMITTEE OCTOBER 2020

MINUTES

KINGBOROUGH ACCESS ADVISORY COMMITTEE

Meeting No. 2020-3

Wednesday 21 October 2020



Minutes of a Meeting of the Kingborough Access Advisory Committee held at the Kingborough Civic Centre, Kingston, on Wednesday 21 October at 2.00pm.

PRESENT

		PRESENT	APOLOGY
Chairperson	Cr Paula Wriedt	✓	
	Julie Taylor	✓	
	David Vickery	✓	
	Kevin Brown		✓
	Di Carter	✓	
	Paul Gilby		✓
	Fran Thompson	✓	
	Richard Witbreuk		✓
	Melinda Harris	✓	
	Justine Barwick	✓	
Staff	Julie Alderfox (Community Development Officer)	✓	

LEAVE OF ABSENCE

No requests were submitted.

DECLARATIONS OF INTEREST

There were no declarations of interest.

CONFIRMATION OF MINUTES

Moved David Vickery

/Seconded Di Carter

That the Minutes of the Committee meeting held on 12 August 2020 as circulated, be confirmed.

Carried

BUSINESS ARISING

Welcome to New Members

Fran Thompson, Justine Barwick and Melinda Harris were welcomed to the Committee. New member Richard Witbreuk was unable to attend.

Access Policy

Council's Access Policy was reviewed by the Committee. The most significant recommendation is to update the title of the policy from Kingborough Access Policy to Kingborough Access & Inclusion Policy in order to better reflect the intent of the document. Suggested changes are to be included in the policy draft prior to being forwarded to Council for endorsement.

It was suggested that the name of the committee be changed to Access & Inclusion Committee. Staff to determine if a change of title requires a formal process.

Access Information Brochures

Draft brochures providing disability access advice were distributed to the group. Editing suggestions were invited and will be included prior to distribution to the group for final agreement.

Blackmans Bay Toilet Block Upgrade

Draft plans of the upgrade had been forwarded to the committee for comment. The following comments were provided:

- Hand basins should be located inside the toilet cubicle with a preferred placement adjacent to the toilet pan;
- Push button/electric doors preferred to ensure ease of use (avoid heavy doors);
- Non-slip floor coating;
- Mirror and hand drying amenities to be positioned at heights which are user friendly for those seated.

Development Applications

Notification of one Development Application for Change of Use to Visitor Accommodation was received. Brochures providing information on disability access and inclusion to be forwarded.

Freeman St Crossing

Reminder to follow-up request to include a 'Look Right' stencil at crossing at the Freeman St crossing.

December Meeting

Members were asked to bring access & inclusion suggestions to the December meeting for consideration action in 2021.

NEXT MEETING

The next meeting of the Access Advisory Committee is scheduled to take place on Wednesday 9 December 2020 2pm at the Council Chambers

CLOSURE:

There being no further business, the Chairperson declared the meeting closed at 3.50pm

B INFRASTRUCTURE WORKS REPORT: AUGUST - OCTOBER 2020

Contracted Capital Projects

1. Brightwater Road reconstruction – stage 2:

The second stage of road and stormwater reconstruction has been completed by Duggans Pty Ltd. Road widening and minor realignment will improve road safety and stormwater upgrades will reduce the incidence of nuisance flooding in the downstream area.



2. Talone Road reconstruction:

Work has recently been completed on the major reconstruction of Talone Road, Blackmans Bay. These works were undertaken by Bullock Civil Contracting and included the installation of a new piped stormwater system, kerb and guttering, footpaths and a fully reconstructed road pavement.



3. Burwood Drive stormwater upgrades:

Stormwater upgrades along Burwood Drive are now complete.

