

Kingborough



COUNCIL MEETING AGENDA

NOTICE is hereby given that an Ordinary meeting of the
Kingborough Council to be held on
Monday, 14 December 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. 23 to be held on Monday, 14 December 2020 contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendations.



Gary Arnold
GENERAL MANAGER

Tuesday, 8 December 2020

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Public Copy

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, 14 December 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 P Wriedt

4 APOLOGIES

Councillor S Wass

5 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the open session of the Council Meeting No.22 held on 23 November 2020 be confirmed as a true record.

6 WORKSHOPS HELD SINCE LAST COUNCIL MEETING

30 November	-	Hobart City Deal – Southern Projects
7 December	-	Asset Management

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

At the time the Agenda was compiled there were no Questions on Notice from the Public.

11 QUESTIONS WITHOUT NOTICE FROM COUNCILLORS

12 QUESTIONS ON NOTICE FROM COUNCILLORS

12.1 Tinderbox Kerbside Collection

Cr Winter submitted the following question on notice:

How is Council progressing the Tinderbox Kerbside Collection resolution and what are the expected timelines?

Officer's Response:

Consultation with the contractor identified that the following properties are suitable for the service and collection vehicle.

- Blackmans Bay end, along Tinderbox Road up to and including Fossil Cove Drive and Malwood Court.
- Howden end, along Tinderbox Road to the intersection of Morwong Street.

Tinderbox Road between the above two areas was not deemed suitable by the contractor for the collection vehicle or the kerbside service.

90 expression of interest consultation letters were posted to property owners within the expansion areas on 20 November with a return date of 4 December 2020.

David Reeve, Executive Manager Engineering Services

12.2 Bruny Island Emergency Management

At the Council meeting on 24 November 2020, **Cr Cordover** asked the following question without notice to the General Manager, with a response that the question would be taken on notice:

In the event of a disaster on Bruny Island requiring large scale evacuation, is Council confident that an evacuation could take place in a managed, timely and co-ordinated way and how often are these mechanisms road tested?

Officer's Response:

Emergency Management arrangements in Tasmania are set out in the Tasmanian Emergency Management Arrangements (TEMA). The TEMA outlines the 'who', 'what' and 'when' of emergency management arrangements and describes roles, responsibilities and agreed arrangements for the four phases of emergency management, of prevention (mitigation), preparedness, response; and recovery. THE TEMA and the detail contained within it are essential to ensure there is not confusion or duplication during an emergency event.

Responsibilities for evacuation during an emergency event lie with the Police. There is an Emergency Evacuation Framework which guides decisions relating to when to evacuate and warnings. Council would have a role only when directed by the relevant emergency service. This role may include assisting with road closures, opening an evacuation centre, or sharing emergency information. During an emergency event an Evacuation Planning Unit is set up to coordinate arrangements and these may include water based evacuation with knowledge of berthing points, vessel capacities etc.

Arrangements are tested frequently and systematically through various exercise arrangements. These can be anything from desk top exercise to a full scale response exercise by the emergency services. How an evacuation takes places would depend very much on the emergency event. The most likely event on Bruny would be bushfire related. Bruny has a number of community protection plans, identified nearby safer places (places of last resort) and arrangements are in place to open an evacuation centre on the island is required. Individuals also need to take responsibility for their own bushfire or emergency plans. By understanding warning systems, and knowing when to leave, where to go and by practicing their plans the need for last minute evacuations is minimised. Further information can be found on www.fire.tas.gov.au

Belinda Loxley, Emergency Management Coordinator

PLANNING AUTHORITY IN SESSION

13 OFFICERS REPORTS TO PLANNING AUTHORITY

13.1 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.

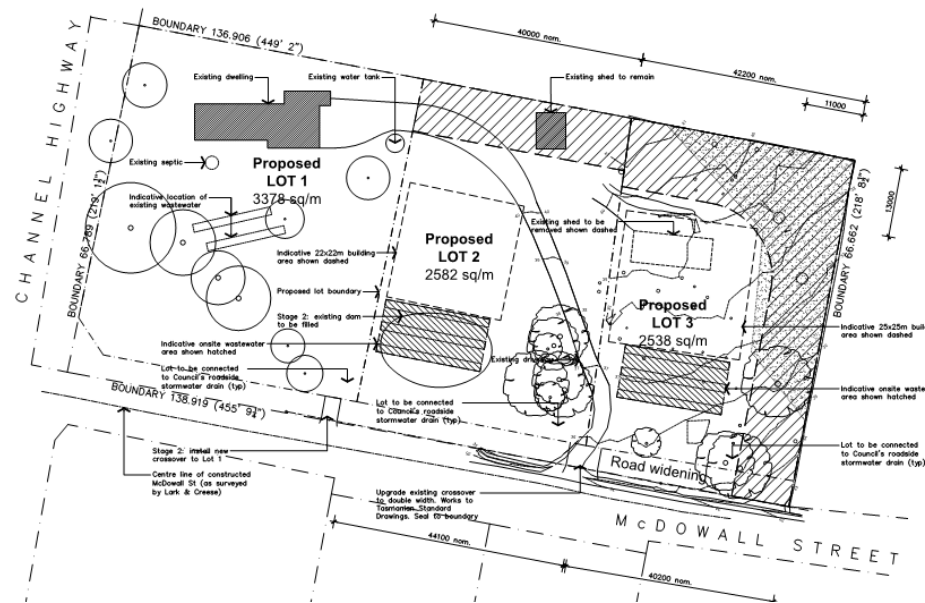


Figure 1: - Proposed Plan of Subdivision

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.

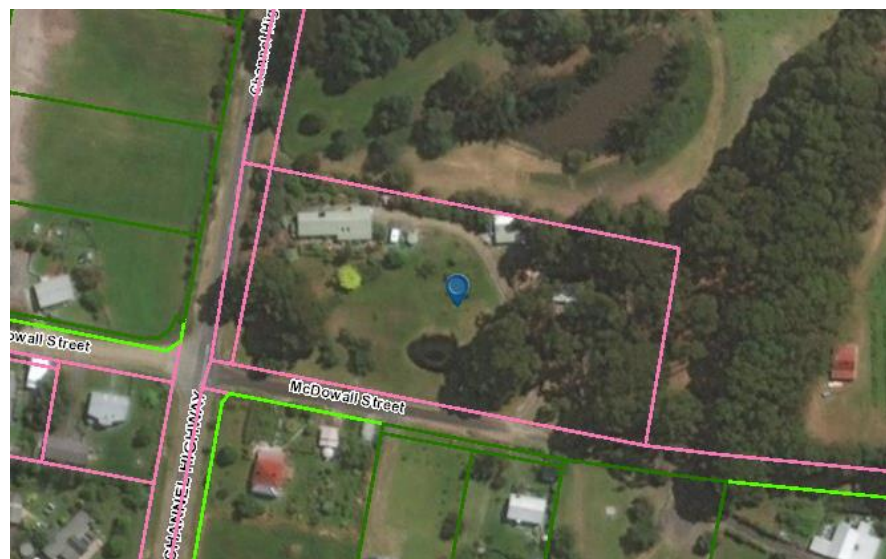


Figure 2: - Site Locality Plan

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; (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

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.

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.

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;
- other environmental impacts arising from future use and development include collision risk with structures and spread of weeds. The Natural Values Atlas identifies that the subject land is within the swift parrot breeding range, documentation submitted with the application confirms the site and adjacent land contains potential nesting habitat and the species has been observed in the area. In addition to habitat loss, one of the recognised main threats to this species is collision with structures. These impacts are able to be minimised provided future buildings are designed to meet swift parrot collision guidelines and future landscaping incorporates native species (preferably Tasmanian endemic species) and avoids planting of weeds, including non-declared priority weeds listed in the Kingborough Weed Management Strategy; and

- the loss of high conservation value trees is able to be offset via a financial contribution to Council's Environmental Fund.

To ensure future development of the lot achieves the level of tree retention proposed as part of the application and avoids, minimises and mitigates impacts arising from future use and development as required under Clause 12.5.1 P2, conditions of approval are recommended for inclusion in any permit issued: (i) limiting clearing; (ii) requiring a Part 5 Agreement to retain and protect remaining trees, ensure future development minimises swift parrot collision and ensure landscaping uses appropriate species; (iii) requiring a covenant on the title to ensure future development is located within the identified building areas; (iv) requiring the offset for the loss of high conservation value trees; and (v) requiring implementation of tree protection measures during construction (refer to Condition 2).

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 Public Open Space Contribution Policy, the subdivision of land requires the provision of a public open space contribution. A decision as to whether land or cash-in-lieu is provided is dependent upon whether the proposed subdivision provides an opportunity to obtain land that meets the aims and objectives of the policy. If the subdivided land is not able to provide a public open space component of substantial community benefit, then cash-in-lieu will be required.

Despite there being an existing dwelling on one of the lots, Council's policy does not provide for the contribution to be subject to certain lots only. It is required to be based on the gross area of the subdivision. There is however the option to stage the payment. Where a subdivision is submitted in the form of a staged development (as is the case with the subject subdivision) and a cash-in-lieu contribution is required, the public open space contribution may be paid proportionately in each stage, subject to a new valuation being provided (in accordance with 5.7(b) of the policy). There is no need for any condition to specifically state what approved stage a contribution is to be paid, as the policy provides for this flexibility in any case.

In the case of this subdivision, no Public Open Space has been proposed and there is no identified need for land to be provided to facilitate connections with existing public open space. Accordingly, in accordance with Council's Policy, a condition should be included in any permit issued requiring a cash-in-lieu contribution equivalent to 5% of the unapproved value of the land as a whole. As discussed above, the Developer has the option of staging any payment, subject to meeting the policy requirements.

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.

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.

To ensure future development of the lot achieves the level of tree retention proposed as part of the application, conditions of approval are recommended for inclusion in any permit issued limiting clearing, retaining and protecting remaining trees via a Part 5 Agreement, requiring future development to be located within the identified building areas, requiring the offset for the loss of high conservation value trees and requiring implementation of tree protection measures during construction.

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 in 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. To ensure future development of the lot achieves the level of tree retention proposed as part of the application, conditions of approval are recommended for inclusion in any permit issued limiting clearing, retaining and protecting remaining trees via a Part 5 Agreement, requiring future development to be located within the identified building areas, requiring the offset for the loss of high conservation value trees and requiring implementation of tree protection measures during construction.

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.

Any new on-site wastewater system design on the new lots must also comply with the provisions of Code 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

E1.0 Bushfire-Prone Areas Code

Clause E1.6.1 - Subdivision

The subdivision is located within a Bushfire-Prone Area and is therefore subject to the Bushfire-Prone Areas Code. The application is accompanied by a Bushfire Hazard Report (Lark & Creese, 29th May, 2020) and certified Bushfire Hazard Management Plan (BHMP) which demonstrate that the proposed subdivision is capable of meeting the relevant acceptable solutions including achieving the separation distances required for BAL-19 within the lot boundaries and providing compliant accesses and water supply subject to the following:

- 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; and
- establishment of a compliant access and turning area for Lot 1 prior to sealing of the Final Plan of Survey for Stage 2.

To ensure compliance with the Bushfire Hazard Report and associated subdivision BHMP, a condition is recommended for inclusion in any permit issued requiring these measures to be implemented.

To ensure hazard management areas for future development of Lots 2 and 3 are consistent with the Bushfire Hazard Report and associated subdivision BHMP, and ensure additional tree removal is not required for bushfire hazard management purposes beyond that proposed as part of the subdivision application, a condition is also recommended for inclusion in any permit issued requiring a Part 5 Agreement to this effect.

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 Code E23.0.

Start of Works

Condition 6 in the recommendation below, requires that, 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 is standard practice and provides a mechanism for developers to be certain that they have met all of the relevant permit conditions prior to commencing works on site. This will ensure the Developer is not in breach of the Planning Permit when starting on-site works.

Prior to the issue of a start of works approval, Engineering design drawings must be submitted to Council for approval. 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 engineering plan approval fee is listed in Council's Schedule of Fees established under the *Local Government Act 1993*.

It is noted that any works within the road reserve are not limited to new crossovers, but also includes stormwater connections. For this reason, conditions 14 - 16 in the recommendation below require the payment of a maintenance bond and bank guarantee to cover the satisfactory rectification of any defects and defective works and provisions for the takeover of these assets by Council as per normal engineering practice.

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 declared weeds under the Weed Management Act 1999 and 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, contaminants 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.
- 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. 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.
24. 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**

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 2500m² (Area A) 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. A3 – Frontage for each lot complies with minimum frontage of 30m. A4 – No lot is an internal lot A5 – Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback. 	✓	✓		<p>A1 – complies; Lot 1 - 3378m², Lot 2 - 2582m²; and Lot 3 - 2538m²</p> <p>A2</p> <p>(a) – complies - each lot can provide a building area that meets the setback requirements for the front, side and rear boundaries.</p> <p>(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.</p> <p>(c) complies – building areas are free of restrictions.</p> <p>(d) complies – the land is moderately sloping and building areas have an average slope of less than 1 in 5.</p> <p>(e) complies – each lot is capable of containing a building area greater than 20m x 20m.</p> <p>(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.</p> <p>A3 – complies – frontage of each lot greater than 30m (minimum 40m)</p> <p>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.</p> <p>A5 – complies – existing dwelling on Lot 1 can meet the Acceptable Solution for 12.4.2 Setbacks and building envelope.</p>
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) A2 – No acceptable Solution (requires assessment against performance criteria) 		✓	✓	<p>A1 – n/a – as no POS provided for in subdivision design.</p> <p>A2 – no acceptable solution – An assessment against the performance criteria is required.</p>
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. A2 – Each lot must be connected to a reticulated sewerage system where available. A3 – Each lot must be connected to a stormwater system able to service the building area by gravity. A4 – the subdivision includes no new road. 	✓	✓	✓	<p>A1 – n/a as no reticulated potable water available in the area.</p> <p>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.</p> <p>A3 – complies – lots are to be connected to Council stormwater infrastructure in the McDowall Street road reservation.</p> <p>A4 – complies – no new road proposed.</p>

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> <ul style="list-style-type: none">the plan shows all lots that are located within a bushfire prone area;

ISSUE		COMPLIES			COMMENTS
		YES	NO	N/A	
					<ul style="list-style-type: none"> 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 that the

ISSUE		COMPLIES			COMMENTS
		YES	NO	N/A	
					hazard management areas are contained within the lots and does not rely upon additional tree removal.
Subdivision: Public Access (CI.E1.6.1.2)	<ul style="list-style-type: none"> A1 – Certified signoff provided or subdivision plan demonstrating required layout A2 – Construction of roads meets the requirements of the table, where the development standards in the zone do not require a higher standard 	✓		✓	<p>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.</p> <p>A2 – n/a no new roads to be constructed.</p>
Subdivision: Provision of water supply for fire fighting purposes (CI.E1.6.3)	<ul style="list-style-type: none"> A1 – Certified signoff provided or supply demonstrated A2 – Unserved areas – certified signoff provided, BHMP certified or supply demonstrated 	✓		✓	<p>A1 – n/a – area not serviced.</p> <p>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.</p>
E5.0 Road and Railway Assets Code					
Existing road accesses and junctions (CI.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 of more than 			✓	

ISSUE		COMPLIES			COMMENTS
		YES	NO	N/A	
	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. 			✓	

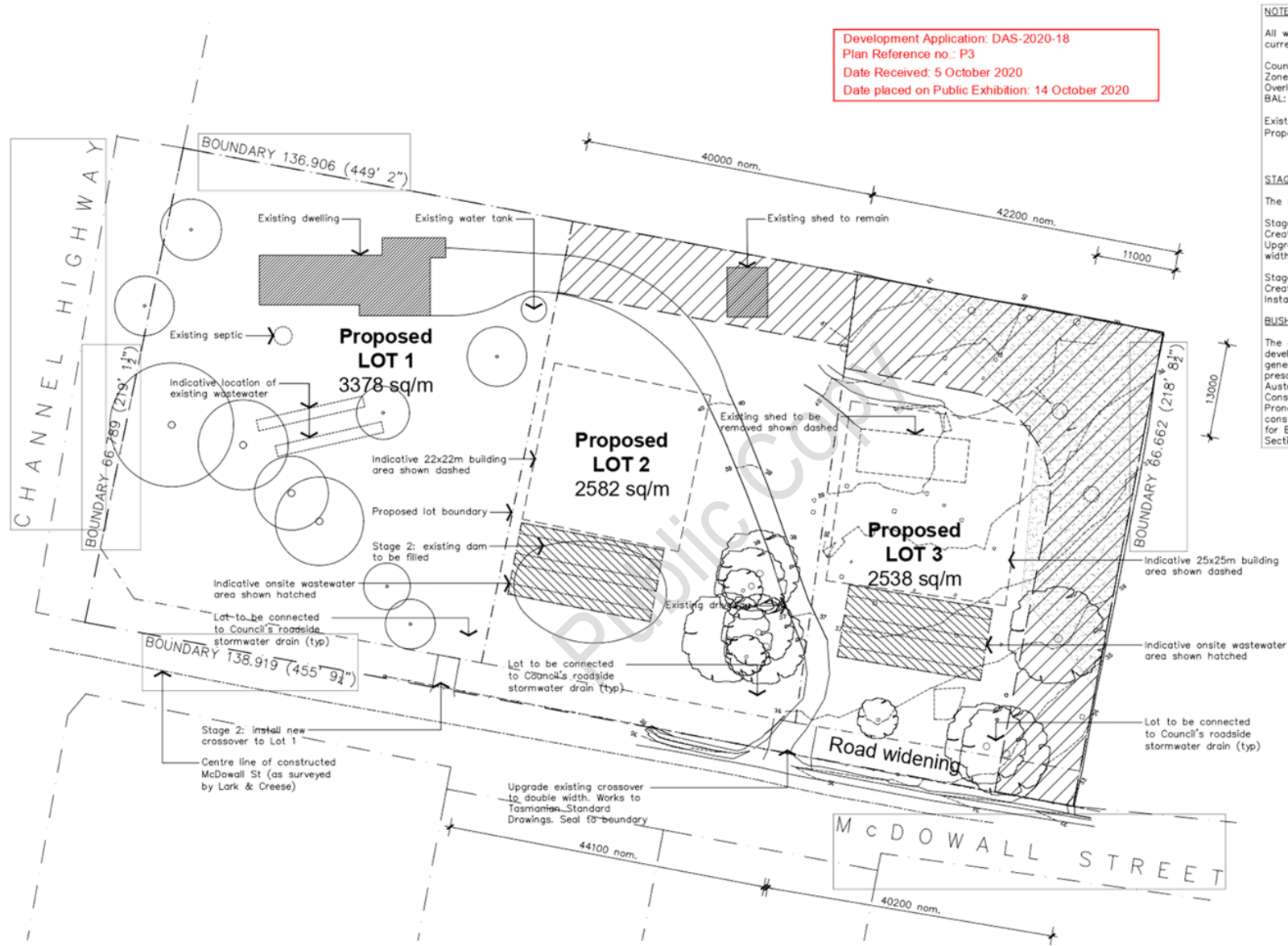
ISSUE		COMPLIES			COMMENTS
		YES	NO	N/A	
On-site Turning (Cl. E6.7.4)	<ul style="list-style-type: none"> A1 - On site turning must be provided for all non-residential carparking spaces 			✓	
Layout of parking areas (Cl.E6.7.5)	<ul style="list-style-type: none"> A1 – Layout and compliance with Australian 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 A2 – Sensitive design of stormwater system incorporates water sensitive urban design principles A3 – Design of minor stormwater drainage system A4 – Design of major stormwater drainage system 	✓		<ul style="list-style-type: none"> ✓ ✓ ✓ 	<p>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.</p>


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:<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.		✓		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