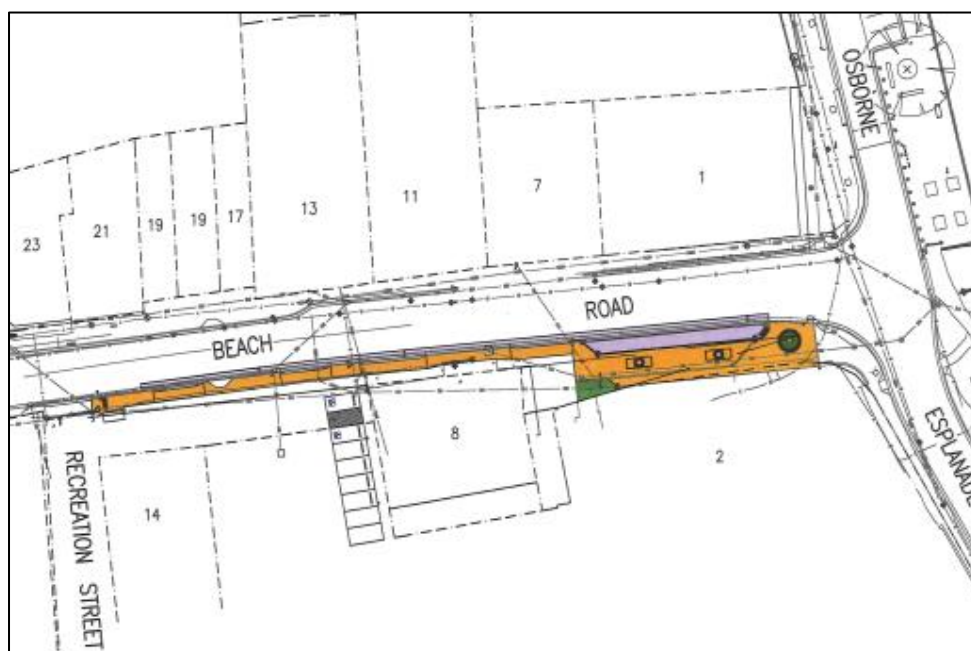


4. Beach Road (Kingston) stormwater upgrades:

Work to replace and upgrade the stormwater network from Beach Road through to Browns River has commenced. The works will be completed by DCS Civil. This project involves construction through private lands and across the golf course and has been scheduled and planned to accommodate stakeholder requirements.

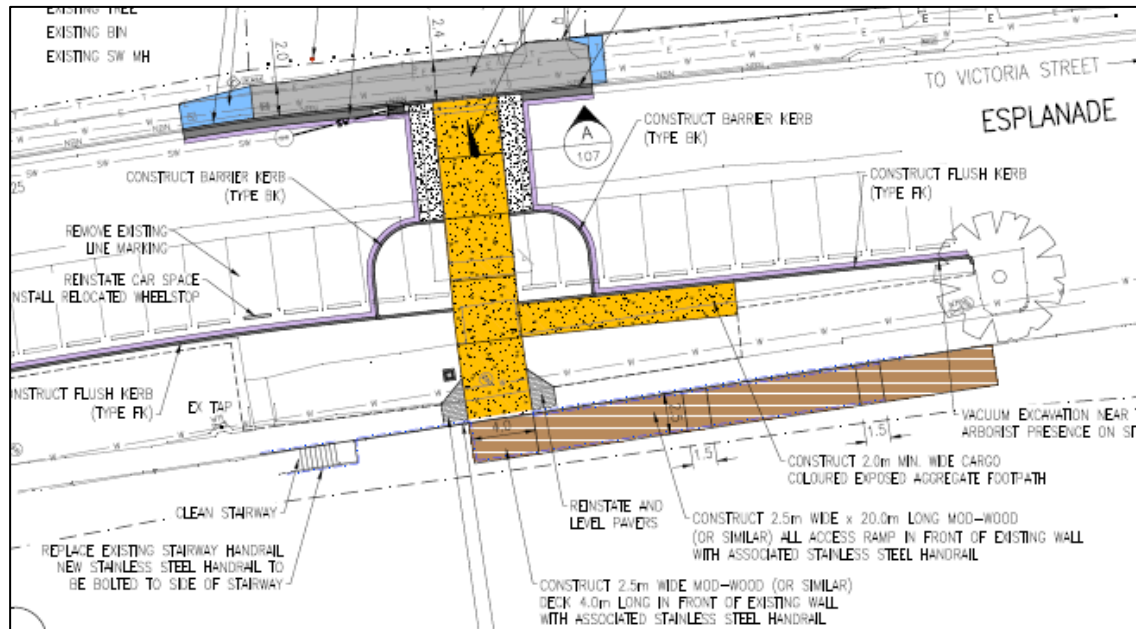
5. Beach Road (Kingston Beach) footpath upgrades:

Designs have been finalised and tender documents prepared for the construction of an improved footpath along Beach Road, from The Salty Dog through to Recreation Street at Kingston Beach. This work will likely be awarded prior to Christmas with works commencing in the New Year depending upon successful Contractor availability. The upgrades will result in a minor reduction in car parking, but vastly improve footpath access and amenity for vulnerable users, and increase road safety at the junction.