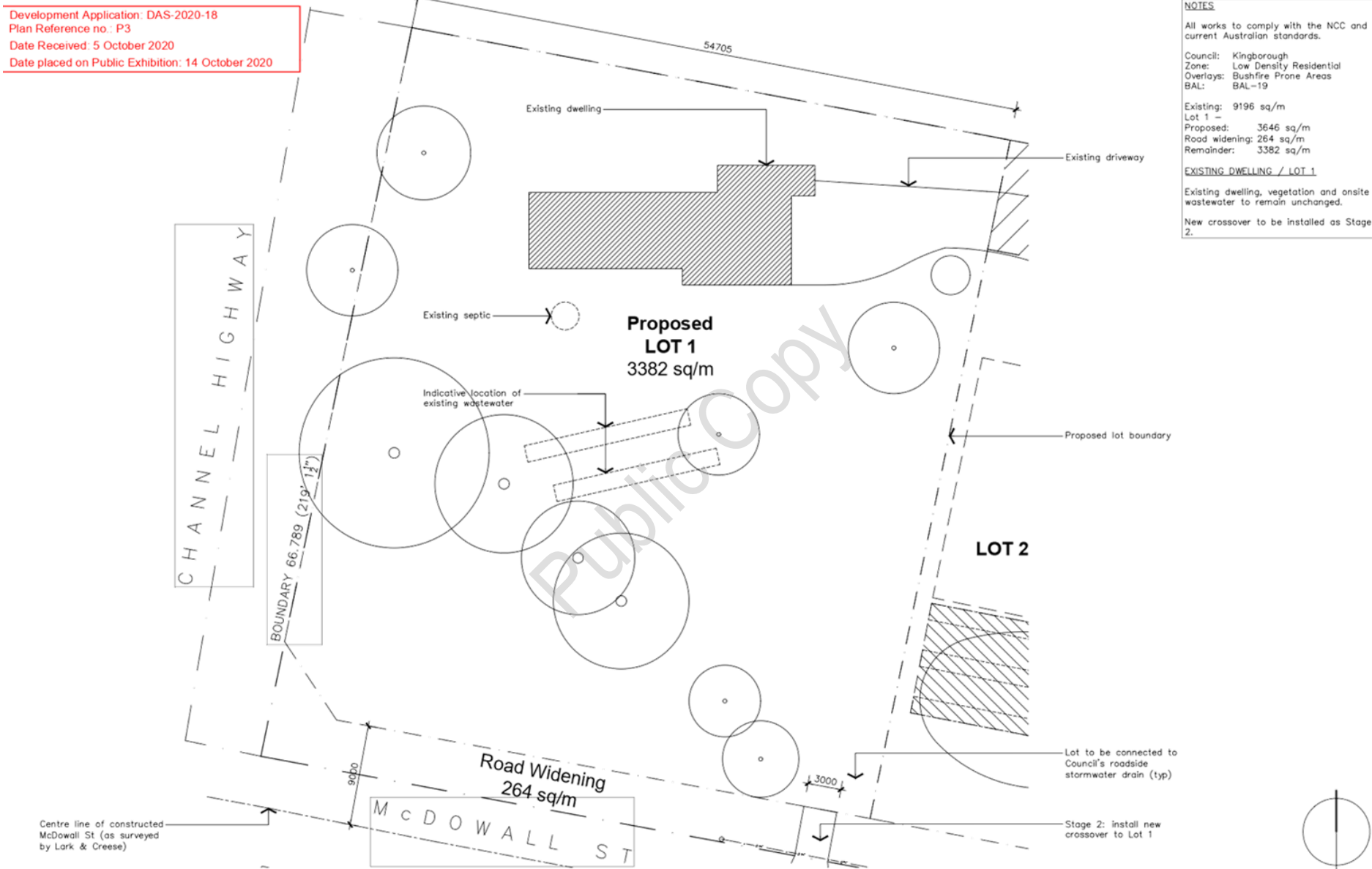
Locality Plan




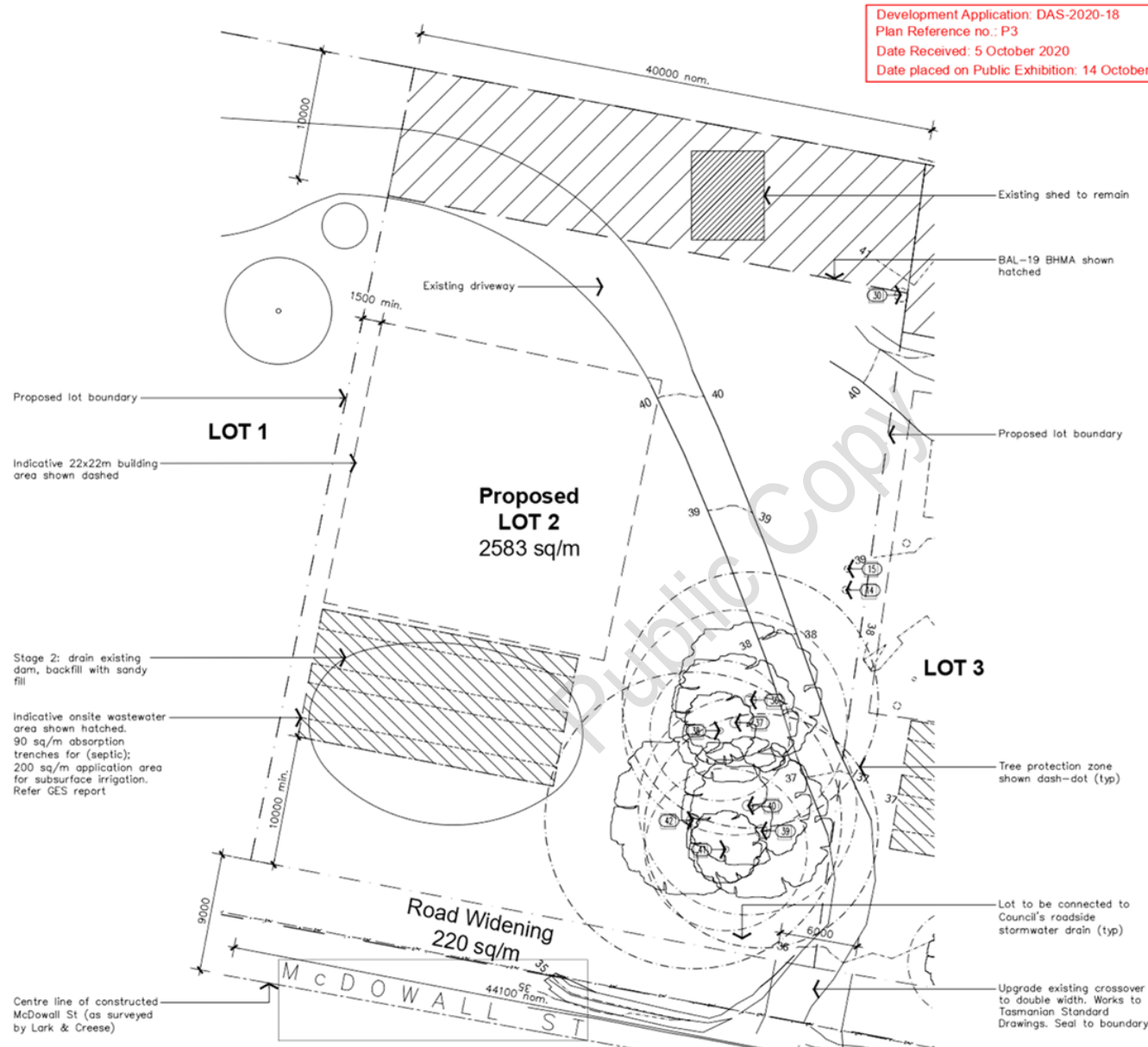


	4/245 Elizabeth St Hobart, TAS 7000 0408 634 822 andrew@aka-architects.com.au	ANDREW KERR CC 6568	RUTH & ARTHUR BANKS	28 MCDOWALL ST MIDDLETON	SITE PLAN SUBDIVISION	1:500 @ A3	AK / AS AK / AS AK / AS	3 2 1	02.10.2020 31.08.2020 02.07.2020	Planning: RFI #2 Planning: RFI Planning: Subdivision	DA-00
www.aka-architects.com.au	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.



 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 1	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-01
Contact	Accredited Designer	Client	Project	Drawing	Scale	DB / CB	Rev	Date	Issue	Drawing No.	
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Development Application: DAS-2020-18
Plan Reference no.: P3
Date Received: 5 October 2020
Date placed on Public Exhibition: 14 October 2020

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: 2803 sq/m
Road widening: 220 sq/m
Remainder: 2583 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: 10m
East: 0m
South: 0m
West: 0m


TREE LEGEND

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

Ref - species - DBH (mm) - status

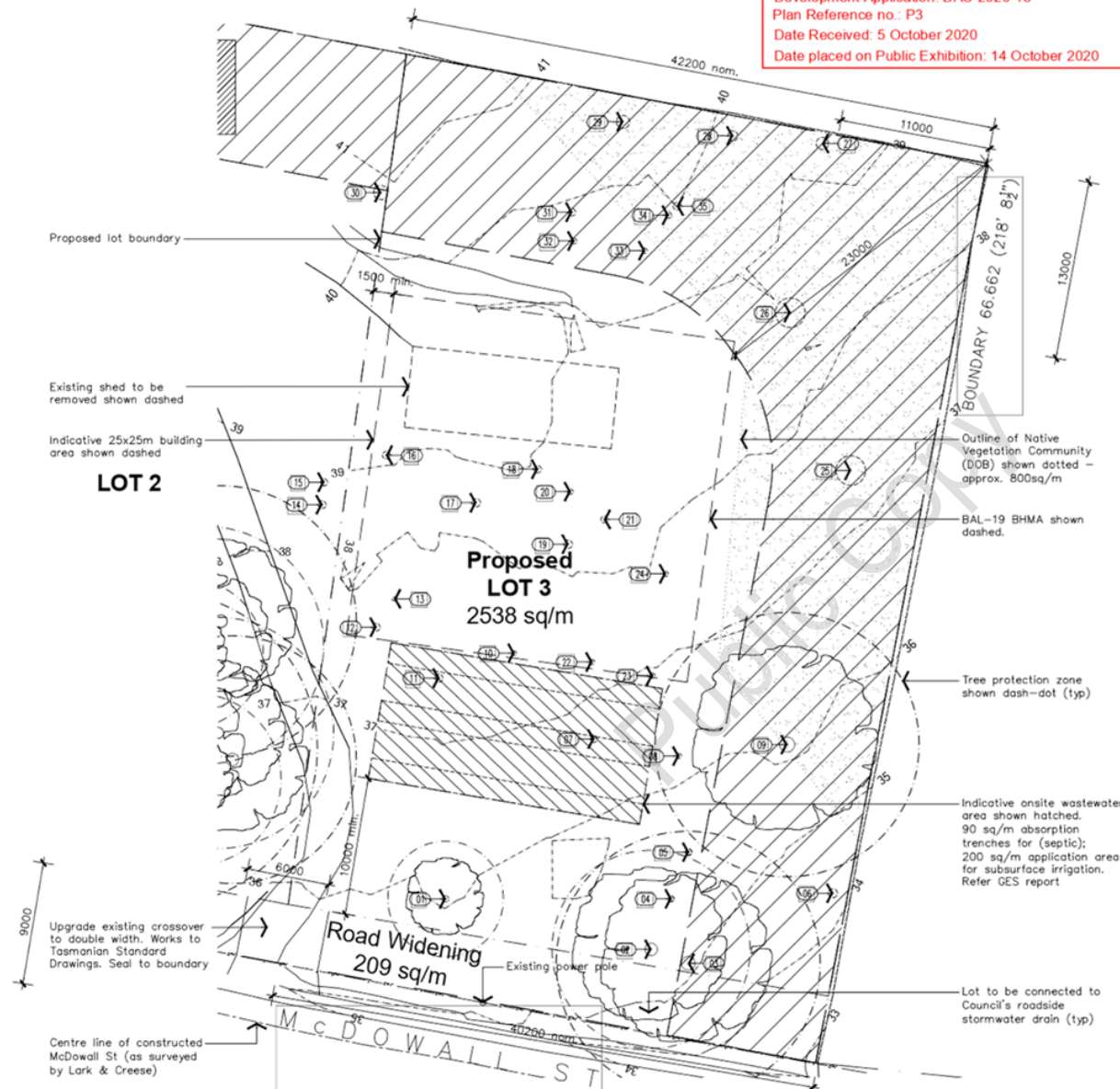
14	E. obliqua	550
Remove:	dwelling	
15	E. obliqua	500
Remove:	dwelling	
30	E. obliqua	940
Remove:	HMA	
36	E. obliqua	820
Retain:	high conservation value	
37	E. obliqua	680
Retain:		
38	E. obliqua	450
Retain:		
39	E. obliqua	750
Retain:	high conservation value	
40	E. obliqua	680
Retain:		
41	E. obliqua	520
Retain:		
42	E. obliqua	950
Retain:	high conservation value	



	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 2	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-02
www.aka-architects.com.au	Contact	Accredited Designer	Client	Project	Drawing	Scale	DB / CB	Rev	Date	Issue	Drawing No.

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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 Contact:	ANDREW KERR CC 6568 Accredited Designer	RUTH & ARTHUR BANKS Client	MCDOWALL ST Middleton Project	SITE PLAN LOT 3 Drawing	1:300 @ A3 Scale	AK / AS AK / AS AK / AS DB / CB Rev	3 2 1 Date	02.10.2020 31.08.2020 02.07.2020 Issue	Planning: RFI #2 Planning: RFI Planning: Subdivision DA-03 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.									

OPEN SESSION

14 NOTICES OF MOTION

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

15 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

16 PETITIONS RECEIVED IN LAST PERIOD

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

17 OFFICERS REPORTS TO COUNCIL

17.1 ANNUAL BUDGET MID-YEAR REVIEW

File Number: 5.95
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 review the budget forecast after four months of actual expenditure and consider the progress in delivering the Capital Works program and to seek adjustments to individual budget items.

2. BACKGROUND

- 2.1 Budgets are a forecast of likely income and expenditure at a point in time. After four months of actual expenditure, several budget assumptions have changed resulting in variations to forecast figures.
- 2.2 The attached summary operating statement shows the November operational results against the year-to-date budget, the annual budget the revised forecast budget and the forecast variance.

- 2.3 As part of the operational budget for 2020/21, Council requested that an Efficiency Dividend be applied to Council expenditure to identify \$380k that could be made in cost savings during the financial year. Managers have reviewed their department budgets and identified areas where those savings could be made. Each month a review of progress towards those savings is undertaken to ensure Council is on track to deliver the required results.
- 2.4 For various reasons, capital budgets will vary throughout any financial year with some projects realising savings, others being over expended, and, in some cases, projects being deferred. Generally, the overs and unders are managed within the overall budget, however it is prudent that at this stage of the year Council considers the current situation and makes some decisions accordingly.
- 2.5 The status of the current capital program is attached. This provides an estimate as to the completion of each project, while noting that the actual expenditures may not accurately reflect this due to lags in receiving final invoices.

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements associated with this matter.

4. DISCUSSION

Operational Expenditure

- 4.1 The operational budget for 2020/21 was constructed during a period of great uncertainty created by the COVID-19 pandemic. This has resulted in revenue estimates being currently well under the actual results.
- 4.2 The forecast Underlying Operational Result is a deficit of \$1.88m against the budget figure of \$2.60m. At a high level, recurrent income is expected to be \$750k over budget, while expenditure is forecast at \$200k over budget leaving a \$550k improvement in the Underlying Deficit for 2020/21.
- 4.3 The following is the analysis of movements on each income and expenditure item as reported in the Summary Operating Statement based on October 2020 figures:
- 4.3.1 **Rates +\$100k:** Rate income is currently \$65k over budget of which \$35k is due to general rates and \$34k to garbage rates. In the second half of the year, the variance is expected to increase marginally due to supplementary rates only applying to the period to 30 June.
- 4.3.2 **Statutory Fees and Fines +\$150k:** Statutory fees and fines is currently \$122k over budget due primarily to planning fees which are \$136k over budget. While planning fees are expected to slow down over the holiday period, they are expected to increase again in the period from February to June
- 4.3.3 **User Fees +\$200k:** User fees are currently \$201k over budget due primarily to the Kingston Sports Centre which is 190k over budget due to a conservative revenue budget being set for the first six months of 2020/21 in response to the uncertainty generated by the COVID 19 pandemic. The budget for the period January to June is in line with past results and therefore should be close to the actual amount.
- 4.3.4 **Grants Recurrent +\$300k:** Grants recurrent are \$255k over budget due primarily to a change in accounting standards which allows revenue received in 2019/20 to be carried forward to this financial year and match with the expenditure associated with the grant.

4.3.5 **Employee Costs +\$100k:** Employee costs are \$82k under budget at the end of October. The main reason for the variance is the receipt of \$58k in workers comp insurance refunds as a result of the good performance in regards to claims in 2019/20.

4.3.6 **Materials and Services -\$300k:** Materials and services budget has been increased by \$300k to match the likely costs associated with grant funds being expended in 2020/21 in line with the allocation of recurrent grant revenue.

Efficiency Dividend

4.4 The attached report shows the areas where cost savings have been identified as well as some information on the expenditure cuts.

4.5 Some of the expenditure cuts are ongoing, while some relate to projects or activities that will be reviewed during the 2021/22 budget discussions.

4.6 The financial data to October 2020 indicates that all expenditure areas identified are on track to deliver the savings identified.

Capital Expenditure

4.7 There are several projects that have been identified as having savings or recommended for deferral including:

- Talone Road reconstruction is practically complete and competitive contractor prices suggests that savings of approximately \$290K will be realised.
- Diamond Drive and Opal Drive rehabilitation projects have been combined with Algona Road stormwater works under one contract and this is likely to produce approximately \$180K savings. Works are currently underway.
- Barnes Bay Jetty replacement is due to be completed shortly and savings of approximately \$25K are expected.
- Lightwood Park 3 training lights have been awarded to a contractor and it likely that there will be approximately \$55K savings in the project.
- Beach Road (Kingston) stormwater works have commenced and including contingency and project management costs there is expected to be savings of approximately \$42K.
- A number of potential projects associated with low flow stormwater to sewer devices in the Kingston Beach and Blackmans Bay totalling \$175K have been considered and are recommended for deferral. At this stage, there are two trial low flow stormwater to sewer sites in operation in the Blackmans Bay catchment. Although these sites have proven to be beneficial it is not believed the efficacy of the sites warrants an extension at this stage. It is believed that there is better value in continuing investigation and rectifying contamination sources within the catchment.
- Middleton Esplanade stabilisation works have not been able to be progressed to the point that there is certainty that this project will be delivered as originally scoped. The original project was based on protecting the road against the effects of coastal erosion but there are concerns that this in turn may have a detrimental effect on the beach. Council's Environmental Health area will be undertaking some further investigation over the next six months including localised protection works and community liaison as to available options. It is recommended that

\$230K of the budget is deferred and a future bid is submitted for a new preferred option. \$20K of funding will remain to undertake any immediate works required.

4.8 The above identified savings (approximately \$1M) provide an opportunity to bring forward other projects for Council to consider. These projects have been put forward as they are considered a priority and are expected to be delivered within the remainder of the 2020/21 financial year. The projects to be considered are:

- Missionary Road coastal erosion works – This project has been listed in Council's 5-year Capital Works plan and largely involves the replacement of an existing coastal rock wall that is currently under threat. The proposed works have been designed and are ready for tendering. The estimated cost of the project is \$300K.
- Groombridge Road sealing of an unsealed section – Currently Groombridge Road is part sealed and part unsealed. A current project is to seal a steep section of the unsealed portion which will leave a relatively small balance of unsealed road (approximately 300m) sandwiched between the sealed sections of the road. It is envisaged that there will be a community push to seal the remaining section of unsealed road in the future and the identified savings provide an opportunity to bring this forward and provide a finished product for Groombridge Road. The estimated cost to extend the current works are estimated to be \$270K.
- Bishop Davies Road to Kingston Green stormwater link – This is a new section of stormwater needed to relief nearby flooding issues. The estimated cost to complete these works is \$120K.
- Various rural culvert works – Works have been identified for Van Morey Road and Huon Road (near Andersons Road) for improved drainage to avoid flooding of the road in moderate rain events. Estimated cost for undertaking these works is \$60K.
- Park furniture upgrade – Council officers have recently undertaken an audit of park furniture and identified over 400 items of tables and seats that are in need of replacement or repair. To renew these items a substantial injection of funds is needed (estimated to be \$800K), however for most the likely approach is to re-use the existing furniture and modernise to make them more contemporary. This will reduce the costs by about 50% and will also repurpose the existing furniture rather than sending to landfill. The intention is to stage upgrades to the park furniture over a 5-year period and it is recommended that this process is commenced now by making \$40K available.
- Suncoast Track coastal protection works – It has been identified that there is a safety issue with the start of the Suncoast Track (southern end of Blackmans Bay Beach) which has prompted a geotechnical report and some short term safety measures such as better path delineation and temporary fencing. The longer-term solution will be to provide some coastal retaining wall works and more permanent fencing. It is proposed to submit a budget bid for the substantive works in the 2021/22 financial year, but it requires preliminary design, approvals and community consultation to reach the most preferred option. To undertake these preliminary works, it is estimated \$30K would be required.
- Flinders Avenue stormwater extension – This is a current project with a budget of \$116K to extend the stormwater system to manage some identified flooding issues. It has been further identified that a further 30m extension of these works will better capture the catchment flows in this area. Estimated cost of these works is \$40K.

- Leslie Road stormwater works near 48 Leslie Road – This is a current project with a budget of \$57K originally intended for relining a current damaged pipe within the property of 48 Leslie Road. Further modelling of the area suggests that there are also some capacity constraints with this line as such another option involving a new pipe diversion in the adjacent property has been explored and represents a preferred solution as it will address these capacity issues. Preliminary discussion with affected property owners suggests this option is a favourable one to pursue. The additional cost of this option would be \$40K.
 - Leslie Road stormwater works near 140 Leslie Road – This is a current project with a budget of \$80K intended to relief flooding in the area by adding an additional stormwater system discharging onto 140 Leslie Road. To achieve the desired configuration, it is estimated an additional \$50K will be required.
 - Conningham to Snug extension of shared path feasibility study – This project has been listed in our 5-year Capital Works plan and recommended through the Kingborough Bicycle Advisory Committee (KBAC) and supported by the local community. It will primarily involve investigating possible track alignments. It is estimated that this cost approximately \$40K.
- 4.9 The above suggested projects have been identified as additional projects or additions to current projects that meet the following criteria:
- They are considered priority projects that if not funded this year would be considered for funding in the 2021/22 financial year;
 - Do not require substantial design, approvals and or community consultation that would make it difficult to achieve completion within the remaining six months of the year.
- 4.10 For the balance of the current capital program it is expected that most projects will be completed or substantially commenced prior to the end of the financial year.

5. FINANCE

- 5.1 The operational expenditure forecast is for a result substantially better than what was predicted in the budget for 2020/21. There is however still continuing uncertainty around the financial outcomes for Council depending on the current control of the pandemic remaining in place.
- 5.2 The Capital Program is currently under budget for the year to date, this is partly due to the savings and suggested deferrals as mentioned in the body of the report and partly due to some delays in commencing some projects. The total capital budget as of 11 November 2020 was \$14.18M and expenditure and commitments at this date was \$4.63M.
- 5.3 At this stage, we are expecting the majority of the Capital Program to be delivered but will continue to closely monitor in the next 2-3 months.
- 5.4 Any other overs and unders within the Capital Program over the next six months will be managed within the program.

6. COMMUNICATION AND CONSULTATION

- 6.1 Consultation has been undertaken internally to ensure the adjustments to the program can be achieved.

7. RISK

- 7.1 There are no particular risks associated with this report. Projects that have been suggested for deferral have been done to allow additional information to be gathered and additional projects have been put forward to take advantage of savings made.

8. CONCLUSION

- 8.1 The underlying operating deficit for 2020/21 is forecast to be less than in the original budget.
- 8.2 Council is on track to deliver the identified efficiency dividend in 2020/21.
- 8.3 Several savings in the Capital Program have been identified and some deferrals of projects suggested to allow further evaluation. This has provided an opportunity for other replacement projects to be considered by Council.
- 8.4 There is an option for Council to consider some or none of the replacement projects and to retain the savings, however, it is recommended to fund all of the listed replacement projects as this will take pressure off funding future capital budgets.
- 8.5 The Capital Program is currently tracking under budget but an evaluation of each individual project (taking into account the deferrals and replacement projects) suggests that they are deliverable within the 2020/21 financial year. This will be closely monitored over the next 2-3 months.

9. RECOMMENDATION

That Council:

- (a) Notes the progress on the operational budget for 2020/21;
- (b) Notes the savings identified to deliver the efficiency dividend for 2020/21;
- (c) Notes the progress made with the delivery of the Capital Program; and
- (d) Endorse the reallocation of approximately \$1M of identified savings and project deferrals to the following projects:
- Missionary Road coastal works, \$300K
 - Groombridge Road sealing, \$270K
 - Bishop Davies Road to Kingston Green stormwater link, \$120K
 - Rural culvert works, \$60K
 - Suncoast track protection works investigation, \$30K
 - Flinders Avenue stormwater extension, \$40K
 - Leslie Road stormwater works near house number 48, \$40K
 - Leslie Road stormwater works near house number 140, \$50K
 - Shared path Cunningham to Snug feasibility, \$40K

ATTACHMENTS

1. Mid-Year Review Financials
2. Efficiency Dividend Savings
3. Capital Expenditure

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)

Efficiency Dividend Savings

Item	Comment	Savings
New Equipment & Furniture	Reduced expenditure across Council on new office equipment	23,000
Consultancies	Not undertaking the staff survey in 2020/21 and reduced building and plumbing consultancies	22,000
Bruny Destinations Action Plan	Project expected to cost less than expected	17,000
Donations	Reduced demand due to COVID restrictions	7,500
Tourism	Reduction in allocation to tourism	10,000
Sundry	Reductions across a number of departments	6,000
Records Storage	Storage project to be reviewed in 2021/22	10,000
Recreational Planning	Reduction in the amount of recreational planning conducted	5,000
Love Living Locally	At best a scaled back version of the event will be run	5,500
Youth Art Prize	Prize reduced for 2020/21	5,000
School Holiday Program	Minor reduction in the program	1,000
Materials (Arts)	Budget reduced from \$10k to \$6k reducing activities undertaken	4,000
Contractors (Arts)	Budget reduced from \$10k to \$6k reducing activities undertaken	4,000
RCCI Action Plan Projects	Plan to be considered in the 2020/21 budget	10,000
Adventure Bay Modelling	Modelling to be considered in the 2020/21 budget	25,000
D'Entrecasteaux Channel Env Project	Project to be considered in the 2020/21 budget	10,000
Workers Compensation	Savings achieved through refund of previous premiums paid	40,000
R&R Tree Maintenance	Tree maintenance reduced from \$297k to \$287k by small reduction in activity	10,000
R&R Stump Grinding	Stump grinding from \$26k to \$16k resulting in reduced activity	10,000
Transport Road Sweeping	Reduction in cost due to providing road sweeping services to Huon Valley Council on a cost recovery basis	80,000
Transport Guide Posts	Guide post maintenance reduced from \$51k to \$36k resulting in reduced activity	15,000
Transport Roadside Slashing	Roadside slashing from \$241k to \$191k providing reduced ability for extra activities	50,000
Transport Weed Spraying	Weed spraying from \$51k to \$41k resulting in reduced spraying	10,000
		380,000