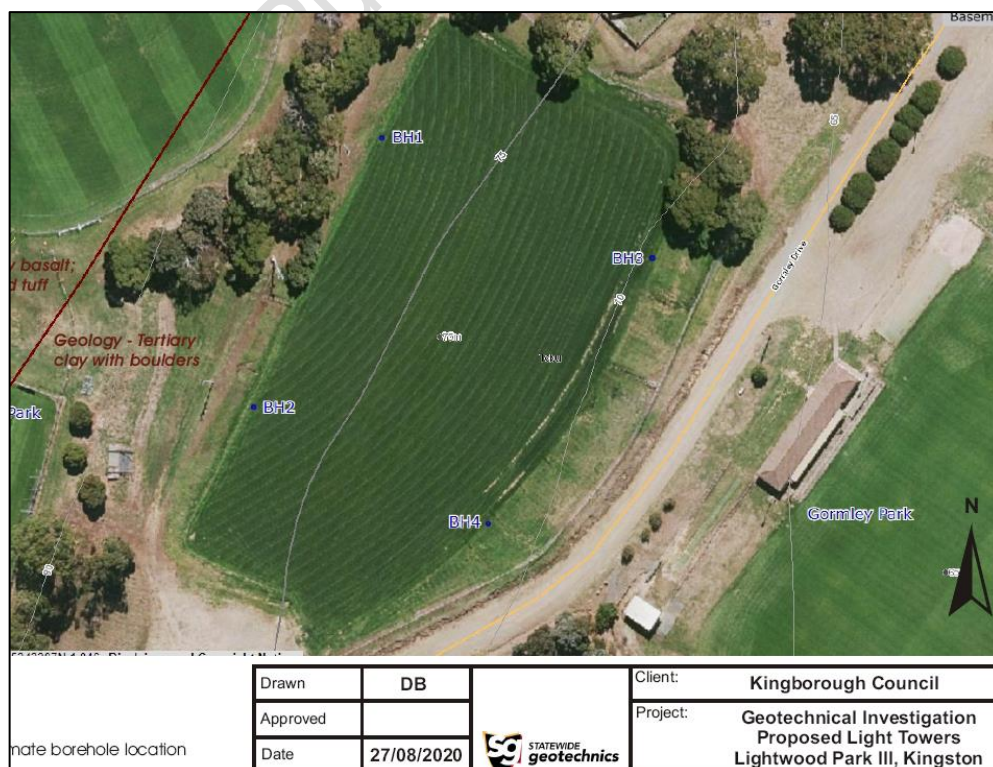
6. Osborne Esplanade (Kingston Beach) road crossing and beach access upgrades:

Design works are nearing completion, prior to tendering. The project will improve pedestrian safety crossing between the beach and the new public toilets and provide a new ramp access to the beach. This will complement the beach mat and beach wheelchair acquired by the surf lifesaving club.



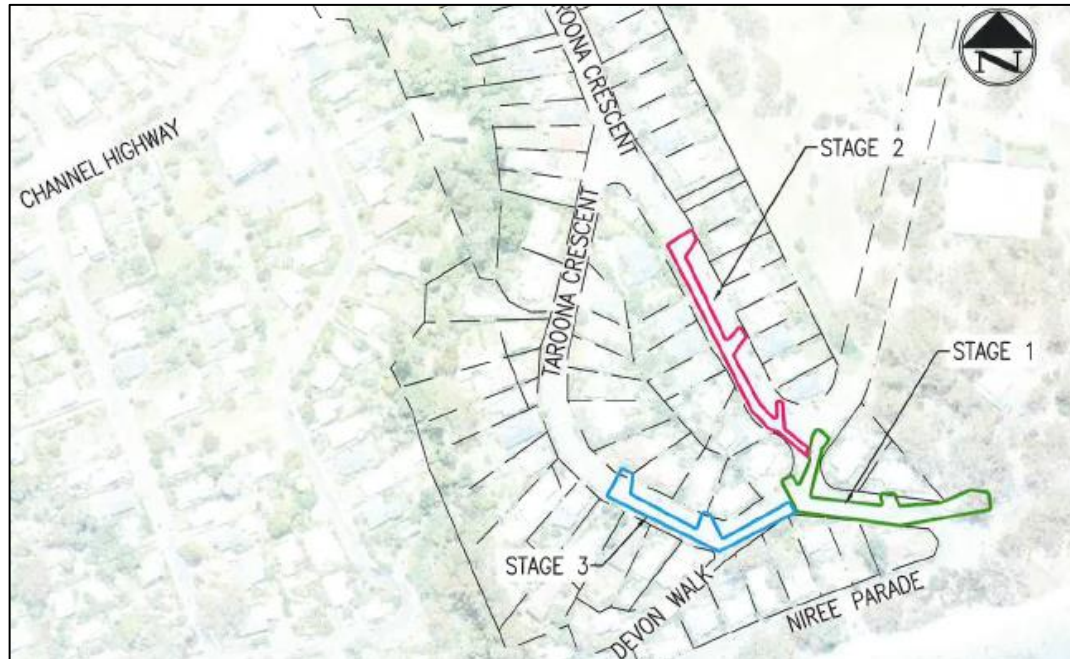
7. Lightwood Park 3 light upgrades:

A contract has been awarded to RBD Electrical to undertake the design and construction of new compliant sportsground lighting for the Lightwood Park 3 Oval. Works will entail design, development application, and if approval is granted, construction.