Capital Program as at 11 November 2020

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
	TOTALS			14,184,837	3,221,982	1,408,533	4,630,515	
DEPT	OTHER			58,182	19,509	0	19,509	
C90003	Future Projects DESIGN 2020-21		Outstanding amount available for additional projects	83,000	0	0	0	
C03090	Gormley Drive /Spring Farm link DESIGN ONLY	100%	Concept design complete	0	5,210	0	5,210	Incorporated as part of future design projects
C03093	Garnett Street SW - DESIGN ONLY	70%	Design underway	0	6,819	0	6,819	Incorporated as part of future design projects
C03199	Snug Tiers reconstruction - Design Only	50%	Survey complete, design underway	0	5,086	0	5,086	Incorporated as part of future design projects
C03201	Tower Court reconstruction - DESIGN ONLY	100%	Design complete	23,182	2,395	0	2,395	
C03342	Pelverata Road - DESIGN ONLY	0%	Scheduled for second half of financial year	35,000	0	0	0	
DEPT	SOLID WASTE			385,020	346,076	43,192	389,268	
C03218	Baretta vehicle washdown facility	100%	Complete	112,075	157,222	0	157,222	
C03219	Baretta pump station	100%	Complete	190,923	173,536	23,902	197,438	
C03220	Replace Kerb KWS	100%	Complete	37,656	952	0	952	
C03308	Barretta Walking Floor Blg Safety Upgrade	100%	Complete	14,366	14,366	0	14,366	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03321	Baretta Re-use Station Security Cameras	70%	Under installation	30,000	0	19,290	19,290	
DEPT	BRIDGES & JETTIES			68,500	9,491	97,240	106,731	
C03193	Barnes Bay Jetty Replacement	100%	Complete	52,500	3,200	97,240	100,440	
C03346	Gordon Jetty Fender Replacement	100%	Complete	16,000	6,291	0	6,291	
DEPT	ROADS & FOOTPATHS			8,601,888	2,380,054	773,173	3,153,228	
C03187	Brightwater Road STAGE 2	100%	Complete	564,791	541,303	0	541,303	
C03064	John Street Kingston Reconstruction	100%	Complete	50,000	34,910	37,656	72,565	
C03066	Talone Road reconstruction	90%	Substantially complete	1,173,958	771,609	90,813	862,422	
C03205	Leslie Road widening	80%	Substantially complete	42,946	5,034	0	5,034	
C03212	Pelverata Road - b/w 199 & Halls Track Rd	100%	Complete	0	5,488	1,610	7,098	
C03216	Hinsby Road Pedestrian Improvements	100%	Complete	55,000	54,815	2,743	57,557	
C03096	Adventure Bay Road Realignment vicinity 334	10%	Design complete, awaiting service relocations, due for construction in February 2021	570,000	4,389	29,132	33,521	
C01183	Beach Road Footpath (KBeach 2-14) - Osborne Esp to Recreation St	20%	Tendered, likely start of works February 2021	265,000	11,477	0	11,477	
C03343	Besters Rd Junction Sealing	0%	Scheduled for second half of financial year	20,000	0	0	0	
C03344	Browns-Proctors Rd Browns River Bridge approaches	0%	Scheduled for second half of financial year	30,000	0	0	0	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03311	Browns Road Rehab- Geotech, Survey, Stage 1 DESIGN	0%	Scheduled for second half of financial year	85,000	0	0	0	
C03107	Channel Hwy Kingston CBD - Design	5%	To be incorporated with City Deal funding as part of a three year spend	420,693	9,852	11,650	21,502	
C03345	Diamond Drive Pavement Rehabilitation	0%	Construction combined with Algona Stormwater, currently underway	210,000	2,569	0	2,569	
C03312	Groombridges Road sealing of steep section	10%	Finalising design	840,000	24,243	2,200	26,443	
C03315	Kingston Beach Sailing Club Carpark Upgrade	10%	Finalising design	366,000	8,197	0	8,197	
C03347	Kingston Heights Footpath Kerb and Channel	0%	Scheduled for second half of financial year	42,000	0	0	0	
C03313	Margate Oval Carpark Expansion	0%	Awaiting the success of a grant submitted by the adjacent Mens Shed for funding for sealing part of the carpark	55,000	2,734	0	2,734	
C03348	Middleton Esplanade Stabilisation	0%	Recommended for deferral	250,000	4,130	0	4,130	See comments in report
C03410	LRCI - Morris Avenue Ped Refuge, Channel Hwy	0%	Under design to commence in early new year	75,000	0	0	0	Funded from Local Roads and Community Infrastructure grant
C03409	LRCI - Jenkins St Ped Refuge, Channel Hwy	0%	Under design to commence in early new year	40,000	0	0	0	Funded from Local Roads and Community Infrastructure grant
C03349	Nubeena Crescent Pedestrian Refuge	0%	Under design to commence in early new year	45,000	0	0	0	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03350	Opal Drive rehab - consolidated with Diamond Drive	0%	Construction combined with Algona Stormwater, currently underway	160,000	394	0	394	
C03316	Osborne Esplanade Pedestrian Crossing and DDA Ramp	10%	Tendered, likely start of works February 2021	170,000	13,859	5,400	19,259	
C03351	Pengana Place footpath	100%	Complete	36,000	26,090	2,609	28,699	
C03352	Sandfly Road Bridge Approaches over Allens Rivulet	100%	Complete	30,000	377	20,977	21,354	
C03353	Stratford Place Footpath Kerb and Channel	100%	Complete	19,000	8,150	0	8,150	
C03411	LRCI Grant -Nebraska Road - Rock wall repairs	100%	Complete	35,000	0	0	0	Funded from Local Roads and Community Infrastructure grant
C03412	LRCI - Tower Court reconstruction	10%	Design completed to be tendered shortly	220,000	0	0	0	Funded from Local Roads and Community Infrastructure grant
	ACCESS RAMPS			20,000	0	0	0	
C90006	Parent - Access Ramp improvements 20/21		Remaining funds yet to be allocated	8,000	0	0	0	
C03406	Beach Road Snug, Access ramp	100%	Completed	12,000	0	0	0	
	RESHEETING PROGRAM			1,133,000	298,569	277,326	575,895	
C03397	Watsons Road	100%	Complete	109,000	30,938	23,615	54,553	
C03398	Old Bernies Rd	0%	Scheduled for second half of financial year	247,000	827	26,460	27,287	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03399	Snug Falls Rd	0%	Scheduled for second half of financial year	171,000	0	58,638	58,638	
C03400	Dulcia Rd	100%	Complete	212,000	146,786	32,368	179,154	
C03401	Killlora Rd	100%	Complete	339,000	119,987	136,246	256,232	
C03408	LRCI - Gormley Drive gravel resheet	50%	Under construction	55,000	31	0	31	Funded from Local Roads and Community Infrastructure grant
	RESEALING PROGRAM			1,578,500	551,865	291,058	842,923	
C03376	Crystal Downs	100%	Complete	202,000	183,647	0	183,647	
C03377	Murlali Court	100%	Complete	30,000	25,081	0	25,081	
C03378	Taroo Court	100%	Complete	18,000	18,080	0	18,080	
C03379	Baringa Rd	100%	Complete	80,000	85,210	223	85,433	
C03380	Cartwright Lane	100%	Complete	15,000	14,519	881	15,400	
C03381	Churchill Road	100%	Complete	90,000	0	68,869	68,869	
C03382	Coolamon Road	100%	Complete	47,000	38,407	0	38,407	
C03383	Elandra Road	100%	Complete	36,000	30,914	0	30,914	
C03384	Karingal Court	100%	Complete	69,000	55,888	0	55,888	
C03385	Spring Farm Rd	100%	Complete	98,000	88,504	1,697	90,200	
C03386	Sandfly Road at Pelverata Road	100%	Complete	32,000	123	42,938	43,061	
C03387	Cutana Parade	100%	Complete	67,000	825	61,518	62,343	
C03388	Beach Road Snug	100%	Complete	117,000	10,668	114,931	125,599	
C03389	Howden Rd	0%	Scheduled for second half of financial year	161,000	0	0	0	
C03390	Coningham Rd - Hopwood to Albert	100%	Complete	40,000	0	0	0	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03391	Coningham Rd - Old station to ch.100	100%	Complete	15,000	0	0	0	
C03392	Sandfly Road - Huon Hwy to Allens Rivulet Rd	0%	Scheduled for second half of financial year	99,000	0	0	0	
C03393	Van Morey Road	0%	Scheduled for second half of financial year	116,000	0	0	0	
C03394	Willuna Close	0%	Scheduled for second half of financial year	9,000	0	0	0	
C03395	Prep works 2021/22	0%	Scheduled for second half of financial year	237,500	0	0	0	
DEPT	STORMWATER			2,920,097	192,474	268,685	461,159	
C03023	Tyndall Beach Stabilisation at Browns River Mouth	100%	Works have been completed, however this is a trial site for softscape erosion control treatments, and the works are being monitored to review and assess the performance of the treatment techniques over time.	8,138	8,697	2,707	11,404	
C03026	Algona Road Stage 1 SW Upgrade	30%	Works under construction	628,705	8,938	0	8,938	
C03129	Blackmans Bay stormwater outlet quality control	0%	No additional works identified at this stage	54,589	7,392	0	7,392	
C03163	Stormwater Regional flood gauge network	100%	Completed	0	4,287	0	4,287	
C03237	Manuka Road stormwater upgrade	100%	Completed	0	1,450	0	1,450	
C03247	Huon Road (vic 1678) SW Upgrades	100%	Completed	0	1,470	0	1,470	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03236	Milford Road stormwater upgrade	100%	Completed	0	1,270	537	1,807	
C03239	Taroona Crescent stormwater upgrade	20%	Works tendered and awarded scheduled to start in late January 2021	113,000	112,299	1,907	114,206	
C03241	Burwood Drive stormwater upgrade	100%	Complete	94,168	6,326	4,107	10,434	
C03242	Leslie Road Stormwater Upgrade (vic 140)	10%	Design being finalised	41,000	6,623	193	6,816	
C03244	Van Morey Road stormwater upgrade (vic 279)	100%	Complete	0	850	0	850	
C03245	Allens Rivulet Road Stormwater upgrade	100%	Complete	0	1,350	1,065	2,415	
C03246	Leslie Road (vic 645) SW Upgrades	100%	Complete	0	1,364	0	1,364	
C03249	Allens Rivulet Road (vic 279)	100%	Complete	0	1,200	0	1,200	
C03250	Algona Road Stage 2 SW Upgrade-design only	100%	Complete	23,504	8,773	0	8,773	
C03251	Hillside Catchment Investigation	100%	Complete	15,684	122	0	122	
C03256	CBD Catchment Investigation	0%	Scheduled for second half of financial year	33,809	0	0	0	
C03354	Pit replacement & upgrade 20/21	20%	Balance of works scheduled in second half of year	50,000	1,109	0	1,109	
C03355	Algona Road Stage 2 Stormwater Upgrade - RELINE	0%	Works to be tendered shortly	383,000	0	0	0	
C03356	Beach Road, Kingston Stage 2 Stormwater Upgrade	20%	Works commenced	272,000	6,788	253,949	260,737	
C03357	Kingston Beach Flood Mitigation Investigation	10%	Quotes to be sought shortly	47,000	0	0	0	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03358	Coffee Creek Erosion Repair	0%	Scheduled for second half of financial year	16,500	0	0	0	
C03359	Coffee Creek Hydraulic Assessment	50%	Assessment underway	55,000	2,436	0	2,436	
C03360	Ewing Avenue Outfall DTS	0%	Recommended for deferral	54,000	0	0	0	See comments in report
C03361	Flinders Esp Stormwater EXTENSION	10%	Design being finalised	116,000	5,375	0	5,375	
C03362	Flowerpot, Blackmans Bay DTS	0%	Recommended for deferral	59,000	0	0	0	See comments in report
C03363	Harpers Road Stormwater Upgrade - ROAD ONLY	10%	Design being finalised	168,000	1,635	0	1,635	
C03364	Leslie Road (viz 48) Stormwater Upgrade	10%	Design being finalised	25,000	0	0	0	
C03365	Margate Rivulet Hydraulic Assessment	10%	Study out to quotes	77,000	0	0	0	
C03366	Palmers Rd Culvert Upgrade	0%	Scheduled for second half of financial year	21,500	0	0	0	
C03367	Pear Ridge, Margate Stormwater Upgrade - V1	0%	Scheduled for second half of financial year	31,000	0	0	0	
C03368	Roslyn-Pearsall-Wells-Ocean Stormwater Survey	10%	Brief and quotes received	30,000	0	0	0	
C03369	Snug Falls Rd Culvert Upgrades	0%	Scheduled for second half of financial year	27,000	0	0	0	
C03370	Talbots Road Culvert Upgrades (vic 146)	0%	Scheduled for second half of financial year	34,500	0	4,220	4,220	
C03371	Jindabyne Road stormwater improvements	0%	Scheduled for second half of financial year	15,000	0	0	0	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03372	Kingston Heights vicinity of house number 37	0%	Scheduled for second half of financial year	15,000	0	0	0	
C03373	Taroona Crescent Stormwater Upgrade STAGE 2	10%	Work has been tendered and awarded	217,000	2,660	0	2,660	
C03374	Timbertop Drive Stormwater Upgrade	0%	Scheduled for second half of financial year	57,000	61	0	61	
C03375	Yacht Club Kingston Beach DTS	0%	Recommended for deferral	63,000	0	0	0	See comments in report
C03414	Van Morey Rd Culvert Upgrades	100%	Complete	49,000	0	0	0	
C03415	157 Channel Hwy Stormwater	0%	Design being finalised	25,000	0	0	0	
DEPT	PROPERTY			2,051,150	274,378	226,243	500,621	
C03005	Coningham Toilet Block Replacement	100%	Complete	130,000	3,679	100,500	104,179	
C03111	Kelvedon Park Changerooms/Clubrooms	90%	Substantially complete	23,261	32,483	0	32,483	
C03192	Lunawanna Hall Public Toilet replacement	100%	Complete	12,017	0	0	0	
C03217	Margate hall roof replacement	100%	Complete	0	5,339	2,250	7,589	
C03222	Wash down facility for twin ovals workshop	20%	Reviewing scope and developing design, with a view to either proceeding or submitting additional capital bid for extra funding as may be required.	29,717	5,128	958	6,086	
C03223	Glensyn Units - Septic System	100%	Complete	22,450	0	0	0	
C03224	Middleton Hall - Septic System	100%	Complete	0	5,923	0	5,923	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03225	Trial bay - Septic System	100%	Complete	17,469	4,454	0	4,454	
C02373	Kettering Hall Disability Access	0%	Deferred as per previous Council report	7,000	0	0	0	
C03318	Blackmans Bay Beach playground	100%	Complete	64,790	58,900	5,890	64,790	
C03304	Blowhole Reserve Fence	50%	Underway	89,446	2,076	87,045	89,121	
C90010	20-21 Playground Renewal	0%	Scheduled for second half of financial year	50,000	0	0	0	
C03396	Street furniture - Beach Road, Snug	100%	Complete	15,000	11,584	0	11,584	
C03320	Adventure Bay Hall Wastewater Pump Out System	0%	Scheduled for second half of financial year	73,000	0	0	0	
C03323	Blackmans Bay Toilets - Option 2 Upgrade	20%	Works out to quotes	81,500	1,410	0	1,410	
C03322	Blackmans Bay Skate Park Irrigation	20%	To be undertaken shortly	10,000	0	0	0	
C03324	Civic Centre - Office Accommodation - DESIGN ONLY	90%	Substantially complete	30,000	9,450	0	9,450	
C03325	Kettering Public Toilets	0%	Deferred as per previous Council report	45,000	0	0	0	
C03326	Kingston Beach Oval Changerooms	0%	Scheduled for second half of financial year	100,000	484	0	484	
C03327	Kingston View Dog Park - Puppy Fencing	100%	Complete	5,000	2,640	0	2,640	
C03328	KWS Re-Use Shop Toilet Upgrade	20%	Out to quotes	41,000	152	29,600	29,752	
C03329	Light Wood Park 2 Female Changerooms	0%	Scheduled for second half of financial year	200,000	0	0	0	

Account No.	Task Name	Complete	Comment	Total funds available	Expenditure (YTD inc plant)	Purchase Orders (commitments)	TOTAL	Comments
C03330	Light Wood Park 2 cricket nets	0%	Scheduled for second half of financial year	30,000	303	0	303	
C03331	Light Wood Park 3 training lights	20%	Awarded contract	240,000	8,064	0	8,064	
C03332	Light Wood Park 3 Fencing	20%	Will be undertaken in conjunction with the installation of the training lights	10,000	0	0	0	
C03333	Middleton Cemetery columbarium	20%	To be undertaken shortly	12,000	758	0	758	
C03334	Nierinna Creek Track Steps Upgrade	100%	Complete	46,000	40,960	0	40,960	
C03335	Public Recycling & Waste Enclosures	50%	Underway	40,000	0	0	0	
C03314	Silverwater Park Upgrades	10%	Design and consultation phase	250,000	0	0	0	
C03336	Snug Hall Roof	0%	Scheduled for second half of financial year	50,000	0	0	0	
C03337	Snug Beach Access Steps	100%	Complete	22,500	22,500	0	22,500	
C03338	Tingira Road Access Steps	100%	Complete	49,000	49,000	0	49,000	
C03339	Twin Ovals Synthetic Area for Pitch Covers	100%	Complete	10,000	9,090	0	9,090	
C03340	Christopher Johnson Park Toilet Upgrade	10%	Building assessment underway	60,000	0	0	0	
C03341	Woodbridge Hall Upgrades - Toilet	20%	Going through approval process	110,000	0	0	0	
C03413	LRCI - Woodbridge Hall Upgrades - roof, porch	20%	Out to quotes	75,000	0	0	0	
	SUMMARY POSITION			14,184,837	3,221,982	1,408,533	4,630,515	

17.2 RISK MANAGEMENT POLICY

File Number: 12.81

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 present a review of Policy 3.10 Risk Management (see attached).

2. BACKGROUND

- 2.1 The Risk Management Policy was last reviewed in December 2018 and is scheduled for update.
- 2.2 The policy was developed to provide guidance on the management of Council's risks and to ensure a risk culture is embedded into activities and processes.

3. STATUTORY REQUIREMENTS

- 3.1 Council is required to prepare a Strategic Plan under Section 66 of the *Local Government Act 1993*. The risk management policy and risk management strategy are key considerations when developing Council's Strategic Plan.

4. DISCUSSION

- 4.1 The attached policy has been reviewed by the Audit Panel with a few minor changes made as identified in the marked-up copy.
- 4.2 The main change to the policy is to align the types of risks with those used in the risk matrix.
- 4.3 Council's risk management framework, risk appetite statement and strategic risk register and being reviewed by the Audit Panel.

5. FINANCE

- 5.1 There are no budget implications of the updated risk management policy.

6. ENVIRONMENT

- 6.1 There are no environmental implications associated with the review of this policy.

7. COMMUNICATION AND CONSULTATION

- 7.1 Council's Risk Management Policy is publicly available on the website.

8. RISK

- 8.1 Council recognises that as a public authority it is exposed to a broad range of risks which, if not managed, could adversely impact on its stakeholders and its ability to achieve its strategic, operational, financial and regulatory objectives.

9. CONCLUSION

- 9.1 The aim of the Risk Management Policy and Risk Management Strategy is to ensure that Council endorses its commitment to effective and consistent risk management principles and strategies.

10. RECOMMENDATION


That Council approve the updated Risk Management Policy 3.10.

ATTACHMENTS

1. Existing Policy with Tracked Changes
2. Updated Policy for Approval

Public Copy

EXISTING POLICY WITH TRACK CHANGES

	<h2 style="text-align: center;">Risk Management Policy</h2>		(Policy No 3.10)		
POLICY STATEMENT:	1.1 Council recognises that risk management is an integral part of good management practice and is committed to establishing an organisational culture that ensures risk management is embedded in Council activities and business processes. 1.2 Council will evaluate potential benefits alongside potential risks as a routine part of its business planning processes. Where the balance of advantage favours a particular activity or initiative, the identified risks will be planned for and managed, taking account of broader Council objectives and priorities. 1.3 Risks will be managed at the operational level in accordance with this policy and within risk management processes established by Council.		LAST REVIEW Nov 2014 820	NEXT REVIEW Nov 2022 2409	MINUTE REF
OBJECTIVE:	2.1 The objectives of this policy are to ensure: <ul style="list-style-type: none"> • Council and senior management are in a position to make informed business decisions based on risk assessment; • risks are able to be identified, prioritised and managed in a coordinated manner; • strategic planning processes are improved as a result of a structured consideration of risk; • sound business opportunities that benefit Council are identified, without exposing Council to unacceptable levels of risk; • compliance with relevant legislation; • Council resources are safeguarded (eg. people, finance, property, information and reputation); • the community is protected against losses, both physical and financial, that are controllable by Council, and • continual improvement of Council. 2.2 This policy will be supported by a complementary Risk Management Strategy Framework .				
SCOPE AND RESPONSIBILITIES:	3.1 This policy applies to all Councillors, employees, contractors, and representatives. 3.2 Council will oversee risk management within Council, on the advice of the General Manager. 3.3 The Audit Panel will review the risk management framework as per its Charter, and provide advice to Council on any issues. 3.4 The General Manager will be responsible for the implementation of risk management within Council, and for responding to and reporting on significant risks that may emerge from time to time. 3.5 Departmental Managers will be responsible for implementing risk management within their portfolio areas, and will report regularly to the General Manager on any significant risks or risk areas. 3.6 All staff will be responsible for the management of risk relevant to their areas of responsibility. This role may range from identifying and reporting risks associated with their own positions to participation in the risk management process.				

<p>PROCEDURE: (POLICY DETAIL)</p>	<p>4.1 Risks will normally be identified, evaluated and managed by responsible officers and reported in accordance with Council's decision-making processes. Council's strategic risks will be maintained in a strategic risk register and will be the subject of regular reports to Council through the Audit Panel.</p> <p>4.2 Risk identification, evaluation and management in respect of particular operational and financial activities will be undertaken in accordance with Council's Risk Management Strategy Framework.</p> <p>4.3 Risks will be assessed with reference to Council's strategic priorities, taking into account the likelihood of the risk occurring, the potential impact and the range of implications it may have for Council.</p> <p>4.4 Where an unacceptable risk is identified, relevant Council staff with management responsibilities in areas that may be affected will be informed of it. Managers will be required to take action, as required, to address the matter and inform staff or other persons within their area of responsibility, about the matter.</p> <p>4.5 The Council, through the Audit Panel shall will ensure that there is ongoing review of its risk management system framework to ensure the continued sustainability and effectiveness of its Risk Management Policy.</p> <p>4.6 Risk management strategies activities will be included in Annual Corporate Plans.</p>
<p>GUIDELINES:</p>	<p>5.1 The Risk Management Strategy will be implemented based on the following principles:</p> <ul style="list-style-type: none"> • creating and protecting Council's value, • as an integral part of Council processes, • as an integral part of decision making, • explicitly addressing uncertainty, • is systematic, structured and timely, • is based on the best available information, • is tailored and aligned with the organisation's external and internal control and risk factors. • takes human and cultural factors into account, • is transparent and inclusive, and • is dynamic, iterative and responsive to change, and • facilitates continuous improvement. <p>5.2 Types of risks that need to be managed include:</p> <ul style="list-style-type: none"> • strategies safety, • financial, • reputational • stakeholder • operational legal, and • hazard environmental. <p>5.3 Council will include in its strategic risk register, a risk profile which examines the nature, likelihood and consequences of adverse events occurring, prioritising identified risks and determining the level of risk that it is prepared to tolerate.</p> <p>5.4 The strategic risk register will be updated on a regular basis.</p>
<p>COMMUNICATION:</p>	<p>6.1 All Councillors and employees will be briefed on this policy as part of individual induction programs and on an on-going basis. Council will educate staff on good risk management practices.</p>

LEGISLATION:	<p>7.1 The following legislation should be considered in conjunction with this policy:</p> <p><i>Local Government Act 1993 (Tasmania)</i></p> <p><i>Work Health and Safety Act 2012 (Tasmania)</i></p> <p><i>ISO31000:2009 Risk Management Principles and Guidelines</i></p> <p><i>AS/NZS 4360:1999 Risk Management</i></p>
DEFINITIONS:	<p>8.1 Risk is the chance of something happening that will have an adverse impact on the achievement of Council in meeting its desired objectives. Risk is measured in terms of the likelihood of something happening and the severity/impact of the consequences arising from an event.</p> <p>8.2 Risk management is the culture, processes and structures that are directed towards realizing potential opportunities whilst managing adverse effects.</p> <p>8.3 Risk management process is the systematic application of management policies, procedures and practices to the tasks of communicating, establishing the context, identifying, analysing, evaluating, treating, monitoring and reviewing risk.</p>
RELATED DOCUMENTS:	<p>Kingborough Council Strategic Plan 2015–2025</p> <p>Long Term Asset Management Plan</p> <p>Individual Asset Management Plans</p>
AUDIENCE:	<p>The Risk Management policy applies to all Councillors, employees, contractors, and representatives. The policy is publicly accessible via Council's website.</p>

UPDATED POLICY FOR APPROVAL



Policy No: **3.10**
 Approved by Council **December 2020**
 New Review Date: **December 2024**
 Responsible Officer: **Manager Finance**

Minute No: **TBA**
 ECM File No: **12.81**
 Version: **6.0**

Risk Management Policy	
POLICY STATEMENT	<p>1.1 Council recognises that risk management is an integral part of good management practice and is committed to establishing an organisational culture that ensures risk management is embedded in Council activities and business processes.</p> <p>1.2 Council will evaluate potential benefits alongside potential risks as a routine part of its business planning processes. Where the balance of advantage favours a particular activity or initiative, the identified risks will be planned for and managed, taking account of broader Council objectives and priorities.</p> <p>1.3 Risks will be managed at the operational level in accordance with this policy and within risk management processes established by Council.</p>
DEFINITIONS:	<p>2.1 Risk is the chance of something happening that will have an adverse impact on the achievement of Council is meeting its desired objectives. Risk is measured in terms of the likelihood of something happening and the severity/impact of the consequences arising from an event.</p> <p>2.2 Risk management is the culture, processes and structures that are directed towards realizing potential opportunities whilst managing adverse effects.</p> <p>2.3 Risk management process is the systematic application of management policies, procedures and practices to the tasks of communicating, establishing the context, identifying, analysing, evaluating, treating, monitoring and reviewing risk.</p>
OBJECTIVE:	<p>3.1 The objectives of this policy are to ensure:</p> <ul style="list-style-type: none"> • Council and senior management are in a position to make informed business decisions based on risk assessment; • risks are able to be identified, prioritised and managed in a coordinated manner; • strategic planning processes are improved as a result of a structured consideration of risk; • sound business opportunities that benefit Council are identified, without exposing Council to unacceptable levels of risk; • compliance with relevant legislation; • Council resources are safeguarded (eg. people, finance, property, information and reputation); • the community is protected against losses, both physical and financial, that are controllable by Council, and • continual improvement of Council. <p>3.2 This policy will be supported by a complementary Risk Management Framework.</p>



Policy No: **3.10**
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SCOPE AND RESPONSIBILITIES:	<p>4.1 This policy applies to all Councillors, employees, contractors, and representatives.</p> <p>4.2 Council will oversee risk management within Council, on the advice of the General Manager.</p> <p>4.3 The Audit Panel will review the risk management framework as per its Charter, and provide advice to Council on any issues.</p> <p>4.4 The General Manager will be responsible for the implementation of risk management within Council, and for responding to and reporting on significant risks that may emerge from time to time.</p> <p>4.5 Departmental Managers will be responsible for implementing risk management within their portfolio areas, and will report regularly to the General Manager on any significant risks or risk areas.</p> <p>4.6 All staff will be responsible for the management of risk relevant to their areas of responsibility. This role may range from identifying and reporting risks associated with their own positions to participation in the risk management process.</p>
PROCEDURE: (POLICY DETAIL)	<p>5.1 Risks will normally be identified, evaluated and managed by responsible officers and reported in accordance with Council's decision-making processes. Council's strategic risks will be maintained in a strategic risk register and will be the subject of regular reports to Council through the Audit Panel.</p> <p>5.2 Risk identification, evaluation and management in respect of particular operational and financial activities will be undertaken in accordance with Council's Risk Management Framework.</p> <p>5.3 Risks will be assessed with reference to Council's strategic priorities, taking into account the likelihood of the risk occurring, the potential impact and the range of implications it may have for Council.</p> <p>5.4 Where an unacceptable risk is identified, relevant Council staff with management responsibilities in areas that may be affected will be informed of it. Managers will be required to take action, as required, to address the matter and inform staff or other persons within their area of responsibility, about the matter.</p> <p>5.5 The Council, through the Audit Panel will ensure that there is ongoing review of its risk management framework to ensure the continued sustainability and effectiveness of its Risk Management Policy.</p> <p>5.6 Risk management activities will be included in Corporate Plan.</p>
GUIDELINES:	<p>6.1 The Risk Management Strategy will be implemented based on the following principles:</p> <ul style="list-style-type: none"> • creating and protecting Council's value, • as an integral part of Council processes, • as an integral part of decision making, • explicitly addressing uncertainty, • is systematic, structured and timely, • is based on the best available information, • is tailored and aligned with the organisation's external and internal control and risk factors, • takes human and cultural factors into account,



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	<ul style="list-style-type: none"> • is transparent and inclusive, • is dynamic, iterative and responsive to change, and • facilitates continuous improvement. <p>6.2 Types of risks that need to be managed include:</p> <ul style="list-style-type: none"> • safety, • financial, • reputational • stakeholder • legal, and • environmental. <p>6.3 Council will include in its strategic risk register, a risk profile which examines the nature, likelihood and consequences of adverse events occurring, prioritising identified risks and determining the level of risk that it is prepared to tolerate.</p> <p>6.4 The strategic risk register will be updated on a regular basis.</p>
COMMUNICATION:	<p>7.1 All Councillors and employees will be briefed on this policy as part of individual induction programs and on an on-going basis. Council will educate staff on good risk management practices.</p>
LEGISLATION:	<p>8.1 The following legislation should be considered in conjunction with this policy:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993 (Tasmania)</i> • <i>Work Health and Safety Act 2012 (Tasmania)</i> • <i>ISO31000:2009 Risk Management Principles and Guidelines</i> • <i>AS/NZS 4360:1999 Risk Management</i>
RELATED DOCUMENTS:	<p>9.1 Kingborough Council Strategic Plan</p> <p>9.2 Long Term Asset Management Plan</p> <p>9.3 Individual Asset Management Plans</p>
AUDIENCE:	<p>10.1 The Risk Management policy applies to all Councillors, employees, contractors, and representatives. The policy is publicly accessible via Council's website.</p>

17.3 LAND USE PLANNING AND APPROVALS ACT 1993 - DELEGATED AUTHORITY POLICY 1.1A

File Number: 12.71

Author: Tasha Tyler-Moore, Manager Development Services

Authoriser: Tony Ferrier, Deputy General Manager

Strategic Plan Reference

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

Strategic Outcome: 3.4 Best practice land use planning systems are in place to manage the current and future impacts of development.

1. PURPOSE

1.1 The purpose of this report is to:

- review and update Council's '*Land Use Planning and Approvals Act 1993 – Delegated Authority Policy 1.1A*'.
- rename the policy to better reflect the functions and delegations for the Planning Authority.

2. BACKGROUND

2.1 The Policy was last updated and endorsed by Council in December 2018.

2.2 On 30 November 2020, the changes of the 'Building and Construction (Regulatory Reform Amendments) Bill' came into effect. The changes affect some planning processes and decision making which occur through several Acts.

2.3 These legislated amendments will require a number of existing delegations to be updated.

2.4 The 'planning authority' is defined in the *Land Use Planning and Approvals Act 1993* (the Act) as a Council. Sec.6(1) of the Act states 'a planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority'.

3. STATUTORY REQUIREMENTS

3.1 Council has a statutory requirement to administer, uphold and enforce the Planning Scheme, the Act and other associated statutory requirements.

4. DISCUSSION**Sec.56 *Land Use Planning and Approvals Act 1993* - Minor Amendments**

4.1 A 'minor amendment' is an application under Sec.56 of the *Land Use Planning and Approvals Act 1993* (the Act) whereby a person can apply to amend either their Planning Permit or endorsed plans. There are a number of qualifications for an amendment to be considered minor, which are outlined in the Act.

4.2 Prior to the changes to the Act, Sec.56 said that '*the planning authority may amend the permit if...*'. The changes mean that Sec.56 now states, '*within the 28-day period*'.

after the request was received, amend, or refuse to amend, the permit...'. The difference between the two is that, prior to the change, there was not a formal mechanism to refuse an application for a minor amendment where it does not meet the provisions of Sec.56. The Policy only reflected the previous wording in the Act and therefore the existing delegation is not transferable following this change.

- 4.3 The current delegation under the Policy allows the General Manager, Deputy General Manager, Manager Development Services, the Coordinator of Statutory Planning and Senior Planners the delegation to *'make minor amendments to permits granted by Council in accordance with this section'*. It is proposed that this approval delegation be maintained, but the Policy was silent on the ability to refuse an application for a minor amendment, as the provision previously was not stipulated.
- 4.4 Currently, development applications that are recommended for refusal go to a Council meeting for determination, unless there is inadequate time and the applicant refuses to grant an extension of time. Typically, most applicants consent to the extension of time. Such extensions of time are almost always required due to the long lead up time to get a report to a Council meeting (reports are required to be completed almost two weeks prior to the meeting date).
- 4.5 The amendment to the Act introduces a 28-day timeframe for the decision with no provision to request an extension of time to make the decision. This limitation means that it will be unlikely for such applications to make it to a Council meeting. It is necessary that a delegation be provided to the General Manager to both approve and refuse an application for a minor amendment. This is no different to the existing delegation to the General Manager to refuse a development application where the time limit expires, and no extension of time is granted. All such decisions would be supported with an assessment report on why the decision is being made.

Sec.60 Land Use Planning and Approvals Act 1993 - Timing of determination of compliance with certain permit conditions.

- 4.6 This is a new section of the Act. It introduces a 20-day timeframe to notify applicants if plans/reports submitted in response to Planning Permit conditions are satisfactory or not.
- 4.7 This is an ordinary function of the planning department and does not require a decision by the 'Planning Authority' as the full Council. It is recommended that the delegation should be extended to all staff (not just senior Staff).

Sec.89 of the Local Government (Building and Miscellaneous Provisions) Act 1993 – Approval of final plans of Council

- 4.8 A 20-day timeframe has been introduced for signing off Final Plans where all required information has been submitted.
- 4.9 This is an ordinary function of the planning department and does not require a decision by the 'Planning Authority' as the full Council. It is recommended that the delegation should be extended to the General Manager, Deputy General Manager, Manager of Development Services and Coordinator of Statutory Planning.

Sec.44L of the Electricity Supply Industry Act 1995 – Planning Authorities to notify relevant entities of planning applications

- 4.10 This is a new provision in the Act, it requires certain application types to be referred to the relevant regulatory authority. In response, the authority may ask for additional information, amended plans or place a condition on a permit.

- 4.11 This is effectively a new administrative role for Council and does not require consideration by the 'Planning Authority' as full Council. Therefore, it is recommended that the delegation should be extended to all staff.

Sec.56O, 56Q, 56R and 56S *Water and Sewerage Industry Act 2008* – Application to go to relevant regulated entity; Planning Authority's decision; Notification of decision and appeal; and referral to regulated entities of draft amendments to planning scheme

- 4.12 These activities are not part of the new legislation but were identified during the current review. They have not been previously included within Council's delegations and it is now appropriate that they be part of the current changes.
- 4.13 These are all administrative tasks only and do not require consideration by the 'Planning Authority' as full Council. It is recommended that the delegation should be extended to all staff.

Renaming the Policy

- 4.14 Council currently has two delegated authority policies:

1. Delegated Authority Policy 1.1

This policy covers delegations provided by the Council to the General Manager in accordance with the *Local Government Act 1993*. The policy covers 21 different Acts which vary significantly in responsibility. The policy does not cover some of the Acts that the Building and Construction (Regulatory Reform Amendments) Bill 2020 affect. In some cases, the changes under the Bill introduce new responsibilities for the 'Planning Authority'

2. *Land Use Planning and Approvals Act 1993* - Delegated Authority Policy 1.1A

This Policy specifically outlines delegations to several staff roles under the *Land Use Planning and Approvals Act 1993*.

- 4.15 There are a number of Acts that the current Policy No.1.1A does not capture but are affected by the new legislated changes. They include the *Local Government (Building and Miscellaneous Provisions) Act 1993*, *Electricity Supply Industry Act 1995* and the *Water and Sewerage Industry Act 2008*.
- 4.16 The most effective way to capture the delegations for the Planning Authority is to include them in the one policy. This can be most simply achieved by removing from the title of the Policy the specific reference to a single Act (*Land Use Planning and Approvals Act 1993*). The recommended new name for the Policy is 'Planning Authority Delegations Policy 1.1A'. The change does not alter the delegations that have been granted by Council.

Assignment of delegations

- 4.17 The Policy currently references several positions that have the delegation to undertake tasks, including the Deputy General Manager. The position of Deputy General Manager is to be effectively replaced by the new Director Environment, Development & Community. Although this new position will not be filled until 6 January 2021, it is considered opportune to make the necessary delegation changes in advance.

5. FINANCE

- 5.1 It is considered unlikely that there will be any financial implications because of these Policy amendments.

6. ENVIRONMENT

6.1 There will be no environmental impacts because of these Policy amendments.

7. COMMUNICATION AND CONSULTATION

7.1 The Policy will be made available via Council's website.

8. RISK

8.1 In the absence of this Policy update there will not be adequate delegations to deal with decisions that need to be made within the newly set timeframes.

9. CONCLUSION

9.1 The proposed changes to the Policy will ensure that delegations are up to date with the recent legislative changes and the renaming of the policy provides a better coverage of all delegations for the Planning Authority.

10. RECOMMENDATION

That Council endorse the revised Land Use Planning and Approvals Act 1993 - Delegated Authority Policy 1.1A, as attached to this report and renamed as 'Planning Authority Delegations Policy 1.1A'.

ATTACHMENTS

1. Existing Policy with Tracked Changes
2. Updated Policy for Approval

EXISTING POLICY WITH TRACK CHANGES



Policy No: 1.1A Minute No: ~~C835/26-18~~

Approved by Council: ~~December 2018~~ December 2020 ECM File No: 12.71

Next Review Date: ~~December 2020~~ December 2024 Version: ~~5.06.0~~

Responsible Officer: Manager Development Services

~~Land Use Planning and Approvals Act~~ Planning Authority 1993 – Delegations ~~Authority~~ Policy

POLICY STATEMENT:	1.1 To provide details on the delegations provided by the Council acting in its role as the Planning Authority to the General Manager, <u>Director Environment, Development & Community Deputy General Manager</u> , Manager Development Services, Coordinator Statutory Planning and Senior Planning Officers <u>and other officers</u> in <u>accordance with</u> accordance with the Land Use Planning and Approvals Act 1993 (LUPAA). Acts where reference is made to the 'Planning Authority' is referred to.														
DEFINITIONS:	2.1 In accordance with relevant legislation														
OBJECTIVE:	3.1 The objective of this policy is to <u>outline the delegations of to Council -Kingborough</u> Officers acting in the capacity of the statutory 'Planning Authority'. provide information in relation to the authorised delegations under LUPAA.														
SCOPE:	4.1 The delegations are made by the authority provided in Section 6 of the <i>Land Use Planning and Approvals Act, 1993</i> <u>and other Acts that make reference to the 'Planning Authority'.</u>														
PROCEDURE: (POLICY DETAIL)	<p>5.1 Pursuant to Section 6 of the <i>Land use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the General Manager (or an officer acting in that capacity):</p> <table border="1"> <thead> <tr> <th>Section</th><th>Details</th></tr> </thead> <tbody> <tr> <td></td><td>Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td></tr> <tr> <td></td><td>Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td></tr> <tr> <td></td><td>Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.</td></tr> <tr> <td>30IA (former provisions)</td><td>Make a submission to the Tasmanian Planning Commission for an urgent amendment.</td></tr> <tr> <td>33A&43E (former provisions)</td><td>Make <u>Make</u> a request for further information in respect of a planning scheme amendment application where required</td></tr> <tr> <td>33(5) (former provisions)</td><td>Make <u>Make</u> a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.</td></tr> </tbody> </table>	Section	Details		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.	30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.	33A&43E (former provisions)	Make <u>Make</u> a request for further information in respect of a planning scheme amendment application where required	33(5) (former provisions)	Make <u>Make</u> a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
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33A&43E (former provisions)	Make <u>Make</u> a request for further information in respect of a planning scheme amendment application where required														
33(5) (former provisions)	Make <u>Make</u> a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.														

39(2) (former provisions)	(a) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. (i) No representations have been received, with the exception of TasWater; and (ii) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 (former provisions)	M make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
43I (4a) & (6) (former provisions)	A agree to the extension of time of a Sec.43A permit.
43J (former provisions)	C orrect a mistake in a Sec.43A permit.
43K (former provisions)	M make minor amendments to a Sec.43A permit.
53	To grant an extension of the period during which an approved use or development must be substantially commenced.
54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
55	Make corrections to a permit granted by Council in accordance with this section.
56	Make minor amendments to permits granted by Council in accordance with this section; <u>or refuse to amend the permit where there is insufficient time for Council to determine the application within the time stipulated in the Act in accordance with this section.</u>
57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
57A	Instigate or be a party to any mediation in relation to a discretionary permit.
57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the <i>Land Use Planning and Approvals Act 1993</i> where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
59(2)	Serve notice of Council having failed to determine an application for permit in accordance with this section.
<u>60</u>	<u>Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section</u>

		<u>of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.</u>
61		Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
63A		Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
64		Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
71		Enter into agreements under Part 5 of this Act.
75		Make amendments to agreements under Part 5 of this Act.
		Where Council has been unable to determine an application for a permit as a result of there being an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated in the Act, to determine the application.
5.2 Pursuant to Section 6 of the <i>Land use Planning and Approvals Act 1993</i> , Council delegates the following powers and functions to the <u>Director Environment, Development & Community</u> Deputy General Manager (or an officer acting in that capacity) and to the Manager Development Services (or an officer acting in that capacity):		
Section		Details
		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
30IA (former provisions)		Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A & 43E (former provisions)		Make a request for further information in respect of a planning scheme amendment application where required
33(5) (former provisions)		M ake a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) (former provisions)		(b) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. (iii) No representations have been received, with the exception of TasWater; and

		(iv) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
	37 <i>(former provisions)</i>	M make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
	43I (4a) & (6) <i>(former provisions)</i>	A agree to the extension of time of a Sec.43A permit.
	43J <i>(former provisions)</i>	C orrect a mistake in a Sec.43A permit.
	43K <i>(former provisions)</i>	M make minor amendments to a Sec.43A permit.
	35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
	35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
	35G(1)	Advise that a n State Planning Provision should be altered having considered draft Local Provision Schedules and representations received.
	35I(1)	Request withdrawal of a draft Local Provision Schedule
	35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
	38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
	40(1)	Request further information for an amendment to the Local Provision Schedule.
	40D	Withdraw draft amendments
	40I	Request an amendment to the Tasmanian Planning Commission
	40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
	40U	Request additional information for a combined permit / amendment application
	40Y	Determine a concurrent permit application
	42D	Correction of mistakes in permits
	43	Determine minor amendments of permits
	48A	Issue a notice requiring the removal of a sign
	53	To grant an extension of the period during which an approved use or development must be substantially commenced.
	54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted by Council in accordance with this section.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning

		Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57 – 58	<p>Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the Land Use Planning and Approvals Act 1993 where there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.</p> <p>This delegation is only to be exercised where the report considering the application and recommendation has been prepared by a suitably qualified officer other than the incumbent and:</p> <p>(a) three or less objections have been received, or</p> <p>(b) the General Manager has been advised of the intention to exercise the delegation no less than five full working days previously.</p>
	57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
	60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
	61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
	63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
	64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
	5.3 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Coordinator Statutory Planning (or an officer acting in that capacity):	
	Section	Details
		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.

		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
	30IA <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
	33A&43E <i>(former provisions)</i>	M make a request for further information in respect of a planning scheme amendment application where required
	33(5) <i>(former provisions)</i>	M make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
	39(2) <i>(former provisions)</i>	(c) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. (v) No representations have been received, with the exception of TasWater; and (vi) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
	37 <i>(former provisions)</i>	M make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
	43I (4a) & (6) <i>(former provisions)</i>	A gree to the extension of time of a Sec.43A permit.
	43J <i>(former provisions)</i>	C orrect a mistake in a Sec.43A permit.
	43K <i>(former provisions)</i>	M make minor amendments to a Sec.43A permit.
	35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
	35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
	35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations.
	35I(1)	Request withdrawal of a draft Local Provision Schedule.
	35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
	38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
	40(1)	Request further information for an amendment to the Local Provision Schedule.
	40D	Withdraw draft amendments.
	40I	Request an amendment to the Tasmanian Planning Commission.
	40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.

	40U	Request additional information for a combined permit / amendment application
	40Y	Determine a concurrent permit application
	42D	Correction of mistakes in permits
	43	Determine minor amendments of permits
	48 A	Issue a notice for the removal of a sign.
	53	To grant an extension of the period during which an approved use or development must be substantially commenced.
	54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section. This delegation to only apply where the Senior Planner exercising the delegation is not the planner responsible for the assessment of the development application.
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted by Council in accordance with this section.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
	57(6) & 58(2)	Agree to the extension of consideration times for applications for permits.
	<u>60</u>	<u>Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.</u>
	61	Represent the Council in any appeals lodged against permit decisions.
	63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
	64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
5.4 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Senior Planning Officers (or an officer acting in that capacity):		
Section	Details	

		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
	33A&43E (former provisions)	M make a request for further information in respect of a planning scheme amendment application where required
	33(5) (former provisions)	M make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
	39(2) (former provisions)	(d) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. (vii) No representations have been received, with the exception of TasWater; and (viii) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
	37 (former provisions)	M make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
	43I (4a) & (6) (former provisions)	A gree to the extension of time of a Sec.43A permit.
	43J (former provisions)	C orrect a mistake in a Sec.43A permit.
	43K (former provisions)	M make minor amendments to a Sec.43A permit.
	48 A	Issue a notice for the removal of a sign.
	54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section. This delegation to only apply where the Senior Planner exercising the delegation is not the planner responsible for the assessment of the development application.
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted by Council in accordance with this section.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning

		Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	57(6) & 58(2)	Agree to the extension of consideration times for applications for permits.
	<u>60</u>	<u>Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.</u>
	61	Represent the Council in any appeals lodged against permit decisions.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
	<u>5.5 Pursuant to the Local Government (Building and Miscellaneous Provisions) Act 1993, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity), Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning:</u>	
	<u>Section</u>	<u>Details</u>
	<u>89</u>	<u>Sign off Final Plans where they comply, ask for additional information if required and provide notice of the decision, in accordance with this section of the Act.</u>
	<u>5.6 Pursuant to Electricity Supply Industry Act 1995, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity), Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning and all Planners:</u>	
	<u>Section</u>	<u>Details</u>
	<u>44</u>	<u>Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.</u>
	<u>5.7 Pursuant to Water and Sewerage Industry Act 2008, Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity), Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning and all Planners:</u>	
	<u>Section</u>	<u>Details</u>
	<u>56</u>	<u>Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.</u>
GUIDELINES:	The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time. No officer will approve a planning permit where they have undertaken the assessment of the associated development application.	
COMMUNICATION:	Council. Kingborough Council Staff.	
LEGISLATION:	<i>Land Use Planning and Approvals Act 1993</i> <i>Acts Interpretation Act 1931</i> <u><i>Local Government (Building and Miscellaneous Provisions) Act 1993</i></u> <u><i>Electricity Supply Industry Act 1995</i></u> <u><i>Water and Sewerage Industry Act 2008</i></u>	
RELATED DOCUMENTS:	Nil	

UPDATED POLICY FOR APPROVAL



Policy No: 1.1A
 Approved by Council: December 2020
 Next Review Date: December 2024
 Responsible Officer: Manager Development Services

Minute No: TBA
 ECM File No: 12.71
 Version: 6.0

Planning Authority Delegations Policy

POLICY STATEMENT:	1.1 To provide details on the delegations provided by the Council acting in its role as the Planning Authority to the General Manager, Director Environment, Development & Community, Manager Development Services, Coordinator Statutory Planning and Senior Planning Officers and other officers in accordance with Acts where reference is made to the 'Planning Authority'.												
DEFINITIONS:	2.1 In accordance with relevant legislation												
OBJECTIVE:	3.1 To outline the delegations to Council officers acting in the capacity of the statutory 'Planning Authority'.												
SCOPE:	4.1 The delegations are made by the authority provided in Section 6 of the <i>Land Use Planning and Approvals Act, 1993</i> and other Acts that make reference to the 'Planning Authority'.												
PROCEDURE: (POLICY DETAIL)	<p>5.1 Pursuant to Section 6 of the <i>Land use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the General Manager (or an officer acting in that capacity):</p> <table border="1"> <thead> <tr> <th>Section</th><th>Details</th></tr> </thead> <tbody> <tr> <td></td><td>Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td></tr> <tr> <td></td><td>Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable</td></tr> <tr> <td></td><td>Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.</td></tr> <tr> <td>30IA (former provisions)</td><td>Make a submission to the Tasmanian Planning Commission for an urgent amendment.</td></tr> <tr> <td>33A&43E (former provisions)</td><td>Make a request for further information in respect of a planning scheme amendment application where required</td></tr> </tbody> </table>	Section	Details		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.	30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.	33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required
Section	Details												
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable												
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable												
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.												
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.												
33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required												



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	33(5) <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
	39(2) <i>(former provisions)</i>	(a) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. (i) No representations have been received, with the exception of TasWater; and (ii) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
	37 <i>(former provisions)</i>	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
	43I (4a) & (6) <i>(former provisions)</i>	Agree to the extension of time of a Sec.43A permit.
	43J <i>(former provisions)</i>	Correct a mistake in a Sec.43A permit.
	43K <i>(former provisions)</i>	Make minor amendments to a Sec.43A permit.
	53	To grant an extension of the period during which an approved use or development must be substantially commenced.
	54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted in accordance with this section or refuse to amend the permit where there is insufficient time for Council to determine the application within the time stipulated in the Act in accordance with this section.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the <i>Land Use Planning and Approvals Act 1993</i> where



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		there is insufficient time for Council to determine the application within the time stipulated in the Act and where the applicant has refused or failed to agree to an extension of time.
	57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	59(2)	Serve notice of Council having failed to determine an application for permit in accordance with this section.
	60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
	61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council’s behalf.
	63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
	64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
		Where Council has been unable to determine an application for a permit as a result of there being an equality of votes and there is insufficient time for Council to reconsider the matter within the time stipulated in the Act, to determine the application.
5.2 Pursuant to Section 6 of the <i>Land use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Director Environment, Development & Community (or an officer acting in that capacity) and to the Manager Development Services (or an officer acting in that capacity):		
Section	Details	
	Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning	



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		Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
		Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
	30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
	33A & 43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required
	33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
	39(2) (former provisions)	(b) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. (iii) No representations have been received, with the exception of TasWater; and (iv) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
	37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
	43I (4a) & (6) (former provisions)	Agree to the extension of time of a Sec.43A permit.
	43J (former provisions)	Correct a mistake in a Sec.43A permit.
	43K (former provisions)	Make minor amendments to a Sec.43A permit.
	35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
	35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
	35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations received.