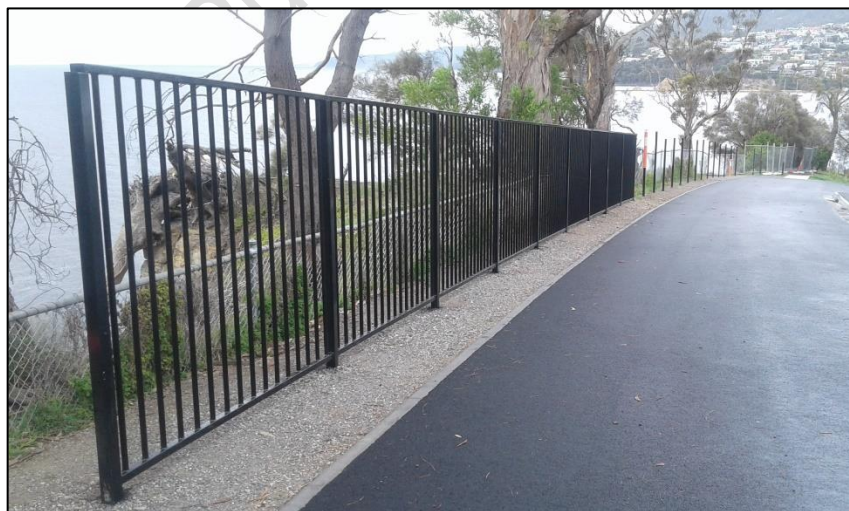
8. Taroona Crescent stormwater upgrades (Stage 2 and 3):

Works were recently awarded to Statewide Earthworks to undertake the next two stages of stormwater upgrades in Taroona Crescent. Only Stage 2 works were originally envisaged in the adopted Capital program, however, due to economies of scale and the competitive pricing received, both stage 2 and 3 will be completed within the current budget allocation.



9. Blowhole fence upgrades:

Work is progressing on the construction of new safety fencing at the Blowhole coastline. Completion is envisaged by the end of November.



10. Barretta Leachate Pump Station:

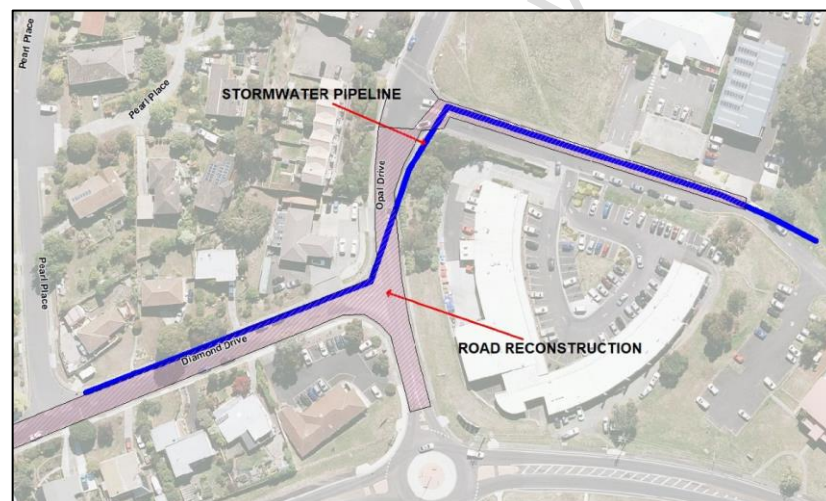
The new leachate pump station is now operational, allowing the controlled discharge of leachate directly to TasWater for treatment. This outcome has overcome a significant and potentially costly risk to Council in managing leachate overflows and avoids offsite disposal via road transport.

11. Barretta Washdown Bay and SPEL pollutant interceptor trap is now operational, improving plant cleaning operations of the site and reducing potential offsite discharge of contaminants to the environment.



12. Algonia Road Stormwater upgrades:

Stormwater upgrade and road reconstruction works are currently in the preliminary stage and will continue through January and potentially February depending on rock and excavation rates.



Works Department – Works Recently Completed (Mainland Kingborough)

13. Suncoast Track – re-gravelled and temporary fence installed:



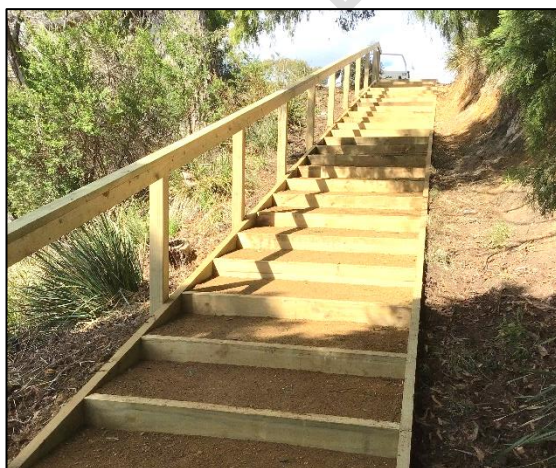
14. Kingston View Drive – new puppy exercise area fencing:



15. Three Hut Point – in conjunction with the South Channel Ratepayers and Residents Association – Tasmanian natives planted at the French Monument:



16. Snug Beach (Capital) – new steps constructed from Pearsall Avenue to Snug Beach:



17. Jenkins Street – new bollards installed at Louise Hinsby Reserve, Taroona:



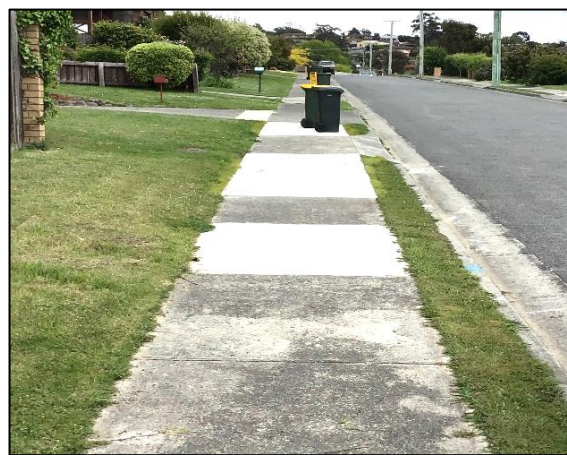
18. Tingira Road (Capital) – steps upgraded from Honeysuckle Drive to Tingira Road, Blackmans Bay:



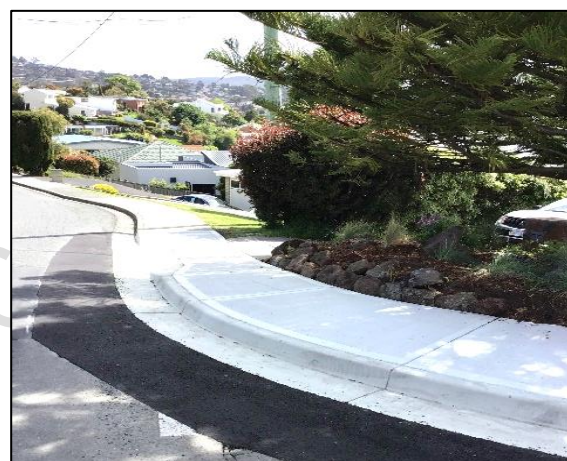
19. Brightwater Road (Capital) – embankment plantings:



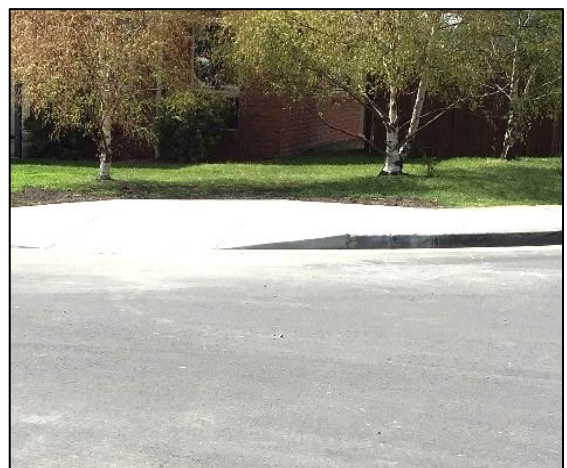
20. Carinya Street – footpath replacement:



21. Pengana Place (Capital) – footpath, kerb and gutter reconstruction:



22. Beach Road, Snug (Capital) – access ramps:



23. Wells Parade (Capital) – footpath replacement:



24. Sandfly Road – bridge overlay to take out dip between the bridge and the road:



25. Crystal Downs Drive – asphalt overlay with Reconophalt™ *:



* **Reconophalt™** is asphalt containing recyclable products such as, soft plastics and toner cartridge waste.

26. Beach Road, Snug – asphalt reseal with Reconophalt™:



Before



After

27. Other asphalt Reconophalt™ overlay works completed:

- Murlali Court and Taroo Court, Blackmans Bay
- Spring Farm Road, Kingston
- Cutana Parade, Snug
- Sandfly Road / Peverata Road Junction.

28. Baringa Road – asphalt reseal (before and after photos):



Before



After

29. Cartwright Lane, Coolamon Road, Elandra Road and Karingal Court – asphalt overlay works.

30. Leslie Road and Huon Road Intersection – sealing and gravel shoulder repairs:



31. Nierinna Road – gravel shoulder repairs:



32. Dulcia Road (Capital) – upgraded stormwater culverts and resheeting:



33. Maintenance grading undertaken:

- Tabors Road
- Bundalla Road

- Wilsons Road
- Van Morey Road
- Clear Creek Road
- Millers Road.

Works Department – Works Recently Completed (Bruny Island)

34. Alonnah (PWA) – road surface repairs on behalf of the Department of State Growth:



35. Main Road, Bruny Island (PWA) – sign repairs at the intersection of Adventure Bay Road on behalf of the Department of State Growth.



36. Victoria Avenue – road repairs.
37. Killora Road and Lighthouse Road – maintenance drain cleaning.
38. Killora Road (Capital) – culvert Installation.
39. The Neck (PWA) – pipe blasting on behalf of the Department of State Growth.
40. Main Road, North Bruny (PWA) – tree removal on behalf of the Department of State Growth.
41. Cloudy Bay Road – surface repairs.

Works Department – Works Underway / Planned (Mainland Kingborough)

42. Palmers Road (Capital) – culvert upgrade.
43. Snug Falls Road (Capital) – culvert extension for gravel resheeting.
44. Watsons Road (Capital) – gravel resheeting.
45. Gormley Drive (Capital) – upgrading and reshaping road surface.
46. Whittons Road, Gallaghers Road, Rainbirds Road and Dulcia Road – drain cleaning intersections.
47. Gallaghers Road, Whittons Road, Rainbirds Road, Nierinna Road, Cleburne Street and Wells Parade – mill and fills and asphaltting road corrections.
48. Besters Road (Capital) – sealing road junction.
49. Old Bernies Road – tree trimming as part of gravel resheeting.
50. Kingston Beach – pontoon installation.
51. Gordon jetty (Capital) – fender replacement.
52. Lunawanna jetty – fender replacement.
53. Churchill Road, Howden Road, Coningham Road, Van Morey Road, Willunga Close (Capital) – reseals.

Works Department – Works Underway / Planned (Bruny Island)

54. Killora Road (Capital) – resheeting.
55. Nebraska Road (Capital) – coastal retaining wall repairs.
56. Adventure Bay – drain cleaning.
57. Main Road, North Bruny (PWA) – grading on behalf of the Department of State Growth.
58. Cloudy Bay Road (PWA) – installation of Virtual Guideposts on behalf of the Department of State Growth.

C DELEGATED AUTHORITY REPORT 28 OCTOBER 2020 TO 10 NOVEMBER 2020

DEVELOPMENT APPLICATIONS FOR PERMITTED DEVELOPMENT/USE		
DA-2020-556	G Hills & Partners Architects 46 Ocean Esplanade BLACKMANS BAY	Internal alterations to dwelling, and retaining wall
DA-2020-569	Kings Outdoor Living 2/30 Caladium Place BLACKMANS BAY	Alteration to dwelling (awning)
DEVELOPMENT APPLICATIONS FOR DISCRETIONARY DEVELOPMENT/USE		
DA-2020-99	Mr T E A Mazur 34 Willow Avenue KINGSTON	Extension to dwelling (enclosing deck area)
DA-2020-334	Mr S Lawes 'Highwood', 532 Adventure Bay Road ADVENTURE BAY	Earthworks (Retrospective), new outbuilding (shipping container) and 1.8m high boundary fence along the north west boundary
DA-2020-411	Bertro Homes 54 Turquoise Way KINGSTON	Dwelling
DA-2020-413	Smeekes Drafting P/L 2966 Channel Highway KETTERING	Dwelling
DA-2020-419	Mr P D Stary 46 Flinders Esplanade TAROONA	Alterations and extensions to ground and first floor (including deck)
DA-2020-421	Smeekes Drafting P/L 4 Bonnie Vale Drive HOWDEN	Dwelling and outbuilding (shed)
DA-2020-430	Design East 86 Tarooma Crescent TAROONA	Extension to dwelling (second storey)
DA-2020-440	Mr G M Cowen 360 Nierinna Road MARGATE	Outbuilding (garage)
DA-2020-445	Mr M Horsham & Ms J Sargison 72 Parkdale Drive, and Picket Hill Track and Crown Road Reserve LESLIE VALE	Retrospective alterations and extensions to dwelling (including decks, basement, upper storey, swimming pool) internal driveway, infill of dam – and stormwater works over Council Reserve (CT 86940/1) and Crown Road Reserve (CT 86940/2)
DA-2020-448	Mr R J Fazackerley 25 Stuart Street ALONNAH	Dwelling, outbuilding (shed) and Retrospective access and tree removal

DA-2020-486	Miss S Speight & Mr B Wallace 20 Incana Road MARGATE	Dwelling and outbuilding (garage)
DA-2020-491	JSA Consulting Engineers P/L 'Kingston Garden Supplies', 1 Mertonvale Circuit KINGSTON	Office building, storage shed and additional storage (landscaping supplies)
DA-2020-515	SJM Property Developments P/L 29 Cox Drive DENNES POINT	Dwelling
DA-2020-516	Mr I G Clark 28 Draper Road HOWDEN	Alterations and extensions to dwelling (including deck)
DA-2020-525	Wilson Homes Tasmania P/L 11 Apolline Drive KINGSTON	Dwelling
DA-2020-528	Ms D Kingdom & Mr G Lever 321 Summerleas Road KINGSTON	Dwelling and outbuilding (studio/workshop)
DA-2020-529	Wilson Homes Tasmania P/L 11 Henwood Drive KINGSTON	Dwelling
DA-2020-550	Mr R J Fazackerley 122 Cemetery Road LUNAWANNA	Roof extension over existing deck
DA-2020-581	Ms V A Ford 92 Tingira Road BLACKMANS BAY	Outbuilding (carport)
DEVELOPMENT APPLICATIONS FOR SUBDIVISION/BOUNDARY ADJUSTMENT / STRATA / STAGED DEVELOPMENT SCHEME / ADHESION ORDER / SEALED PLAN AMENDMENT		
STR-2019-30	PDA Surveyors 21 Powell Road BLACKMANS BAY	Strata of two units
STR-2020-19	Leary Cox & Cripps P/L 99 Channel Highway KINGSTON	Strata – Stage two – units 3.4.12 & 13
DEVELOPMENT APPLICATIONS FOR MINOR AMENDMENTS TO PERMIT		
DA-2007-752	E3Planning P/L 11 Opal Drive BLACKMANS BAY	Reduction in the total number of units, increase in the number of multi-bedroom units, reduction in the floor area of retail and medical centre
DEVELOPMENT APPLICATIONS FOR NO PERMIT REQUIRED		
DA-2020-463	Ms Z E Carter 35 Kingsgate Circle HUNTINGFIELD	Home based business