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	35I(1)	Request withdrawal of a draft Local Provision Schedule
	35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
	38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
	40(1)	Request further information for an amendment to the Local Provision Schedule.
	40D	Withdraw draft amendments
	40I	Request an amendment to the Tasmanian Planning Commission
	40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
	40U	Request additional information for a combined permit / amendment application
	40Y	Determine a concurrent permit application
	42D	Correction of mistakes in permits
	43	Determine minor amendments of permits
	48A	Issue a notice requiring the removal of a sign
	53	To grant an extension of the period during which an approved use or development must be substantially commenced.
	54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted by Council in accordance with this section.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the Performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where two or fewer opposing representations have been received.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57 – 58	Approve, with or without conditions, or refuse any application for a permit made in accordance with Section 57 or 58 of the Land Use Planning and Approvals Act 1993 where there is insufficient time for Council to determine the application within the time stipulated in the Act and where



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		<p>the applicant has refused or failed to agree to an extension of time.</p> <p>This delegation is only to be exercised where the report considering the application and recommendation has been prepared by a suitably qualified officer other than the incumbent and:</p> <p>(a) three or less objections have been received, or</p> <p>(b) the General Manager has been advised of the intention to exercise the delegation no less than five full working days previously.</p>
	57(6) / 58(2)	Agree to the extension of consideration times for applications for permits.
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
	60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
	61	Represent the Council in any appeals lodged against permit decisions including instructing internal or external planners to appear on Council's behalf.
	63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
	64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
<p>5.3 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Coordinator Statutory Planning (or an officer acting in that capacity):</p>		
	Section	Details
		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the



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	Kingborough Planning Scheme 2000 as applicable.
	Refuse an application for use or development within any Use Class which is prohibited under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	Authority to represent the Council (Planning Authority) or to appoint a person to represent the Council and to give evidence, on a planning appeal or other action, including any mediation, before the Resource Management and Planning Appeals Tribunal or any other body of competent jurisdiction.
30IA (former provisions)	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
33A&43E (former provisions)	Make a request for further information in respect of a planning scheme amendment application where required
33(5) (former provisions)	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
39(2) (former provisions)	(c) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment recommending that it be finally approved subject to the following. (v) No representations have been received, with the exception of TasWater; and (vi) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections
37 (former provisions)	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
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35(1)	Preparation and submission of draft Local Provision Schedules to the Tasmanian Planning Commission.
35F(1)	Report on the representations received during the exhibition period in relation to draft Local Provision Schedules to the Tasmanian Planning Commission.
35G(1)	Advise that a State Planning Provision should be altered having considered draft Local Provision Schedules and representations.



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	35I(1)	Request withdrawal of a draft Local Provision Schedule.
	35Q(2)	Preparation and submission of draft Special Local Provision Schedule to the Tasmanian Planning Commission.
	38(2)	Make a decision on an amendment of a Local Provision Schedule when directed by the Tasmanian Planning Commission.
	40(1)	Request further information for an amendment to the Local Provision Schedule.
	40D	Withdraw draft amendments.
	40I	Request an amendment to the Tasmanian Planning Commission.
	40K	Report to the Tasmanian Planning Commission on a draft amendment of a Local Provision Schedule after exhibition.
	40U	Request additional information for a combined permit / amendment application
	40Y	Determine a concurrent permit application
	42D	Correction of mistakes in permits
	43	Determine minor amendments of permits
	48 A	Issue a notice for the removal of a sign.
	53	To grant an extension of the period during which an approved use or development must be substantially commenced.
	54	Make requests for additional information and determine whether additional information is satisfactory in accordance with this section. This delegation to only apply where the Senior Planner exercising the delegation is not the planner responsible for the assessment of the development application.
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted by Council in accordance with this section.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions



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 Next Review Date: **December 2024**
 Responsible Officer: **Manager Development Services**

Minute No: **TBA**
 ECM File No: **12.71**
 Version: **6.0**

		within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	59(2)	Serve notice on the applicant and representors of Council having failed to determine an application for permit in accordance with this section.
	57(6) & 58(2)	Agree to the extension of consideration times for applications for permits.
	60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
	61	Represent the Council in any appeals lodged against permit decisions.
	63A	Initiate legal proceedings to enforce compliance with a planning scheme or a permit.
	64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
	5.4 Pursuant to Section 6 of the <i>Land Use Planning and Approvals Act 1993</i>, Council delegates the following powers and functions to the Senior Planning Officers (or an officer acting in that capacity):	
	Section	Details
		Consult with or obtain the advice, opinion or recommendation of any authority, organisation, persons or person, or request submission of further information, as necessary prior to making a recommendation or determining whether to approve or refuse an application for use or development under the Kingborough Interim Planning Scheme 2015 or the Kingborough Planning Scheme 2000 as applicable.
	30IA <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission for an urgent amendment.
	33A&43E <i>(former provisions)</i>	Make a request for further information in respect of a planning scheme amendment application where required
	33(5) <i>(former provisions)</i>	Make a submission to the Tasmanian Planning Commission in response to a representation made by an owner or occupier in accordance with Sec.33.
	39(2) <i>(former provisions)</i>	(d) forward a Sec.39 report to the Tasmanian Planning Commission following public exhibition of an amendment



Policy No:	1.1A	Minute No:	TBA
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		<p>recommending that it be finally approved subject to the following.</p> <p>(vii) No representations have been received, with the exception of TasWater; and</p> <p>(viii) No issues have arisen since the initiation or certification of the draft amendment which indicate that there is any need to modify the amendment prior to its final approval except for minor corrections</p>
	37 <i>(former provisions)</i>	Make a request to the Tasmanian Planning Commission to dispense with certain requirements upon submission of a draft amendment.
	43I (4a) & (6) <i>(former provisions)</i>	Agree to the extension of time of a Sec.43A permit.
	43J <i>(former provisions)</i>	Correct a mistake in a Sec.43A permit.
	43K <i>(former provisions)</i>	Make minor amendments to a Sec.43A permit.
	48 A	Issue a notice for the removal of a sign.
	54	<p>Make requests for additional information and determine whether additional information is satisfactory in accordance with this section.</p> <p>This delegation to only apply where the Senior Planner exercising the delegation is not the planner responsible for the assessment of the development application.</p>
	55	Make corrections to a permit granted by Council in accordance with this section.
	56	Make minor amendments to permits granted by Council in accordance with this section.
	57A	Instigate or be a party to any mediation in relation to a discretionary permit.
	57	Grant permits with or without conditions for applications assessed under the Alternative Solution within the Kingborough Planning Scheme 2000 or under the performance Criteria within the Kingborough Interim Planning Scheme 2015 (as applicable) where no objections have been received
	58	Grant permits with or without conditions for uses or developments assessed under the Acceptable Solutions within the Kingborough Planning Scheme 2000 or the Kingborough Interim Planning Scheme 2015 (as applicable) under this section.
	57(6) & 58(2)	Agree to the extension of consideration times for applications for permits.



Policy No:	1.1A	Minute No:	TBA
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	60	Notify an applicant whether the information submitted in relation to a condition of a permit is satisfactory or not in accordance with this section of the Act. Correspond with the applicant and regulatory authorities about requirements to satisfy this section of the Act.
	61	Represent the Council in any appeals lodged against permit decisions.
	71	Enter into agreements under Part 5 of this Act.
	75	Make amendments to agreements under Part 5 of this Act.
	5.5 Pursuant to the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> , Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity), Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning:	
	Section	Details
	89	Sign off Final Plans where they comply, ask for additional information if required and provide notice of the decision, in accordance with this section of the Act.
	5.6 Pursuant to <i>Electricity Supply Industry Act 1995</i> , Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity), Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning and all Planners:	
	Section	Details
	44	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.
5.7 Pursuant to <i>Water and Sewerage Industry Act 2008</i> , Council delegates the following powers and functions to the General Manager, Director Environment, Development & Community (or an officer acting in that capacity), Manager Development Services (or an officer acting in that capacity) and to the Coordinator Statutory Planning and all Planners:		
Section	Details	
56	Refer to and correspond between the applicant and regulatory authority in accordance with the provisions of this section of the Act.	
GUIDELINES:	6.1	The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.
	6.2	No officer will approve a planning permit where they have undertaken the assessment of the associated development application.



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COMMUNICATION:	7.1 Council. 7.2 Kingborough Council Staff.
LEGISLATION:	8.1 <i>Land Use Planning and Approvals Act 1993</i> 8.2 <i>Acts Interpretation Act 1931</i> 8.3 <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> 8.4 <i>Electricity Supply Industry Act 1995</i> 8.5 <i>Water and Sewerage Industry Act 2008</i>
RELATED DOCUMENTS:	9.1 Nil

Public Copy

17.4 DELEGATED AUTHORITY POLICY 1.1

File Number: 12.71

Author: Tasha Tyler-Moore, Manager Development Services

Authoriser: Tony Ferrier, Deputy General Manager

Strategic Plan Reference

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

Strategic Outcome: 3.4 Best practice land use planning systems are in place to manage the current and future impacts of development.

1. PURPOSE

- 1.1 The purpose of this report is to update the Delegated Authority Policy 1.1 in response to recent legislative changes.

2. BACKGROUND

- 2.1 The Policy was last updated May 2019.
- 2.2 On 30 November 2020, the changes of the 'Building and Construction (Regulatory Reform Amendments) Bill' came into effect. The changes affect some planning processes and decision making which occur through several Acts including the *Strata Titles Act*.
- 2.3 These legislated amendments will require existing delegations of the General Manager to be updated.

3. STATUTORY REQUIREMENTS

- 3.1 Council has a statutory requirement to administer and comply with the *Strata Titles Act 1998*. This is a different function to the 'planning authority' despite being related to land use, development and strata developments.

4. DISCUSSION

- 4.1 On 30 November 2020, the changes within the 'Building and Construction (Regulatory Reform Amendments) Bill' came into effect. Some of the changes related to provisions of the *Strata Titles Act 1998*, namely:
- Sec.31(2A) introduces a 30-day timeframe to make the decision to issue or refuse to issue a certificate of approval.
 - Sec.31(2B) which introduces:
 - a 15-day timeframe to notifying the applicant that additional information is required to be submitted.
 - an 8-day timeframe following the submission of further information to notify the applicant if the information is satisfactory.
- 4.2 It is recommended that the Policy be updated so that the delegations are provided in a similar form to other Acts dealt with by this Policy (such as for the *Building Act* or *Food*

Act for example). This would include an all-inclusive term 'All of Council's Powers'. This does not alter the current delegations assigned to the General Manager.

5. FINANCE

5.1 There will be no financial implications because of this Policy amendment

6. ENVIRONMENT

6.1 There will be no environmental impacts because of the Policy amendment.

7. COMMUNICATION AND CONSULTATION

7.1 This Policy will be made available via Council's website.

8. RISK

8.1 In the absence of the Policy update there will not be adequate delegation to deal with decisions that need to be made within the newly set timeframes.

9. CONCLUSION

9.1 The proposed changes to the Policy will ensure that delegations are up to date with the recent legislative changes.

10. RECOMMENDATION

That Council endorse the revised Delegated Authority Policy 1.1 as attached to this report.

ATTACHMENTS

1. Existing Policy with Tracked Changes
2. Updated Policy for Approval

EXISTING POLICY WITH TRACK CHANGES



Policy No: 1.1 Minute No: ~~C370/10-19XXXXX~~
 Approved by Council: May 2019 ECM File No: 12.71
 Next Review Date: May 2021 Version: 3.10
 Responsible Officer: Executive Manager Governance & Community Services
 (minor update to Strata Title Act)

Delegated Authority Policy																					
POLICY STATEMENT	1.1 To provide details on the delegations provided by the Council to the General Manager in accordance with the <i>Local Government Act, 1993</i> .																				
DEFINITIONS	2.1 Act means the <i>Local Government Act 1993</i> (Tas) as may be amended, varied or replaced from time to time. 2.2 Council means the Kingborough Council established pursuant to S.18 of the Act. 2.3 General Manager means the person appointed to the position of general manager of the Council pursuant to S.61 of the Act. 2.4 Instrument of Delegation means a document signed by the Mayor under common seal detailing the approved list of delegations provided to the general manager or any officer acting in that position. 2.5 Officer means a person who is employed by Council																				
OBJECTIVE	3.1 The objective of this policy is to provide information in relation to the authorised delegations.																				
SCOPE	4.1 The delegations are limited by the authority provided in Section 22 of the <i>Local Government Act, 1993</i> .																				
PROCEDURE (POLICY DETAIL)	5.1 Pursuant to Section 22(1) of the Local Government Act 1993, Council delegates the following powers and functions to the General Manager (or any officer acting in that capacity), and unless prohibited by Section 22(2) of the Local Government Act, 1993 or otherwise prohibited, authorise that those powers and functions may be sub-delegated by the General Manager pursuant to Section 64 of the Act. <table border="1"> <thead> <tr> <th colspan="2">Local Government Act 1993</th></tr> <tr> <th>Section</th><th>Details</th></tr> </thead> <tbody> <tr> <td>19</td><td>Attest the execution of a document sealed by Council.</td></tr> <tr> <td>24</td><td>Appoint members to Special Committees, which act as Local Management Committees for Council facilities, established by Council under this section.</td></tr> <tr> <td>27 1(b)</td><td>Authorise staff to speak to the media in relation to specific program areas where the focus of the story is on the delivery of a particular service or project.</td></tr> <tr> <td>27 2 (a)</td><td>To speak on behalf of Council as spokesperson on operational matters when the Mayor or Deputy Mayor are not available for comment.</td></tr> <tr> <td>74</td><td>Approve expenditure in line with Council's adopted estimates and capital works program.</td></tr> <tr> <td>75</td><td>Approve the investment of funds in accordance with Council's policy.</td></tr> <tr> <td>76</td><td>Write off any debts owed to the Council pursuant to this section.</td></tr> <tr> <td>77(1)</td><td>Make a grant or benefit to any person, other than a Councillor, pursuant to this section of the Act.</td></tr> </tbody> </table>	Local Government Act 1993		Section	Details	19	Attest the execution of a document sealed by Council.	24	Appoint members to Special Committees, which act as Local Management Committees for Council facilities, established by Council under this section.	27 1(b)	Authorise staff to speak to the media in relation to specific program areas where the focus of the story is on the delivery of a particular service or project.	27 2 (a)	To speak on behalf of Council as spokesperson on operational matters when the Mayor or Deputy Mayor are not available for comment.	74	Approve expenditure in line with Council's adopted estimates and capital works program.	75	Approve the investment of funds in accordance with Council's policy.	76	Write off any debts owed to the Council pursuant to this section.	77(1)	Make a grant or benefit to any person, other than a Councillor, pursuant to this section of the Act.
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	81	Establish and maintain in Council's name such authorised deposit-taking institution accounts as considered necessary.
	124(1)	Fix amounts, times, terms and conditions for the payment of moneys due to the Council by instalments, by ratepayers pursuant to this section.
	126	Agree to the postponement of rates.
	127	Revocation of agreement for postponement of rates.
	129	Remit all or part of any rate in accordance with past custom and practice, or resolution of Council, or where it is in the interest of Council to do so. All such remissions to be reported to Council as soon as practicable. Remit all or part of any amount of penalty and interest in accordance with this section if the charge was raised whilst the ownership of the property was in the process of being transferred. Authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.
	133 to 136	Determine appropriate debt collection procedures and where necessary instigate recovery action pursuant to Part 9, Division 10.
	167	To exhibit notification of by-laws in accordance with the requirements of Section 167.
	185	Undertake work subject to a fencing notice not undertaken by owner within period specified.
	189	Approve and bring to affect the closure of local highways for the purposes of holding a market.
	190	Consider any objection to a Section 189 road closure.
	193	Authority to establish a Council animal pound.
	196	Recover unpaid pound fees.
	197	Sell, give away, or destroy any impounded animal if not claimed.
	198A	To determine applications for a permit to operate a pound for the detention of stray animals.
	200	To determine if a nuisance exists and to issue Abatement Notices where necessary.
	207	Remit all or part of any fee or charge paid or payable in accordance with this section if it is in the interest of the Council to do so. To authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.
	333A	Invite tenders over the prescribed amount and in accordance with Council's Code for Tenders and Contracts.
Local Government (Building & Miscellaneous Provision) Act 1993		
	Section	Detail
	86	Require security for payments and works due on a subdivision and to call on any such security to carry out incomplete works or where the work has not been carried out in accordance with relevant legislation or Council's requirements.
	91	Approve or object to corrections to final plans under this section.

103	Approve amendments to sealed plans, where no hearing is required, under this section.
110	Approve adhesion orders under this section.
115	Approve exempt subdivisions under this section.
247	To remove advertising hoardings.
Monetary Penalties Enforcement Act 2005	
Section	Detail
18	Referral to the Director of MPES
23	Withdrawal of Infringement Notice
24	All of Council's Powers
21	Appointed as a 'Council Officer' pursuant to this section, and to appoint other officers as required.
28	Receive application for variation of payment conditions
39	To issue proceedings if an alleged offender elects a hearing
48	Instigate civil proceedings for a breach.
Resource Management and Planning Appeal Tribunal Act 1993	
Section	Detail
17	Enter in agreements, where necessary, at a conference held on behalf of the Resource Management and Planning Appeal Tribunal.
Strata Titles Act 1998	
Section	Detail
31	All of Council's powers.
31AA	Grant a certificate of approval.
37	Determine an application for a certificate of approval made wholly or partly in respect of vacant land.
42	Approve Staged Development Schemes.
42	Approve a variation of a registered Staged Development Scheme.
Environmental Management And Pollution Control Act 1994	
Section	Details
21	Appointed as a "Council Officer" pursuant to this section and to appoint other officers as required.
22(1A)	Maintenance of a register of environmental protection notices.
44(4)	Notification to the Director of an environmental protection notice.
48	Instigate civil proceedings for a breach.
61	Advice of action taken in respect to alleged contraventions of the Act.
94(3)	Provisions relating to seizure.
Dog Control Act 2000	
Section	Detail

7(3)	To invite public submissions.
26	To notify and invite public submissions in accordance with S.24(a) and S.24(b).
Urban Drainage Act 2013	
	All of Council's powers.
Public Health Act 1997	
	All of Council's powers.
Food Act 2003	
	All of Council's powers.
Litter Act 2007	
	All of Council's powers.
Traffic Act 1925	
	All of Council's powers.
Building Act 2016	
	All of Council's powers.
Burial and Cremations Act 2002	
	All of Council's powers.
Local Government (Highways) Act 1982	
	All of Council's powers.
Weed Management Act 1999	
	All of Council's powers.
Heavy Vehicle National Law (Tasmania) Act 2013	
	All of Council's powers.
Roads and Jetties Act 1935	
	All of Council's powers.
Parks, Recreation and Natural Areas By-law No. 2 of 2011	
	All of Council powers excluding Part 2 – Division 6
Health and Environmental Services By-law No. 3 of 2011	
	All of Council powers.
Roads, Parking and Stormwater By-law No. 4 of 2011	
	All of Council powers.

	<p style="text-align: center;">Miscellaneous</p> <p>Power to determine and communicate to the relevant government agency any special requirements or conditions that may affect any sale of Crown Land in the municipal area.</p> <p>Call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment and materials.</p> <p>Approve the disposal of surplus assets and equipment having a commercial resale value of no greater than \$5,000 by means other than by public notice or tender.</p> <p>Call for and accept tenders for the provision of goods and services for less than the prescribed amount.</p> <p>Exercise all Council's functions and powers with respect to the implementation of the provisions of the Code of Tenders & Contracts, except for the authority to review or revise the Code.</p> <p>Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings.</p> <p>Defend any actions brought against Council, its Councillors or Officers, and/or at the General Manager's discretion to agree any settlement amount where it is in Council's interest so to do and within the limits of the estimates adopted under Section 82.</p> <p>Sign contracts, leases and agreements on behalf of Council in accordance with Council policies.</p> <p>Negotiate and approve leases of Council properties.</p> <p>Make pro-rata refunds of registration fees for the current year only, when dogs are de-sexed or die, based on a pro-rata basis, calculated on the unexpired complete months of annual fees paid at the date of death or spaying.</p> <p>Waive or reduce Planning and Building Fees in cases where the works are to replace structures lost in recent bushfires.</p> <p>Authorise the closure of the Barretta Waste Management Facility in the event of access problems caused by adverse weather conditions.</p> <p>Approve the taking over of engineering works involved in the development of a subdivision subject to the recommendation by the appropriate Council Officer.</p> <p>Authorise the total or partial release of bonds, guarantees and security deposits subject to the recommendation by the appropriate Council Officer, or to call on any bonds, guarantees and deposits where the work as secured has not been carried out in accordance with Council's requirements.</p>
GUIDELINES	6.1 The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.
COMMUNICATION	7.1 In accordance with the provisions of the Local Government Act 1993, a register of all delegations provided to the General Manager and staff is to be made available on Council's website.
LEGISLATION	7.1 <i>Local Government Act 1993</i>
RELATED DOCUMENTS	8.1 Council policies
AUDIENCE	9.1 Councillors and staff

UPDATED POLICY FOR APPROVAL



Policy No:	1.1	Minute No:	TBA
Approved by Council:	May 2019	ECM File No:	12.71
Next Review Date:	May 2021	Version:	3.1 (minor update to Strata Title Act)
Responsible Officer:	Executive Manager Governance & Community Services		

<h2>Delegated Authority Policy</h2>															
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74	Approve expenditure in line with Council's adopted estimates and capital works program.														