DA-2020-507	Mr D Hajńczyk & Ms E Bobenhausen 4 Norwood Avenue TAROONA	Ancillary dwelling
DA-2020-602	Wilson Homes Tasmania P/L 55 Hollyhock Drive KINGSTON	Dwelling
DA-2020-636	Mr J Weir 15 Nolan Crescent KINGSTON	Dwelling extension

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D AUDIT PANEL MINUTES DATED 16 OCTOBER 2020



**AUDIT PANEL
MINUTES**

16 October 2020

MINUTES of the Kingborough Council Audit Panel held on Friday, 16 October 2020 at 8.00 am.

PRESENT:

		PRESENT	APOLOGY
Chair	Mr P McTaggart	Y	
	Mr J Hills		Y
	Ms C Millar	Y	
	Cr F Fox	Y	
	Cr C Street	Y	
Observer	Cr J Westwood	Y	

IN ATTENDANCE

General Manager	Mr G Arnold
Chief Financial Officer	Mr J Breen
Finance Manager	Mr T Jones

WLF Accounting & Advisory	Ms A Leis
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WELCOME:

The Chair welcomed all Panel Members to the meeting.

APOLOGIES

J Hills.

ADOPTION OF THE AGENDA

The agenda as provided was accepted.

DECLARATIONS OF INTEREST

The Chair requested that declarations of interest be updated at the next meeting.

CONFIRMATION OF MINUTES

The Panel endorsed the minutes of the Kingborough Council Audit Panel meeting of 7 August 2020 as a true and correct record.

BUSINESS ARISING FROM THE MINUTES

Nil.

ACTION LIST

Action List

The CFO reported that the risk management workshop and Corporate Plan had been delayed due to work pressures associated with the COVID-19 crisis. The risk management workshop is to be held on Monday the 2nd November commencing at 5.30pm.

All other action items were included in the Agenda or are due later in the year.

INTERNAL AUDIT

Kingston Park Internal Audit

An internal audit was undertaken on the governance and progress to date of the Kingston Park development. In assessing the governance arrangements, particular focus was given to project management, risk management, financial management and project deliverables.

The report showed that the governance arrangements are working well with the Steering Committee having a good representation across Council. They also found that the financial model is comprehensive and is regularly updated with input from the Project Manager.

Three findings were identified, one a medium risk and two were low risk. The medium risk related to formalisation of governance processes including the updating and monitoring of risk registers and project interdependencies as well as scenario-based financial monitoring. The low risk findings relate to explanations around variation from an original budget and tracking of action items from the Steering Committee.

Management indicated that a number of actions would be instigated to address the findings and these would be in place before the next Steering Committee meeting.

Status Report

The Panel noted the status report and agreed to the audit on financial sustainability being deferred until the Long Term Financial Plan had been approved by Council.

Internal Audit Effectiveness Survey

The Panel noted the effectiveness survey results from the Kingston Park audit highlighting that the audit had exceeded expectations.

Internal Audit Recommendations Tracker

The Panel reviewed the action items under the internal audit recommendation tracker. One recommendation under the financial sustainability review had been completed while a number of others were progressing. The delays were due to the impacts of COVID-19 on the Council.

EXTERNAL AUDIT

External Audit

The CFO indicated that the external audit was due to commence on October 26, with an expectation that it would be completed by mid- November.

TAO Report Tracker

The Panel noted the two external audit findings that were outstanding. Manual processes have been implemented to overcome the risks identified in the audit and a review be undertaken with the TAO during their external audit to ensure they are happy that the risk has been mitigated.

KEY MATTERS – COUNCIL MEETINGS OVERVIEW

The General Manager provided an update on the following:

- Council recently approved the updated Audit Panel Charter and an updated Asset Management Strategy.
- The Council reviewed the Draft Bushfire Mitigation Bill proposed by the State Government that would impose increased responsibilities on Council.
- A number of surplus properties owned by Council have been identified and a community consultation process has been implemented prior to Council considering potential sale of land.

RISK MANAGEMENT & BUSINESS CONTINUITY UPDATE

Risk Management Framework & Strategic Risk Register

The risk management framework was updated as a result of feedback from Panel members. The main changes were the inclusion of information on risk mitigation controls and a risk management impact matrix. Some information had been removed from the framework as it was not relevant.

Risk Management Action Plan

The Panel noted the newly created risk management action plan which extracted the Panel responsibilities from the framework. Progress on the action plan will be updated at every meeting.

IT Security and Policy Breaches

It was reported that there were Nil IT security or policy breaches in August to September 2020.

REGULATORY/GOVERNANCE UPDATES:

TAO – Accounting & Auditing Development Newsletter

The TAO July 2020 newsletter was provided for information. It was decided that these could be emailed to the Panel rather than including them in the Agenda.