Policy No: **1.1** Minute No: **TBA**
 Approved by Council: **May 2019** ECM File No: **12.71**
 Next Review Date: **May 2021** Version: **3.1 (minor update to Strata Title Act)**
 Responsible Officer: **Executive Manager Governance & Community Services**

	75	Approve the investment of funds in accordance with Council's policy.
	76	Write off any debts owed to the Council pursuant to this section.
	77(1)	Make a grant or benefit to any person, other than a Councillor, pursuant to this section of the Act.
	81	Establish and maintain in Council's name such authorised deposit-taking institution accounts as considered necessary.
	124(1)	Fix amounts, times, terms and conditions for the payment of moneys due to the Council by instalments, by ratepayers pursuant to this section.
	126	Agree to the postponement of rates.
	127	Revocation of agreement for postponement of rates.
	129	Remit all or part of any rate in accordance with past custom and practice, or resolution of Council, or where it is in the interest of Council to do so. All such remissions to be reported to Council as soon as practicable. Remit all or part of any amount of penalty and interest in accordance with this section if the charge was raised whilst the ownership of the property was in the process of being transferred. Authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.
	133 to 136	Determine appropriate debt collection procedures and where necessary instigate recovery action pursuant to Part 9, Division 10.
	167	To exhibit notification of by-laws in accordance with the requirements of Section 167.
	185	Undertake work subject to a fencing notice not undertaken by owner within period specified.
	189	Approve and bring to affect the closure of local highways for the purposes of holding a market.
	190	Consider any objection to a Section 189 road closure.
	193	Authority to establish a Council animal pound.
	196	Recover unpaid pound fees.
	197	Sell, give away, or destroy any impounded animal if not claimed.
	198A	To determine applications for a permit to operate a pound for the detention of stray animals.



Policy No:	1.1	Minute No:	TBA
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	200	To determine if a nuisance exists and to issue Abatement Notices where necessary.
	207	Remit all or part of any fee or charge paid or payable in accordance with this section if it is in the interest of the Council to do so. To authorise such remission of rates, charges and fees which have been paid or payable under a mistake of fact, as may be certified and recommended by the appropriate officer of the Council.
	333A	Invite tenders over the prescribed amount and in accordance with Council's Code for Tenders and Contracts.
	Local Government (Building & Miscellaneous Provision) Act 1993	
	Section	Detail
	86	Require security for payments and works due on a subdivision and to call on any such security to carry out incomplete works or where the work has not been carried out in accordance with relevant legislation or Council's requirements.
	91	Approve or object to corrections to final plans under this section.
	103	Approve amendments to sealed plans, where no hearing is required, under this section.
	110	Approve adhesion orders under this section.
	115	Approve exempt subdivisions under this section.
	247	To remove advertising hoardings.
	Monetary Penalties Enforcement Act 2005	
	Section	Detail
	18	Referral to the Director of MPES
	23	Withdrawal of Infringement Notice
	24	All of Council's Powers
	21	Appointed as a 'Council Officer' pursuant to this section, and to appoint other officers as required.
	28	Receive application for variation of payment conditions
	39	To issue proceedings if an alleged offender elects a hearing
	48	Instigate civil proceedings for a breach.
	Resource Management and Planning Appeal Tribunal Act 1993	
	Section	Detail
	17	Enter in agreements, where necessary, at a conference held on behalf of the Resource Management and Planning Appeal Tribunal.



Policy No: 1.1
 Approved by Council: May 2019
 Next Review Date: May 2021

Minute No: TBA
 ECM File No: 12.71
 Version: 3.1 (minor update to Strata Title Act)

Responsible Officer: Executive Manager Governance & Community Services

	Strata Titles Act 1998	
		All of Council's powers.
	Environmental Management And Pollution Control Act 1994	
	Section	Details
	21	Appointed as a "Council Officer" pursuant to this section and to appoint other officers as required.
	22(1A)	Maintenance of a register of environmental protection notices.
	44(4)	Notification to the Director of an environmental protection notice.
	48	Instigate civil proceedings for a breach.
	61	Advice of action taken in respect to alleged contraventions of the Act.
	94(3)	Provisions relating to seizure.
	Dog Control Act 2000	
	Section	Detail
	7(3)	To invite public submissions.
	26	To notify and invite public submissions in accordance with S.24(a) and S.24(b).
	Urban Drainage Act 2013	
	All of Council's powers.	
	Public Health Act 1997	
	All of Council's powers.	
	Food Act 2003	
	All of Council's powers.	
	Litter Act 2007	
	All of Council's powers.	
	Traffic Act 1925	
	All of Council's powers.	
	Building Act 2016	
	All of Council's powers.	
	Burial and Cremations Act 2002	
	All of Council's powers.	
	Local Government (Highways) Act 1982	
	All of Council's powers.	



Policy No:	1.1	Minute No:	TBA
Approved by Council:	May 2019	ECM File No:	12.71
Next Review Date:	May 2021	Version:	3.1 (minor update to Strata Title Act)
Responsible Officer:	Executive Manager Governance & Community Services		

	Weed Management Act 1999
	All of Council's powers.
	Heavy Vehicle National Law (Tasmania) Act 2013
	All of Council's powers.
	Roads and Jetties Act 1935
	All of Council's powers.
	Parks, Recreation and Natural Areas By-law No. 2 of 2011
	All of Council's powers excluding Part 2 – Division 6
	Health and Environmental Services By-law No. 3 of 2011
	All of Council's powers.
	Roads, Parking and Stormwater By-law No. 4 of 2011
	All of Council's powers.
	Miscellaneous
	Power to determine and communicate to the relevant government agency any special requirements or conditions that may affect any sale of Crown Land in the municipal area.
	Call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment and materials.
	Approve the disposal of surplus assets and equipment having a commercial resale value of no greater than \$5,000 by means other than by public notice or tender.
	Call for and accept tenders for the provision of goods and services for less than the prescribed amount.
	Exercise all Council's functions and powers with respect to the implementation of the provisions of the Code of Tenders & Contracts, except for the authority to review or revise the Code.
	Seek legal advice and complete affidavits on behalf of Council in any matter where the Council is a party to the legal proceedings.
	Defend any actions brought against Council, its Councillors or Officers, and/or at the General Manager's discretion to agree any settlement amount where it is in Council's interest so to do and within the limits of the estimates adopted under Section 82.
	Sign contracts, leases and agreements on behalf of Council in accordance with Council policies.
	Negotiate and approve leases of Council properties.
	Make pro-rata refunds of registration fees for the current year only, when dogs are de-sexed or die, based on a pro-rata basis, calculated on the unexpired complete months of annual fees paid at the date of death or spaying.



Policy No:	1.1	Minute No:	TBA
Approved by Council:	May 2019	ECM File No:	12.71
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Responsible Officer:	Executive Manager Governance & Community Services		

	<p>Waive or reduce Planning and Building Fees in cases where the works are to replace structures lost in recent bushfires.</p> <p>Authorise the closure of the Barretta Waste Management Facility in the event of access problems caused by adverse weather conditions.</p> <p>Approve the taking over of engineering works involved in the development of a subdivision subject to the recommendation by the appropriate Council Officer.</p> <p>Authorise the total or partial release of bonds, guarantees and security deposits subject to the recommendation by the appropriate Council Officer, or to call on any bonds, guarantees and deposits where the work as secured has not been carried out in accordance with Council's requirements.</p>
GUIDELINES	6.1 The General Manager shall ensure that delegated authority is undertaken in accordance with all relevant legislation, by-law and Council policies as may be amended from time to time.
COMMUNICATION	7.1 In accordance with the provisions of the Local Government Act 1993, a register of all delegations provided to the General Manager and staff is to be made available on Council's website.
LEGISLATION	7.1 <i>Local Government Act 1993</i>
RELATED DOCUMENTS	8.1 Council policies
AUDIENCE	9.1 Councillors and staff

17.5 DONATIONS POLICY 3.3

File Number: 12.81
Author: Tim Jones, Manager Finance
Authoriser: John Breen, Chief Financial Officer

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 a review of the Donations Policy 3.3 (see attached).

2. BACKGROUND

- 2.1 The Donations Policy was formulated in 2014, subsequently renewed twice and is scheduled for review.
- 2.2 The policy was developed to establish Council's position in relation to requests for financial assistance.

3. STATUTORY REQUIREMENTS

- 3.1 The policy refers to requirements under section 77 of the Local Government Act with respect to the statutory requirements relating to the provision of grants and benefits.

77. Grants and benefits

(1) A council may make a grant or provide a pecuniary benefit or a non-pecuniary benefit that is not a legal entitlement to any persons, other than a councillor, for any purposes it considers appropriate.

2) The details of any grant made or benefit provided are to be included in the annual report of the council.

4. DISCUSSION

- 4.1 There is one change to the Policy and that is the inclusion of paragraph 4.4 which formalises the payment to local schools for a citizenship award. These amounts had previously been paid from Mayoral donations.
- 4.2 Attached is a marked-up copy of the Donations Policy highlighting the changes as well as a clean copy.

5. FINANCE

- 5.1 An annual budget of \$10,000 is allocated for donations which is adequate to cover the inclusion of the school citizenship payments.
- 5.2 The Mayoral donations budget of \$5,000 for 2020/21 will be reduced by an appropriate amount as a result of the reallocation of school payments.

6. ENVIRONMENT

6.1 There are no environmental implications associated with the review of this policy.

7. COMMUNICATION AND CONSULTATION

7.1 Council's Donations Policy is publicly available on Council's website.

8. RISK

8.1 No risks to Council are identified in updating the policy.

9. CONCLUSION

9.1 The policy can be renewed with a minor amendment and will continue to provide guidance on the provision of donations.

10. RECOMMENDATION


That Council approve the updated Donations Policy 3.3.

ATTACHMENTS

1. Existing Policy with track changes
2. Updated Policy for approval

Public Copy

EXISTING POLICY WITH TRACK CHANGES

	Donations Policy		Policy Number 3.3		
			LAST REVIEWED Dec 2018	NEXT REVIEW Dec 2022	MINUTE REF
POLICY STATEMENT:	1.1	This Policy sets out Council's position in relation to requests for financial assistance for not-for-profit registered welfare, schools or community service groups working within Kingborough.			
	1.2	This Policy also sets out Council's position in relation to requests for financial assistance from persons chosen to represent Tasmania/Australia in sporting, social, economic, environmental development and/or related to the wellbeing of the community.			
OBJECTIVE:	2.1	The objective of this Policy is to provide a structure for making donations which are honest and accountable in accordance with the community's core values.			
	2.2	This Policy provides opportunities for Council to support encourage and assist community groups.			
	2.3	To facilitate and manage requests for financial assistance by way of donations through timely responses and with a consistent approach.			
	2.4	This Policy is in line with Section 77 on the <i>Local Government Act 1993</i> , which provides guidance on providing gifts and benefits and the requirement to include details in the annual report.			
SCOPE:	3.1	This Policy applies to both requests for assistance from not for profit registered welfare, school, community or service groups working within Kingborough, and; Applies to all requests for (one off) financial assistance from persons chosen to represent Tasmania/Australia in sporting, social, economic, environmental development and/or related to the wellbeing of the community.			
PROCEDURE: (POLICY DETAIL)		<u>Assistance for not-for-profit groups</u>			
	4.1	Requests for assistance from not-for-profit registered welfare, school community, or service groups working within Kingborough will be considered on a case-by-case basis, with the maximum donation being \$1,000. Assistance will not be given for projects that would be eligible for consideration within Council's Community Project Support allocation, whether or not the project was submitted or successful.			
	4.2	Where a donation in excess of \$500 is proposed, the Mayor and the General Manager must agree upon the quantum, or else the request is to be brought before Council for a final decision.			
		<u>Amount of Assistance for persons chosen to represent Tasmania/Australia</u>			
	4.3	Assistance will be provided within the following structure:			
		<ul style="list-style-type: none"> • Interstate representation \$100 • Overseas representation \$200 • Commonwealth, Olympic Games or World Championship representation \$250 			
		<u>School Citizenship Awards</u>			
	4.4	<u>Council will give each Primary and High School located in the Kingborough Municipality \$100 for a School Citizenship Award.</u>			

	<p>4.44.5 The Mayor has discretion to provide donations outside of this Policy as long as the benefits are in line with Section 77 of the <i>Local Government Act 1993</i> and the total of the donations is within the annual budget allocation for Mayoral donations.</p> <p>4.54.6 The assistance will be available upon request to residents of Kingborough achieving State or National representation.</p> <p>4.64.7 Evidence of selection will be required prior to the allocation of funds.</p> <p>4.74.8 Grants will be provided to individuals only (not teams).</p> <p>4.84.9 Grants will not be provided to officials (ie coaches, managers, judges).</p>
GUIDELINES:	<p>5.1 All requests for financial assistance must be in writing addressed to the Mayor or General Manager.</p> <p>5.2 This Policy is to be implemented within the allocation provided in the Annual Estimates. Any proposed additional expenditure is to be specifically authorised by an absolute majority of Council.</p> <p>5.3 Subject to paragraph 5.2, the Mayor and General Manager are individually authorised to approve a donation not exceeding \$500, or jointly to an amount not exceeding \$1,000 in line with the provisions of this Policy.</p> <p>5.4 Budget allocations will be considered as part of the Annual Estimates.</p> <p>5.5 A report on all donations will be provided to Council on a quarterly basis.</p> <p>5.6 All recipients of donations provided under this Policy will be listed in Council's Annual Report in accordance with Section 77 of the <i>Local Government Act 1993</i>.</p>
COMMUNICATION:	<p>Members of the public.</p> <p>Kingborough Councillors</p> <p>Kingborough Council Staff</p>
LEGISLATION:	The <i>Local Government Act 1993</i> at section 77

UPDATED POLICY FOR APPROVAL



Policy No: **3.3**
 Approved by Council: **December 2020**
 New Review Date: **December 2022**
 Responsible Officer: **Manager Finance**

Minute No: **TBA**
 ECM File No: **12.81**
 Version: **6.0**

Donations Policy	
POLICY STATEMENT	<p>1.1 This Policy sets out Council's position in relation to requests for financial assistance for not-for-profit registered welfare, schools or community service groups working within Kingborough.</p> <p>1.2 This Policy also sets out Council's position in relation to requests for financial assistance from persons chosen to represent Tasmania/Australia in sporting, social, economic, environmental development and/or related to the wellbeing of the community.</p>
OBJECTIVE	<p>2.1 The objective of this Policy is to provide a structure for making donations which are honest and accountable in accordance with the community's core values.</p> <p>2.2 This Policy provides opportunities for Council to support encourage and assist community groups.</p> <p>2.3 To facilitate and manage requests for financial assistance by way of donations through timely responses and with a consistent approach.</p> <p>2.4 This Policy is in line with Section 77 on the <i>Local Government Act 1993</i>, which provides guidance on providing gifts and benefits and the requirement to include details in the annual report.</p>
SCOPE	<p>3.1 This Policy applies to both requests for assistance from not for profit registered welfare, school, community or service groups working within Kingborough, and;</p> <p>3.2 Applies to all requests for (one off) financial assistance from persons chosen to represent Tasmania/Australia in sporting, social, economic, environmental development and/or related to the wellbeing of the community.</p>
PROCEDURE (POLICY DETAIL)	<p>4.1 <u>Assistance for not-for-profit groups</u></p> <p>4.1.1 Requests for assistance from not-for-profit registered welfare, school community, or service groups working within Kingborough will be considered on a case-by-case basis, with the maximum donation being \$1,000. Assistance will not be given for projects that would be eligible for consideration within Council's Community Project Support allocation, whether or not the project was submitted or successful.</p> <p>4.1.2 Where a donation in excess of \$500 is proposed, the Mayor and the General Manager must agree upon the quantum, or else the request is to be brought before Council for a final decision.</p> <p>4.2 <u>Amount of Assistance for persons chosen to represent Tasmania/Australia</u></p> <p>4.2.1 Assistance will be provided within the following structure:</p>



Policy No: **3.3**
 Approved by Council **December 2020**
 New Review Date: **December 2022**
 Responsible Officer: **Manager Finance**

Minute No: **TBA**
 ECM File No: **12.81**
 Version: **6.0**

	<ul style="list-style-type: none"> • Interstate representation \$100 • Overseas representation \$200 • Commonwealth, Olympic Games or World Championship representation \$250 <p>4.3 <u>School Citizenship Awards</u></p> <p>4.3.1 Council will give each Primary and High School located in the Kingborough Municipality \$100 for a School Citizenship Award.</p> <p>4.3.2 The Mayor has discretion to provide donations outside of this Policy as long as the benefits are in line with Section 77 of the Local Government Act 1993 and the total of the donations is within the annual budget allocation for Mayoral donations.</p> <p>4.3.3 The assistance will be available upon request to residents of Kingborough achieving State or National representation.</p> <p>4.3.4 Evidence of selection will be required prior to the allocation of funds.</p> <p>4.3.5 Grants will be provided to individuals only (not teams).</p> <p>4.3.6 Grants will not be provided to officials (ie coaches, managers, judges).</p>
GUIDELINES	<p>5.1 All requests for financial assistance must be in writing addressed to the Mayor or General Manager.</p> <p>5.2 This Policy is to be implemented within the allocation provided in the Annual Estimates. Any proposed additional expenditure is to be specifically authorised by an absolute majority of Council.</p> <p>5.3 Subject to paragraph 5.2, the Mayor and General Manager are individually authorised to approve a donation not exceeding \$500, or jointly to an amount not exceeding \$1,000 in line with the provisions of this Policy.</p> <p>5.4 Budget allocations will be considered as part of the Annual Estimates.</p> <p>5.5 A report on all donations will be provided to Council on a quarterly basis.</p> <p>5.6 All recipients of donations provided under this Policy will be listed in Council's Annual Report in accordance with Section 77 of the Local Government Act 1993.</p>
COMMUNICATION	<p>6.1 Members of the public.</p> <p>6.2 Kingborough Councillors</p> <p>6.3 Kingborough Council Staff</p>
LEGISLATION	<p>7.1 <i>The Local Government Act 1993</i> at section 77</p>

17.6 KINGBOROUGH ACCESS POLICY & CHANGE OF TITLE TO THE ADVISORY COMMITTEE

File Number: 15.7

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: 1.2 An inclusive community that has a strong sense of pride and local identity.

1. PURPOSE

- 1.1 The purpose of this report is to review and update Council's Access Policy and to present a request from the Kingborough Access Advisory Committee ('KAAC') to change their title.

2. BACKGROUND

- 2.1 At its meeting on 12 September 2016, Council endorsed the Access Policy that is due for review.
- 2.2 The Policy was tabled at the 12 August 2020 meeting of the KAAC at which time committee members were invited to provide comments and recommendations for changes.
- 2.3 At the KAAC meeting 21 October 2020 it was decided that a request be put to Council to modify the name of the committee to include the term 'inclusion'.

3. STATUTORY REQUIREMENTS

- 3.1 There are no statutory requirements associated with the update of the Policy.
- 3.2 The Committee is appointed in accordance with section 24 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 The Committee is made up of people with lived experience of disability and those in advocacy roles for people with disability. Each provide valuable information on current developments and expectations for disability access as well as insights into how to reduce barriers at a local level.
- 4.2 The Committee does not only provide advice on capital works projects and upgrades to facilities, but has also included the development of educational brochures, communication to local business, and submissions to various government and industry requests in regards to standards and/or regulations.
- 4.3 KAAC members were informed that the Policy was due for review. All members were asked to provide input.
- 4.4 A copy of the endorsed Access Policy with track changes is attached as Annexure one (1) to this report.
- 4.5 A copy of the revised Disability Access Inclusion Policy is attached as Annexure two (2) to this report.

- 4.6 Shown in the Policy is the addition of the terms 'disability' and 'inclusion'. This is to reflect the proposed change of name to the KAAC. Other minor amendments have been made to the policy which do not alter its intent.
- 4.7 The Committee agreed that by incorporating 'Inclusion' in their title, this would emphasise their aim of bringing attention to the advantages of designing for the widest possible range of people.
- 4.8 On further officer discussion it is proposed that the insertion of 'Disability' in the title is necessary to emphasise the Committee's advocacy and education role concerning the attribute of disability.

5. FINANCE

- 5.1 There are no financial implications associated with the review of this Policy or change of title.

6. ENVIRONMENT

- 6.1 There are no environmental implications associated with the review of this Policy or change of title.

7. COMMUNICATION AND CONSULTATION

- 7.1 The KAAC members were invited to provide comments and recommendations for the review.
- 7.2 The policy will be made available on Council's website.
- 7.3 At the KAAC 21 October 2020 meeting, the Committee discussed that modifying their title would better reflect their aims and objectives.
- 7.4 If the proposed change of title to the KAAC is endorsed, associated documentation will be amended to reflect this.

8. RISK

- 8.1 There are no risks associated to the review of the Policy or change of title.

9. CONCLUSION

- 9.1 The endorsed KAAC Policy is due for review. Minor amendments have been made which do not change the intent of the Policy and the terms 'disability' and 'inclusion' have been incorporated, to reflect the proposed change of title of the KAAC.
- 9.2 The KAAC have requested that their title be changed to the 'Kingborough Disability Access Inclusion Advisory Committee'.

10. RECOMMENDATION


That Council:

- a) Endorse the revised Kingborough Disability Access Inclusion Policy as attached to this report.
- b) Confirm the change of title of the 'Kingborough Access Advisory Committee' to the 'Kingborough Disability Access Inclusion Advisory Committee'.