Audit Panel Performance Survey

Performance Survey Action List

The Panel noted the remaining two outstanding items and noted they would be finalised once a risk workshop with Council could be held.

The Panel decided to adopt a new survey format based on the one used by the City of Melbourne Audit and Risk Committee.

The survey is to be circulated in November with the results to be reviewed at the December meeting.

Insurance Matters / Emerging Risks / Legal Claims

The Manager Finance provided some information on insurance claims and workers compensation claims. He indicated that Council's financial risk was limited to the insurance excess.

The CFO indicated that an emerging risk was the potential for loss of revenue or delayed revenue from the land sales at Kingston Park due to the impacts of the pandemic on the sale of properties.

The General Manager provided details on a couple of legal issues. The first was in regards to the use of a coffee cart which is headed to the High Court for a decision. The second related to a

shed on a property which had no building or plumbing approval and was being used as a house. He also indicated that he would be providing a report to Council in response to the report from the Kingborough Ratepayers Association.

NON-STANDING ITEMS

Employee Entitlements - Leave

The Panel noted the report on employee leave and the slight increase in employees with excess leave. The Manager Finance indicated that due to the impact of the pandemic on interstate and overseas travel, there had been a marked increase in the provision for leave due to staff deferring their proposed leave. A formal process had been implemented to ensure those with excess leave were booking leave over the summer period and to encourage all others to take some of their leave to provide a break away from work pressures.

Insurance Portfolio Pooled Product Review

The Finance Manager provided information from MAV Insurance on the operations of the pooled liability mutual insurance scheme. The report indicated that there is an insurance limit of \$600 million for public liability and professional indemnity claims. MAV insurance covers the first \$1 million of any claim and then reinsurance covers amounts over that level. There can be multiple claims of \$600 million in any one year.

The Panel requested that information be provided on how the \$600 million limit was set.

August 2020 Financial Report

The Panel noted the financial report at 31 August 2020.

STANDING ITEMS

Annual Work Plan and Timetable

Nil.

Upcoming Education Events

The Chair indicated that the Institute of Internal Auditors had a Local Government Assurance Forum coming up on 12 November 2020.

OTHER BUSINESS

Southern Audit Committee Chairs Meeting

The Chair provided information from the Southern Audit Committee Chairs meeting in regards to a Government proposal for Audit Panels to have a rates oversight review role for councils. At this stage the Government is seeking information on issues in regard to the oversight role and what triggers would initiate a referral to the Audit Panel.

It was suggested that perhaps the Audit Panel could have some involvement in budget workshops held with the Council to understand the reasoning for the rate decision.

An invitation is to be given to DPAC for a representative to attend the next Panel meeting to provide an update on the Government deliberations.

Audit Panel Fees

The Panel discussed the application of fees for Panel members that were unable to attend meetings. It was decided that the Audit Panel fee is an annual figure, in line with the Councillors fees, and therefore attendance at meetings is not required to be paid the fee.

ACTION SHEET

Item	Responsibility	Due Date
Risk Management – Organise a risk workshop in early 2020.	GM	Dec 2020
Strategic & Corporate Plan – provide a copy to the Panel once completed.	CFO	Dec 2020
Legal Claims – include WH&S information in the legal claims report	CFO	Dec 2020
Insurance Portfolio Pooled Product – How was the \$600m limit for liability insurance set?	Manager Finance	Nov 2020
Rates Oversight Role – invite DPAC to send a representative to the next meeting.	CFO	Dec 2020

CLOSURE

There being no further business the Chair declared the meeting closed at 10.00 am.

Confirmed as a true and correct record:

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Chair,
Audit Panel

E MAYOR'S COMMUNICATIONS

Date	Place	Meeting/Activity
19 October	Civic Centre	Attending meeting with representatives of the Kingborough Ratepayers Association
	Hobart	Met with Mr Emmanuel Kalis to discuss Margate development.
20 October	Hobart Town Hall	Attended Greater Hobart Mayors Forum
	Hockey Centre, New Town	Attended Code of Conduct Session held by LGAT
21 October	Kettering	Met with the Kettering Cricket Club to discuss Kettering toilets and changeroom proposal.
	Kingston Beach	Attended the Kingston Beach Surf Lifesaving Club meeting to discuss its future plans
27 October	Kingston	Met with the Tasmanian Bike Collective to discuss plans to expand to Kingborough.
	Zoom	Attended a TasWater Owner's Representative pre-meeting
30 October	Zoom	Attended a TasWater Board Selection Committee meeting
2 November	Sports Centre	Met with Mr Simon Brookhouse, CEO of Tasmania Jack Jumpers basketball team.
	Civic Centre	Hosted a class from the Channel Christian School to the Civic Centre
3 November	Hobart Town Hall	Attended a workshop re: PESRAC submission on the State Grants Commission
4 November	Launceston	Attended the TasWater Owner's Representative General Meeting and AGM
6 November	Taroona	Attended the 2020 Taroona High Scholarship Presentation.