ATTACHMENTS

- 1. Existing Policy with Track Changes
- 2. Updated Policy for Approval

EXISTING POLICY WITH TRACK CHANGES

	<div><div>KINGBOROUGH</div><div><u>DISABILITY ACCESS</u></div><div><u>INCLUSION</u> POLICY</div></div>	<div>(Policy No. 4.1)</div>		
		<div>LAST REVIEW</div> <div>Dec 20204/5/2024</div>	<div>NEXT REVIEW</div> <div>4/5/2024Dec 2024</div>	<div>MINUTE REF</div> <div>C383/18-16</div>
<div>POLICY STATEMENT:</div>	<div><div>1.1</div><div><u>Council encourages the view that communities, organisations and individuals should view disability as an expected part of human diversity and strive to accommodate accordingly in order to encourage participation and contribution to the same extent as people without disability.</u></div></div> <div><div>1.2</div><div>Council is committed to ensuring that people with disabilities and chronic pain conditions have equal access to its services, programs, events, facilities, information, public consultation processes, <u>meetings</u> and employment opportunities.</div></div> <div><div>1.3</div><div>Council will work to ensure that people with a disability and/or with chronic pain conditions feel a sense of belonging and safety, are included and are able to access the services and facilities they need to fully participate in community life, <u>and to ensure that their physical and mental health needs are being met are treated as equal and independent persons and as valued members of our community.</u></div></div> <div><div>1.4</div><div>Council will contribute to the development of a community where people with disabilities <u>and chronic pain conditions</u> are accepted and valued and their contributions are recognised and celebrated.</div></div>			
<div>OBJECTIVE:</div>	<div><div>2.1</div><div>The objective of the Kingborough <u>Disability Access Inclusion</u> Policy is to underpin the <i>Kingborough Access Action Plan</i> that has been developed to protect and promote the human rights of people with a disability, so that they are able to participate equally in a broad range of community activities, and contribute in a meaningful way to the social and economic development of Kingborough.</div></div>			
<div>SCOPE:</div>	<div><div>3.1</div><div>The policy <u>principles</u> will be applied to all aspects of the delivery of services by the Kingborough Council.</div></div> <div><div>3.2</div><div><u>The policy principles are will be applied for all people with a disability that live, work or visit the Kingborough Municipality, people using mobility aids including pram users, the elderly and their carers.</u></div></div>			
<div>PROCEDURE: (POLICY DETAIL)</div>	<div><div>4.1</div><div>Application of the <u>above principles policy</u> will be applied to all aspects of the delivery of services by the Kingborough Council to ensure that:<ul style="list-style-type: none">Council facilities are accessible and designed and managed to maximise their use by <u>diverse all</u> groups.<u>Council works to make all Kingborough Council information and communications accessible and available in a range of formats including using innovative technology and aim to meet Level AA of Web Content Accessibility Guidelines 2.0 international standards for our websites.</u><u>Provide information in easy-read formats where possible.</u>Council works toward becoming an accessible municipality for people with cognitive impairments and chronic pain conditions by improving community awareness, access to Kingborough Council facilities and way-finding in the municipality.Councillors and staff members have a greater awareness of the needs of people with disabilities, and increase their skills to ensure the municipality is <u>accessible to all as far as possible- universally accessible.</u></div></div>			

	<ul style="list-style-type: none"> • Opportunities are provided for all community members, including people with disabilities to participate in public consultations, grievance mechanisms and decision making processes. • <u>InclusiveUniversal</u> design themes are considered and, where possible, applied in the development of all future Kingborough Council policies, strategies and initiatives. • <u>Work collaboratively with other Councils and organisations to address access issues in Kingborough.</u> • <u>The Kingborough Disability Access Inclusion Advisory Committee be maintained and consulted on access issues.</u> • <u>As far as possible, design all public facilities for equitable use and ensure a continuous path of travel to such facilities.</u> • <u>Ensure that people with disability who are accessing our services and facilities are treated respectfully.</u>
COMMUNICATION:	5.1 This policy will be communicated to all staff involved in the delivery of services to people with disabilities.
LEGISLATION:	6.1 Universal Declaration of Human Rights 1948 6.2 <i>Disability Discrimination Act</i> 1992 6.3 <i>Commonwealth Racial Discrimination Act</i> 1975 6.4 <i>Tasmanian Anti-Discrimination Act</i> 1998 6.5 <i>Tasmanian Building Act</i> 2016
DEFINITIONS:	7.1 The Disability Discrimination Act 1992 (DDA) defines "disability" in relation to a person as: <ul style="list-style-type: none"> a) Total or partial loss of the person's bodily or mental functions; or b) Total or partial loss of a part of the body; or c) The presence in the body of organisms causing disease or illness; or d) The presence in the body of organisms capable of causing disease or illness; or e) The malfunction, malformation or disfigurement of a part of the person's body; or f) A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or g) A disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; and includes a disability that: h) Presently exists; or i) Previously existed but no longer exists; or j) May exist in the future (including because of a genetic predisposition to that disability); or k) Is imputed to a person l) To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability. 7.2 Kingborough Council includes members of the community who suffer from chronic pain conditions within the definition of a "disability".

	7.3 <u>Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by the greatest number of people possible regardless of their age, size ability or disability.</u>
RELATED DOCUMENTS:	<p>8.1 Kingborough Access Action Plan.</p> <p>8.2 Bullying Harassment and Discrimination Policy.</p> <p>8.3 Recruitment and Employment Administrative Policy.</p> <p>8.4 Equal Employment Opportunity and Diversity Policy.</p> <p>8.5 Kingborough Positive Ageing Policy.</p>
AUDIENCE:	9.1 Available to <u>the public Councillors, Kingborough community, Council staff and businesses.</u>
<u>GUIDELINES</u>	<u>The Disability Access Inclusion Policy will be implemented by staff providing executive support to the Disability Access Inclusion Advisory Committee and will extend to Urban Design staff, capital works project managers, building maintenance staff and customer service.</u>

UPDATED POLICY FOR APPROVAL



Policy No:	4.1	Minute No:	TBA
Approved by Council	December 2020	ECM File No:	15.7
New Review Date:	December 2024	Version:	2.0
Responsible Officer:	Director Environment, Development & Community		

Kingborough Disability Access Inclusion Policy

POLICY STATEMENT	<p>1.1 Council encourages the view that communities, organisations and individuals should view impairment as an expected part of human diversity and strive to accommodate accordingly in order to encourage participation and contribution to the same extent as people without disability.</p> <p>1.2 Council is committed to pursuing universal accessibility to ensure equal access to its programs, services, events, facilities, information, public consultation processes, meetings and employment opportunities.</p> <p>1.3 Council will work to ensure that people with disability and/or with chronic pain conditions feel a sense of belonging and safety, are included and are able to access the services and facilities they need to fully participate in community life, are treated as equal and independent persons and as valued members of our community.</p> <p>1.4 Council will contribute to the development of a community where people with disabilities are accepted and valued and their contributions are recognised and celebrated.</p>
DEFINITIONS	<p>2.1 The Disability Discrimination Act 1992 (DDA) defines 'disability' in relation to a person as:</p> <ul style="list-style-type: none"> a) Total or partial loss of a person's bodily or mental functions; or b) Total or partial loss of a part of the body; or c) The presence in the body of organisms causing disease or illness; or d) The presence in the body of organisms capable of causing disease or illness; or e) The malfunction, malformation or disfigurement of a part of the person's body; or f) A disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or g) A disorder, illness or disease that affects a person's thought process, perception of reality, emotions or judgement or judgement or that results in disturbed behaviour, and includes a disability that: h) Presently exists; or i) Previously existed but no longer exists; or j) May exist in the future (including because of genetic predisposition to that disability); or k) Is imputed to a person



Policy No: **4.1** Minute No: **TBA**
 Approved by Council **December 2020** ECM File No: **15.7**
 New Review Date: **December 2024** Version: **2.0**
 Responsible Officer: **Director Environment, Development & Community**

	<p>l) To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.</p> <p>2.2 Kingborough Council includes members of the community who suffer from chronic pain conditions within the definition of 'disability'.</p> <p>2.3 Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.</p>
OBJECTIVE	<p>3.1 The objective of the Kingborough Disability Access Inclusion Policy is to underpin the Kingborough Access Action Plan that has been developed to protect and promote the human rights of people with disability, so that they are able to participate equally in a broad range of community activities and contribute in a meaningful way to the social and economic development of Kingborough</p>
SCOPE	<p>4.1 The policy will be applied to all aspects of the delivery of services by Kingborough Council.</p> <p>4.2 The policy will be applied for all people with a disability that live, work or visit the Kingborough Municipality, people using mobility aids including pram users, the elderly and carers.</p>
PROCEDURE (POLICY DETAIL)	<p>5.1 Application of the policy will be applied to all aspects of the delivery of services by the Kingborough Council to ensure that:</p> <ul style="list-style-type: none"> • Council facilities are accessible and designed and managed to maximise their use by all groups. • Council works to make all Kingborough Council information and communications accessible and available in a range of formats including using innovative technology and aim to meet Level AA of Web Content Accessibility Guidelines 2.0 international standards for our websites. • Provide information in easy-read format where possible. • Council works toward becoming an accessible municipality for people with cognitive impairments and chronic pain conditions by improving community awareness, access to Kingborough Council facilities and wayfinding in the municipality. • Councillors and staff members have a greater awareness of the needs of people with disabilities and increase their skills to ensure the municipality is universally accessible. • Opportunities are provided for all community members, including people with disabilities to participate in public consultations, meetings, grievance mechanisms and decision-making processes. • Universal design themes are considered and, where possible, applied in the development of all future Kingborough Council policies, strategies and initiatives. • Work collaboratively with other Councils and organisations to address access issues in Kingborough. • The Kingborough Access Advisory Committee be maintained and consulted on access issues.



Policy No: **4.1**
 Approved by Council **December 2020**
 New Review Date: **December 2024**
 Responsible Officer: **Director Environment, Development & Community**

Minute No: **TBA**
 ECM File No: **15.7**
 Version: **2.0**

	<ul style="list-style-type: none"> As far as possible, design all public facilities for equitable use and ensure a continuous accessible path of travel to such facilities. Ensure that people with disability who are accessing our services and facilities are treated respectfully.
GUIDELINES	6.1 The Disability Inclusion Access Policy will be implemented by staff providing executive support to the Disability Access Inclusion Advisory Committee and will extend to Urban Design staff, capital works project managers and building maintenance staff and customer service.
COMMUNICATION	7.1 The policy will be communicated to all staff involved in the delivery of services to people with disabilities.
LEGISLATION	8.1 Universal Declaration of Human Rights 1948 8.2 <i>Disability Discrimination Act 1992</i> 8.3 <i>Commonwealth Racial Discrimination Act 1975</i> 8.4 <i>Tasmanian Anti-Discrimination Act 1998</i> 8.5 <i>Tasmanian Building Act 2016</i>
RELATED DOCUMENTS	9.1 Kingborough Access Action Plan 9.2 Bullying Harassment and Discrimination Policy 9.3 Recruitment and Employment Administrative Policy 9.4 Equal Employment Opportunity and Diversity Policy 9.5 Kingborough Positive Ageing Policy
AUDIENCE	10.1 Available to Councillors, Kingborough community, Council staff and businesses.

17.7 KINGBOROUGH YOUTH POLICY**File Number:** 31.5**Author:** Sarah Johns, Youth 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 review and update Council's Kingborough Youth Policy.

2. BACKGROUND

2.1 At its meeting of the 12 September 2016, Council endorsed a Kingborough Youth Policy that is due for review.

3. STATUTORY REQUIREMENTS

3.1 There are no statutory requirements associated with the update of the Policy.

4. DISCUSSION

4.1 The Policy contains a set of thirteen principles that were used to underpin the development of the Kingborough Youth Strategy 2019 – 2024.

4.2 The existing Policy has been reviewed which requires minor amendments. The Policy will also allow for a subsidised rate, regarding paid programs, to identified community members experiencing financial hardship.

4.3 A copy of the endorsed Policy with track changes is attached as Annexure One (1) to this report.

5. FINANCE

5.1 There are no financial implications associated with this matter.

6. ENVIRONMENT

6.1 There are no environmental implications associated with this matter.

7. COMMUNICATION AND CONSULTATION

7.1 Communication and consultation occur on a regular basis in line with relevant projects and activities, including the implementation of the Kingborough Youth Strategy.

7.2 The Policy will be made available via Council's website.

8. RISK

8.1 There are no risks associated with the policy.

9. CONCLUSION

- 9.1 The September 2016 endorsed Kingborough Youth Policy is due for review. Minor amendments have been made that do not modify its intent.

10. RECOMMENDATION

That Council endorse the revised Kingborough Youth Policy 4.5 as attached to this report.

ATTACHMENTS

1. Revised 2020 Kingborough Youth Policy

Public Copy

ENDORSED POLICY WITH TRACK CHANGES



Policy No: 4.5
 Approved by Council: Oct 2016 Dec 2020
 New Review Date: Oct 2020 Dec 2024
 Responsible Officer: Director Environment, Development & Community

Minute No: C284/18-16TBA
 ECM File No: 31.5
 Version: 1.2

Kingborough Youth Policy	
POLICY STATEMENT	<p>1.1 Council is committed to the active engagement and participation of young people in all aspects of life within the community.</p> <p>1.2 Council is committed to ensuring that young people are informed and engaged in activities and decision making and are provided with timely feedback.</p> <p>1.3 Council will support young people to participate in the community, and will develop and facilitate processes, structures and partnerships that enable the community, service providers and young people to work together to meet the identified needs of young people.</p> <p>1.4 Council will work to ensure that young people feel a sense of belonging and safety, are included and are able to access the services and facilities they need to fully participate in community life and to ensure that their physical and mental health needs are being met.</p> <p>1.5 Council will contribute to the development of a community where the diversity of young people are accepted and valued and their contributions are recognised and celebrated.</p>
DEFINITIONS	<p>2.1 Social inclusion barriers include personal factors (such as health or homelessness), access factors (such as to transport and health services), and structural factors (such as intergenerational poverty and locational disadvantage). Those groups most at risk include children in low income households; older persons living alone; people with a mental illness; Aboriginal people; gay, lesbian, bisexual, transgender and intersex people; people with a disability; refugees from culturally and linguistically diverse backgrounds, women subject to domestic violence and people experiencing addiction (from Prof David Adams <i>A Social Inclusion Strategy for Tasmania</i> Sept 2009).</p>
OBJECTIVE	<p>3.1 The objective of the Kingborough Youth Policy is to underpin the Kingborough Youth Strategy that has been developed to provide direction for Council's activities in relation to young people, demonstrate Council's commitment to the development and support of young people in the Kingborough municipal area, and detail key strategic actions that Council intends to undertake in order to achieve specific outcomes with young people and the community.</p>
SCOPE	<p>4.1 The policy principles will be applied to all aspects of the delivery of youth services by the Kingborough Council.</p>
PROCEDURE (POLICY DETAIL)	<p>5.1 The following principles will be applied to all aspects of the delivery of youth services by the Kingborough Council:</p> <p>5.1.1 Access – ensuring young people can obtain needed services.</p> <p>5.1.2 Participation and consultation – providing for young people's involvement and ability to influence decisions being made which affect them and their community.</p> <p>5.1.3 Social Inclusion – ensuring all young people have equal opportunity to be involved and participate, <u>which may include subsidised rate</u></p>

	<p><u>regarding paid programmes, to identified community members experiencing financial hardship.-</u></p> <p>5.1.4 Building on diversity – identifying and using the characteristics and qualities of diverse young people to add to the social, environmental and economic well-being of the community.</p> <p>5.1.5 Equity – ensuring equality of outcomes by eliminating discriminatory policies and practices.</p> <p>5.1.6 Respect – recognising the absolute dignity of every young person and treating them accordingly.</p> <p>5.1.7 Communication – ensuring young people know the services that are available and know their rights and responsibilities - and that young people have an opportunity to shape their community and the services they can access.</p> <p>5.1.8 Responsiveness – being sensitive to the needs of young people and providing appropriate and timely responses to these needs.</p> <p>5.1.9 Effectiveness – focusing on meeting needs in a results-oriented manner.</p> <p>5.1.10 Efficiency – optimising the use of resources to meet the needs of young people.</p> <p>5.1.11 Building community capacity – increasing the capacity of individuals and organisations to respond to the current and future needs of their own community.</p> <p>5.1.12 Confidentiality – ensuring that all people are in control of any information which is disclosed about them to any other person.</p> <p>5.1.13 Accountability – being open to scrutiny and being able to explain and justify all actions undertaken.</p>
GUIDELINES	6.1 <u>The Kingborough Youth Policy will be implemented by Council's Youth Services staff and other Council staff as required.</u>
COMMUNICATION	7.1 This policy will be communicated to all staff involved in the delivery of services to young people.
LEGISLATION	<p>8.1 <i>Universal Declaration of Human Rights 1948</i></p> <p>8.2 Office of the High Commissioner for Human Rights - Convention on the Rights of the Child and Declaration of the Rights of the Child</p> <p>8.3 <i>Commonwealth Racial Discrimination Act 1975</i></p> <p>8.4 <i>Commonwealth Sex Discrimination Act 1984</i></p> <p>8.5 <i>Tasmanian Anti Discrimination Act 1998</i></p> <p>8.6 United Nations – World Program of Action for Youth to the Year 2000 and beyond</p> <p>8.7 <u>Children, Young Persons and Their Families Act 1997</u></p>
RELATED DOCUMENTS	9.1 Kingborough Youth Strategy 2010 – 2013 <u>2019 - 2024</u>
AUDIENCE	10.1 Available to the public

UPDATED POLICY FOR APPROVAL



Policy No: **4.5** Minute No: **TBA**
 Approved by Council **Dec 2020** ECM File No: **31.5**
 New Review Date: **Dec 2024** Version: **2.0**
 Responsible Officer: **Director Environment, Development & Community**

Kingborough Youth Policy

POLICY STATEMENT	<p>1.1 Council is committed to the active engagement and participation of young people in all aspects of life within the community.</p> <p>1.2 Council is committed to ensuring that young people are informed and engaged in activities and decision making and are provided with timely feedback.</p> <p>1.3 Council will support young people to participate in the community, and will develop and facilitate processes, structures and partnerships that enable the community, service providers and young people to work together to meet the identified needs of young people.</p> <p>1.4 Council will work to ensure that young people feel a sense of belonging and safety, are included and are able to access the services and facilities they need to fully participate in community life and to ensure that their physical and mental health needs are being met.</p> <p>1.5 Council will contribute to the development of a community where the diversity of young people are accepted and valued and their contributions are recognised and celebrated.</p>
DEFINITIONS	<p>2.1 Social inclusion barriers include personal factors (such as health or homelessness), access factors (such as to transport and health services), and structural factors (such as intergenerational poverty and locational disadvantage). Those groups most at risk include children in low income households; older persons living alone; people with a mental illness; Aboriginal people; gay, lesbian, bisexual, transgender and intersex people; people with a disability; refugees from culturally and linguistically diverse backgrounds, women subject to domestic violence and people experiencing addiction (from Prof David Adams <i>A Social Inclusion Strategy for Tasmania</i> Sept 2009).</p>
OBJECTIVE	<p>3.1 The objective of the Kingborough Youth Policy is to underpin the Kingborough Youth Strategy that has been developed to provide direction for Council's activities in relation to young people, demonstrate Council's commitment to the development and support of young people in the Kingborough municipal area, and detail key strategic actions that Council intends to undertake in order to achieve specific outcomes with young people and the community.</p>
SCOPE	<p>4.1 The policy principles will be applied to all aspects of the delivery of youth services by the Kingborough Council.</p>

<p>PROCEDURE (POLICY DETAIL)</p>	<p>5.1 The following principles will be applied to all aspects of the delivery of youth services by the Kingborough Council:</p> <p>5.1.1 Access – ensuring young people can obtain needed services.</p> <p>5.1.2 Participation and consultation – providing for young people’s involvement and ability to influence decisions being made which affect them and their community.</p> <p>5.1.3 Social Inclusion – ensuring all young people have equal opportunity to be involved and participate, which may include subsidised rate regarding paid programmes, to identified community members experiencing financial hardship.</p> <p>5.1.4 Building on diversity – identifying and using the characteristics and qualities of diverse young people to add to the social, environmental and economic well-being of the community.</p> <p>5.1.5 Equity – ensuring equality of outcomes by eliminating discriminatory policies and practices.</p> <p>5.1.6 Respect – recognising the absolute dignity of every young person and treating them accordingly.</p> <p>5.1.7 Communication – ensuring young people know the services that are available and know their rights and responsibilities - and that young people have an opportunity to shape their community and the services they can access.</p> <p>5.1.8 Responsiveness – being sensitive to the needs of young people and providing appropriate and timely responses to these needs.</p> <p>5.1.9 Effectiveness – focusing on meeting needs in a results-oriented manner.</p> <p>5.1.10 Efficiency – optimising the use of resources to meet the needs of young people.</p> <p>5.1.11 Building community capacity – increasing the capacity of individuals and organisations to respond to the current and future needs of their own community.</p> <p>5.1.12 Confidentiality – ensuring that all people are in control of any information which is disclosed about them to any other person.</p> <p>5.1.13 Accountability – being open to scrutiny and being able to explain and justify all actions undertaken.</p>
<p>GUIDELINES</p>	<p>6.1 The Kingborough Youth Policy will be implemented by Council’s Youth Services staff and other Council staff as required.</p>
<p>COMMUNICATION</p>	<p>7.1 This policy will be communicated to all staff involved in the delivery of services to young people.</p>
<p>LEGISLATION</p>	<p>8.1 <i>Universal Declaration of Human Rights 1948</i></p> <p>8.2 Office of the High Commissioner for Human Rights - Convention on the Rights of the Child and Declaration of the Rights of the Child</p>

	8.3	<i>Commonwealth Racial Discrimination Act 1975</i>
	8.4	<i>Commonwealth Sex Discrimination Act 1984</i>
	8.5	<i>Tasmanian Anti Discrimination Act 1998</i>
	8.6	United Nations – World Program of Action for Youth to the Year 2000 and beyond
	8.7	Children, Young Persons and Their Families Act 1997
RELATED DOCUMENTS	9.1	Kingborough Youth Strategy –2019 - 2024
AUDIENCE	10.1	Available to the public

Public Copy

17.8 DEVELOPMENT SERVICES QUARTERLY REPORT**Author:** Tasha Tyler-Moore, Manager Development Services**Authoriser:** Tony Ferrier, Deputy General Manager**1. Introduction**

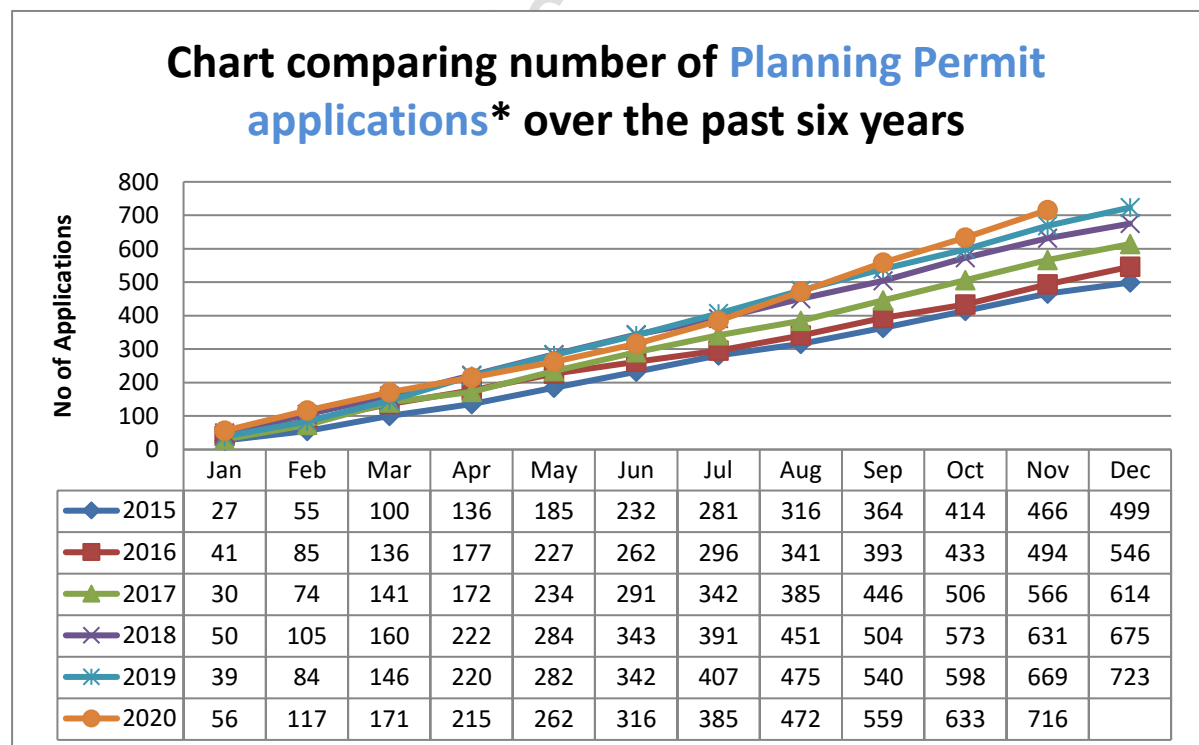
Development Services has Planning Authority delegations under the *Land Use Planning and Approvals Act 1993* and is the Permit Authority for plumbing and building applications under the *Building Act 2016*. These responsibilities include related enforcement functions. Kingborough Council is one of Tasmania's fastest growing municipalities and both planning and building approvals are reaching new records each year.

This report provides an update on Development Services' building and planning permit activity including lodgement numbers; Resource Management Planning and Approvals Tribunal (RMPAT) and Tasmanian Planning Commission (TPC) matters; and, strategic planning matters. The report also provides an update on the implementation of the recommendations of the Planning Review that was adopted by Council in December 2019.

2. Planning

Below is the chart detailing the number of planning applications lodged this year to date (until end of November) and shows a comparison of the number of applications lodged over the past six years.

The chart below is for development applications only. Applications for subdivisions, sealed plan amendments, strata applications, adhesion order applications, planning scheme amendments, minor amendments, extensions to the life of a permit or pre-application meetings are not included.



The chart shows that the rate of application lodgements reduced during the months of April and May, presumably because of the Covid-19 pandemic. However, as can be seen above, the number of lodgements since early September has not only recovered but in fact surpassed the total number at the same time last year. At the end of November application numbers have increased by 7% (47 applications) compared to the same time last year.

If we stay on track for number of lodgements per month then Council will have another record year for planning permit applications.

2.1 Planning Institute Australia Conference and Awards

The Planning Institute of Australia (PIA) is the national body representing planning and the planning profession. Through education, communication and professional development, PIA is the pivotal organisation serving and guiding thousands of planning professionals in their role of creating better communities.

Several of our Planners are PIA members and some of those hold committee roles, including the recently appointed role of Vice President of the PIA Tasmania Committee.

Each year PIA holds a conference, usually over a couple of days, alternating between the north and the south of Tasmania, however, this year due to the pandemic the conference was shortened and hosted online. However, the quality and content was just as good as always. A number of Kingborough Planners attended the online conference and had the opportunity to hear some great presentations and participate in online breakout rooms to discuss planning topics.

It is at the conference that the PIA awards are presented. This year Darshini Bangura was nominated as Young Planner of the Year and Mary McNeill was nominated and won the award for her student project - *From activism to collaborative city making: PARK(ing) Day as a case study in Tactical Urbanism*. Well done to both of them.

2.2 Building and Construction (Regulatory Reform Amendments) Bill

The State Government recently passed this Bill making changes to a number of Acts including, *Land Use Planning and Approvals Act 1993*, *Environmental Management and Pollution Control Act 1994*, *Local Government (Building and Miscellaneous Provisions) Act 1993*, *Strata Titles Act 1998*, *Water and Sewerage Industry Act 2008*, *Electricity Supply Industry Act 1995* which all impact on the processing of Planning Permit applications. The Bill was introduced as part of the 'Reduction of Red Tape' project that was initiated last year.

Many of the changes introduce additional timeframes where they did not previously exist and other changes reduce existing timeframes. The Bill introduces additional administrative tasks for Council and introduces referrals to other infrastructure providers that were previously removed in earlier years. A summary of the changes is provided below:

- Introduction of a 4 day timeframe for invoices to be sent to applicants and if not met the statutory clock starts.
- The timeframe for assessing submitted further information has been reduced from 14 days to 8 business days.
- Introduction of a 28 day timeframe for a decision to be made on Minor Amendment Applications. Notice of the decision must be made within 7 days.
 - There are no minimum application requirements specified.
 - There are no provisions for Council to ask for additional information.
 - There is no provision to request an extension of time to make a decision.
 - There are no provisions to refer to external authorities where they may be affected.
 - The same rules apply to invoicing and clock starting as for a new application.

- Introduction of a 20 day timeframe to endorse plans or reports that are submitted in response to a planning permit condition.
 - If Council requires additional information or the information is insufficient it must be requested in writing within 15 days of lodgement. The clock stops between the request and the information satisfactorily being provided.
 - Once amended plans or additional information is provided, Council has 8 days to inform the applicant if it is satisfactory or not.
- Introduction of a requirement for Council to send plans or reports to other regulatory authorities if they are the body that imposed conditions on a permit.
 - Council has 5 days to pass the submitted information to the regulatory authority.
 - The regulatory authority has 10 days to respond.
 - Any response received must be sent by Council to the applicant within 2 days.
 - There are stop clocks while these referrals and responses occur.
- Introduction of a 20 day timeframe for Council to determine if a 'final plan' complies with the requirements.
 - If Council requires additional information, it must request it within 10 days.
 - Once the further information is submitted Council has 8 days to determine if it is satisfactory. The clock stops during that time.
- Applicants must now provide evidence that they have satisfied all requirements for a certificate of approval for strata titles.
- Introduction of a 30 day timeframe to issue or refuse a certificate of approval for strata applications.
 - If further information is required the request must be made within 15 days.
- Introduction of referral requirements for planning applications to Tas Networks.
 - TasNetworks has 10 days to respond and Council has 5 days to pass on that response to the applicant.

In response to these changes there has been a lot of work modifying the software that assists in processing these tasks and provision of processing clocks. Additionally, letters/reports have either been updated or new ones written as required for the new changes. All of the changes will increase pressure and workload on the planners, internal referrals and administrative staff.

2.3 Government stimulus package for the building industry (Covid-19 recovery)

To assist with the forecasted financial impacts of the Covid-19 pandemic, Federal and State Governments have created stimulus packages to assist the economy continue to recover. The relevant stimulus packages to Development Services are those grants offered to people for the development of new homes and substantial home renovations. The content and requirements of applications for those monetary grants were included in the previous Quarterly report. These grants have resulted in many more development applications being received by Council.

The Federal Government announced that the cut-off date for applications for the stimulus package is extended from 31 December 2020 to 31 March 2021. The package itself has been modified along with the change of dates. The Tasmanian Government announced that they too have extended the cut-off date for applications expire on 31 March 2021.

2.4 Huntingfield State Government Residential Development

The Minister for Planning issued a Housing Land Supply Order for Huntingfield which came into effect on 18 March 2020. The Housing Order provides a fast track process for land rezoning and accelerates the supply of affordable housing. The Order introduced a new Specific Area Plan into Kingborough's Planning Scheme.

The Master Plan aims to deliver a broad mix of around 470 residential lots, as well as public amenities and open spaces to serve the needs of the local community. The Tasmanian Government will deliver the subdivision in conjunction with private sector partners but will retain at least 15% of the lots to deliver new social housing.

The State Government undertook and completed their public engagement during May and June 2020.

On 12 November 2020 the planning permit application (DA2020-676) was lodged with Council for the proposed roundabout on Channel Highway that will service the proposed development. The application has been lodged by GHD on behalf of Housing Tasmania. The planning team are currently undertaking the initial assessments of the application. Once all required information has been received (as request for further information may occur), the application will proceed to 'advertising', whereby the public will be able to view the proposal and associated plans.

The subdivision application and masterplan (should they choose to lodge one for approval) have not yet been submitted.

2.5 Department of State Growth's Park and Ride development applications

On 20 November 2020, Pitt and Sherry on behalf of the Department of State Growth lodged two applications (DA2020-695 & DA2020-696) for park and ride facilities at Huntingfield and Firthside.

The Huntingfield facility will formalise the existing park and ride at that site. It will include 174 parking spaces (including 5 'access for all spaces'), 4 motorcycle spaces and storage for up to 27 bicycles. Works also include asphaltting, lighting, line marking and landscaping. The park and ride facility will include public toilets and several bus shelters.

The Firthside facility will be located on land between the southern outlet and Browns Road, with access from Browns Road. The facility will contain 44 parking spaces (including 3 'access for all' spaces), 2 motorcycle spaces, and storage for up to 26 bicycles. Works also include asphaltting, lighting, line marking and landscaping.

Both applications are currently in the initial assessment phase. Once all information has been provided (if there is a need for the provision of additional information) both applications will proceed to advertising, whereby the public will be able to view the proposals and associated plans.

2.6 Progress of Local Provisions Schedule – moving to the 'Tasmanian Planning Scheme' and public consultation.

Council's adopted draft of the Local Planning Provisions (LPS) was sent to the Tasmanian Planning Commission (TPC) on 13 December 2019, (additional information was sent on 18 December 2019). A second iteration of the plans (corrected data) was

adopted at the Council Meeting on 11 February 2020 and forwarded to the TPC for their consideration.

The TPC notified Council on 2 March 2020 that the information provided is suitable for an assessment of legislative compliance to be conducted. On 27 April 2020 and 21 May 2020 requests from the TPC were made for additional information related to the GIS files for mapping.

On 30 October 2020 Council attended the post lodgement meeting with the TPC and on 20 November 2020, the TPC provided a summary of the parts that they are seeking further justification for or clarification of some of the information that were discussed during the post-lodgement conference. The response is currently being worked on and it is anticipated that the response to the TPC will be sent in early 2021. It is likely that there will be a further meeting with the TPC, which is consistent with other councils that have reached the same milestone. Once all post-lodgement meetings are concluded, the TPC will give direction to place the draft planning scheme on exhibition.

Noting the above, an extensive communications strategy has been developed in anticipation of the LPS exhibition. The *Land Use Planning and Approvals Act 1993* has a set of minimum exhibition requirements for the LPS, however it is intended to go beyond the minimum requirements to maximise the number of people made aware of the LPS. The communication strategy focusses on making information easily available to assist people to understand the new provisions and by allowing face to face questions.

Councillors will be provided with an update of the LPS and overview of the consultation strategy once all of the post-lodgement meetings with the TPC have been held.

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

Planning Scheme Amendment (PSA-2019-3) proposes to amend the Kingston Park SAP. The Tasmanian Planning Commission (TPC) hearing for the 7 submissions lodged during the exhibition period was held (online) on 14 May 2020. Kingborough was represented by the consultant that wrote the s39 report to Council earlier.

The hearing discussed many of the elements that were raised however no decision was made by the TPC on the day. Additional submissions were submitted in early June 2020 in response to the TPC requests following the hearing. It was determined by the TPC that the extent of changes meant that it required readvertising. The public exhibition (advertising) closed on 26 September 2020. A further hearing was held on 24 November 2020 in response to the representations that were made. Council is now waiting on the final decision from the TPC.

2.8 PSA-2020-2 – Amendment to Appendix 1 of the Scheme to correct the ‘Incorporated Documents’ section.

Council initiated the Planning Scheme Amendment PSA-2020-2 at the Council meeting on 9 June 2020. The purpose of the amendment is to formally incorporate a list of supplementary documents in Appendix 1 of Kingborough Interim Planning Scheme 2015 and to update and correct reference to those documents throughout the text of the planning scheme.

Following the submission of the initiated amendment to the Planning Commission, the amendment underwent public notification during which there were no submissions received. The TPC was advised of the outcome and further advice is yet to be provided on whether a hearing is required; changes are required or if the proposed amendment is approved or not.

2.9 Planning Review Update

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

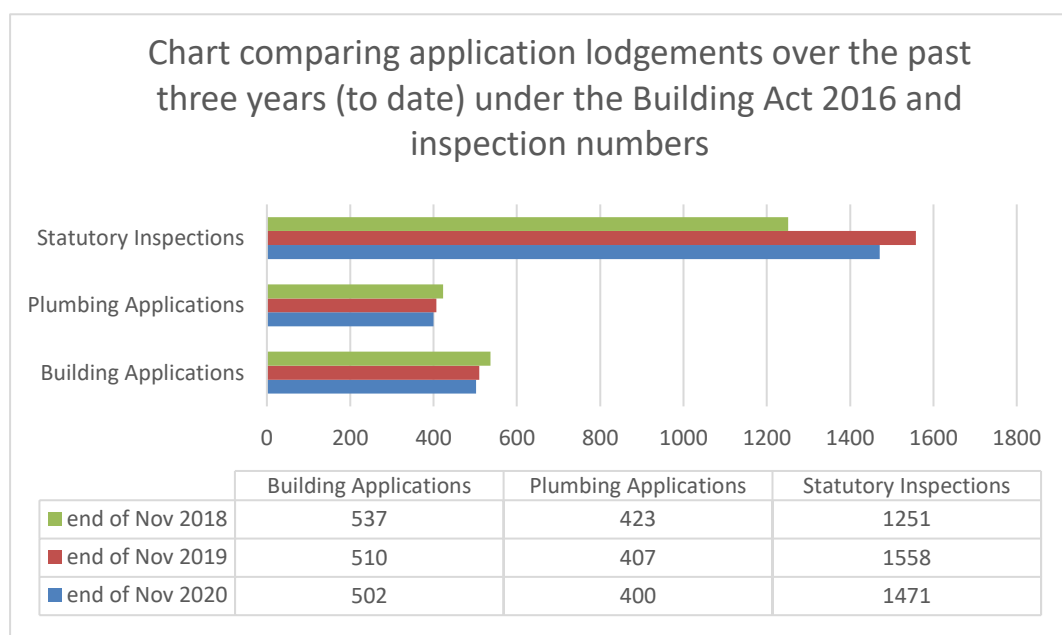
2.10 Planning Appeal Update

Below are current matters that are before the Resource Management and Planning Appeal Tribunal.

Council Ref Appeal No.	Subject Site	Description	Current status and comments/outcome
DA2020-353 (108/20P)	6 Guthrie Street Kingston	Appeal by applicant against conditions applied to the permit. The permit is retrospective approval for an outbuilding (shed)	Notification of application of appeal received 30 November 2020, no dates have been set yet.
DA2020-437 (94/20P)	41 Eldridge Drive Kingston	Appeal by representor against Council's decision to issue a permit.	Withdrawn by appellant
PID: 2013534 ENFG31OSB	31 Osborne Esplanade Kingston Beach	Enforcement Matter. Appeal against the Supreme Court Decision.	Council successful in appeals. Council successful in costs awarded by Supreme Court.
DA2020-51 (60/20P)	36 Jenkins Street Taroona	Appeal by representor against Council's decision to issue a permit.	An agreed outcome was not reached at mediation on 15 September 2020. Full hearing date set for 3/02/21

3. Building and Plumbing

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



The chart above shows that there is little difference between the number of applications and inspections over the past three years. However, it should be recognised that the current spike that we are seeing in Planning applications will be reflected in the number of building applications and inspections but there is a lag in time due to applicants needing to obtain their planning approval first and engage a builder to do the work.

The chart does not demonstrate all the departments work but is a representation of one aspect that shows activity trends in the local building industry. Much of the department's regular work activity is in regard to building and plumbing compliance.

RECOMMENDATION

That the Development Services Quarterly report be noted.

ATTACHMENTS

1. **2019 Planning Review Update**

Public Copy

2019 Planning Review Update

1.	<p>That one further Planner be engaged to reduce the expected workloads to a more manageable level</p> <p>As per previous quarterly report, this recommendation is completed.</p>
2.	<p>That consideration be given to employing or making provision for a Planning Technical/Customer Service Officer to be situated at the front counter to receive/advise and check on planning enquiries and lodgements.</p> <p>This position has now been filled and the officer commenced duties in December 2020. This recommendation is completed.</p>
3.	<p>That a Council approved set of standard conditions be developed to facilitate the more efficient reporting and review of development applications. The standard conditions could be supplemented with a suite of additional, standardised requests for further information and other external communications.</p> <p>There is an approved set of standard conditions in place, but they are in need of review. This review is well underway but has stalled because of the current heavy development application workload. The review will be completed in the first quarter of 2021.</p>
4.	<p>That standardised checklists or procedure manual for the processing of applications be prepared to guide and assist new or junior staff.</p> <p>This recommendation is that the existing Pathway software training for all new staff be placed within a documented manual. This has been progressed since the last quarterly report and it too is to be completed in the first quarter of 2021.</p>
5.	<p>That a review of delegations be undertaken to facilitate less matters being required to be referred for review to the Planning Co-ordinator and enable the Planning staff to deal with a range of matters in a far more timely and efficient manner.</p> <p>Previous comprehensive reviews of delegations have occurred in the past and recently there have been reviews that have extended more responsibilities to Senior Planners and other Planning Officers. The more comprehensive review of all delegations is yet to be undertaken and it is to be done in the first quarter of 2021.</p>
6.	<p>That the reporting format for delegates reports and Council reports be amended such that where a proposal meets the acceptable solution it is simply noted as such without a written analysis of why the criteria is met.</p> <p>As previously reported, this recommendation is completed.</p>
7.	<p>That checklists for each of the zones/codes be prepared listing all of the assessment criteria and elements and a simple checkbox list be included on the file of each application.</p> <p>As previously reported, this recommendation is completed.</p>
8.	<p>That resourcing be made available to upgrade the current IT planning software such that it meets the needs of the departments processes and requirements.</p> <p>This was not included in the 2020/21 budget and it will be put forward as a budget request for the following year. It is proposed that funding be made available for:</p> <ol style="list-style-type: none"> 1. Using Infor (Pathway) consultants to: <ol style="list-style-type: none"> a) review the health of the system b) provide training to staff for ongoing maintenance c) assist in crystal reporting d) create and implement the enforcement module. 2. Update the GIS imagery.

<p>9. That Council and management seek to encourage the Planning Department to adopt a philosophy of “working with” a proponent to help achieve a mutually agreeable planning outcome and provide support to the Department in the achievement of this outcome.</p> <p>This has been reported on in previous reports. The nature of this recommendation is always one that is ongoing.</p>
<p>10. That in the absence of Statutory timeframes, Council establish inhouse timeframes for the processing of post DA approvals</p> <p>New statutory timeframes for post DA approvals have now been set by the passing of the Building and Construction (Regulatory reform Amendments) Bill which came into effect on 30 November 2020. In-house procedures have subsequently been put into place. This recommendation has been completed.</p>
<p>11. That changes to processes and delegations be extended to all qualified planning staff to facilitate all written communications, except where required by statute, to be undertaken directly from the assessing planner and by email.</p> <p>These processes are now in place. This recommendation is completed.</p>
<p>12. That detailed Planning Information and facts sheets be prepared for Councils website to provide better community planning information.</p> <p>These fact sheets and other planning information are available on the Council's website and will be maintained so that they are kept up to date. This recommendation is completed.</p>
<p>13. Council consider whether the current Kingborough Planning Scheme is structured in accordance with Council and community expectations. The move to the new State format scheme would be an appropriate juncture to consider this matter.</p> <p>This recommendation is being completed as part of the LPS review.</p>
<p>14. That Council undertake a review of subdivision fees to ensure that they are reflective of the true cost to Council of processing a subdivision application.</p> <p>This recommendation has been completed.</p>
<p>15. That Council undertake a review of the Planning Scheme amendment fee to ensure that it is reflective of the true cost of processing a Planning Scheme amendment.</p> <p>This recommendation has been completed.</p>
<p>16. That Council undertake a trial pre lodgement service to ascertain demand and resource level requirements. That in the initial instance the pre lodgement service be promoted primarily for residential type developments</p> <p>This recommendation is completed.</p>
<p>17. That initially such trial service be offered on a free basis. (Originally shown as recommendation No. 18).</p> <p>As per above this recommendation is completed.</p>
<p>18. That appropriate delegations be put in place to facilitate the service without the need for all advice to be reviewed by a Senior Officer.</p> <p>This recommendation is completed.</p>
<p>19. That Council be presented with a report for their consideration detailing an appropriate enforcement regime and hierarchy for Building and Planning matters. If adopted, that Council grant the appropriate delegations to the respective Officers to implement the policy.</p> <p>Building and Planning enforcement both fall under the provisions of the 'Enforcement Policy', which was recently approved by Council as its meeting on 23 November 2020. This recommendation is therefore completed.</p>

17.9 APPOINTMENT TO COUNCIL SPECIAL COMMITTEES**File Number:** 22.99**Author:** Gary Arnold, General Manager**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 enable Council to review representation on Special Committees of Council, Audit Panel and external organisations.

2. BACKGROUND

- 2.1 It is appropriate for Council to appoint representatives to advisory committees, the Audit Panel and external organisations.
- 2.2 Following the 2018 local government elections Council appointed Councillors to advisory committees, the Audit Panel and external organisations.
- 2.3 After two years it is now timely for Council to review representation on those advisory committees, Audit Panel and external organisations to determine whether any changes are required.

3. STATUTORY REQUIREMENTS

- 3.1 Council has established Special Committees of Council under Section 24 of the *Local Government Act 1993*.
- 3.2 Council is a member of the Local Government Association of Tasmania (LGAT) in accordance with Section 327 (1) of the *Local Government Act 1993*.
- 3.3 TasWater's governance arrangements require each Council to appoint a Councillor (Owner's representative).
- 3.4 Council's Audit Panel was established in accordance with S85 of the *Local Government Act 1993*.

4. DISCUSSION

- 4.1 Council's appointee(s) will be granted voting rights at meetings of each Special Committee, Audit Panel and external organisation.

- 4.2 The current arrangements are as follows:

- | | |
|--|---|
| a) Local Government Association of Tasmania | Mayor, Cr Winter
Deputy Mayor, Cr Westwood (proxy) |
| b) TasWater | Mayor, Cr Winter
Deputy Mayor, Cr Westwood (proxy) |
| c) Copping Refuse Site Joint Disposal Authority & Copping C Cell | Mayor, Cr Winter
Cr Bastone (proxy) |
| d) Kingborough Access Advisory Committee | Cr Wriedt |

- | | |
|--|---|
| e) Kingborough Bicycle Advisory Committee | Cr Fox |
| f) Channel Heritage Museum | Cr Fox |
| g) Cycling South | Cr Midgley |
| h) Huon Valley Kingborough Tourism Reference Group | Cr Wass |
| i) Kingborough Community Enterprise Centre | Cr Bastone |
| j) Kingborough Community Safety Committee | Deputy Mayor, Cr Westwood |
| k) Audit Panel | Cr Fox
Cr Street |
| l) Tasmanian Polar Network | Cr Cordover has been attending meetings |

5. FINANCE

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

6. ENVIRONMENT

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

7. COMMUNICATION AND CONSULTATION

- 7.1 The committees, Audit Panel and external organisations will be advised of any changes to Councillor appointments.

8. RISK

- 8.1 There are no perceived risks to Council associated with this report.

9. CONCLUSION

- 9.1 It is timely for Council to review representation on Special Committees of Council, the Audit Panel and external organisations to determine whether any changes are required.
- 9.2 It is considered appropriate that the Mayor, as spokesperson for Council remain the appointee for LGAT, TasWater and Copping Refuse Site Joint Disposal Authority & Copping C Cell.
- 9.3 It is also considered appropriate that a Councillor be appointed to represent Council on the Tasmanian Polar Network.

10. RECOMMENDATION

That Council resolve to appoint Councillors to Special Committees of Council and external organisations as follows:

- | | |
|---|---|
| a) Local Government Association of Tasmania | Mayor, Cr Winter
Deputy Mayor, Cr Westwood (proxy) |
| b) TasWater | Mayor, Cr Winter
Cr (proxy) |

- | | |
|--|--------------------------------------|
| c) Copping Refuse Site Joint Disposal Authority & Copping C Cell | Mayor, Cr Winter
Cr (proxy) |
| d) Kingborough Access Advisory Committee | Cr |
| e) Kingborough Bicycle Advisory Committee | Cr |
| f) Channel Heritage Museum | Cr |
| g) Cycling South | Cr |
| h) Huon Valley Kingborough Tourism Reference Group | Cr |
| i) Kingborough Community Enterprise Centre | Cr |
| j) Kingborough Community Safety Committee | Cr |
| k) Audit Panel | Cr
Cr |
| l) Tasmanian Polar Network | Cr |

ATTACHMENTS

Nil

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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*

Purchase of Section of Mt Louis Road, Tinderbox

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

General Manager's Annual Performance Review

Regulation 15(2)(a) *personnel matters, including complaints against an employee of the council and industrial relations matters.*

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	
Purchase of Section of Mt Louis Road, Tinderbox	
General Manager's Annual Performance Review	

CLOSURE

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APPENDIX

- A Delegated Authority List 11 November to 1 December 2020
- B General Manager's Diary 2 November 2020 to 4 December 2020
- C Current and Ongoing Minute Resolutions (Open Session)

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A DELEGATED AUTHORITY LIST 11 NOVEMBER TO 1 DECEMBER 2020

DEVELOPMENT APPLICATIONS FOR PERMITTED DEVELOPMENT/USE		
DA-2020-133	Mr M & Mrs M Johnson 70 Gumpits Road BIRCHS BAY	Extension of deck - Retrospective
DA-2020-597	Mrs N & Mr L Smith 168 Church Road BARNES BAY	Change of use from residential to visitor accommodation
DA-2020-640	Kings Outdoor Living Unit 2/7 Tonic Hill Court KINGSTON	Extension to dwelling (awning)
DEVELOPMENT APPLICATIONS FOR DISCRETIONARY DEVELOPMENT/USE		
DA-2019-437	Mr D Kozaris 21 Mount Louis Road TINDERBOX	Alterations to dwelling (Retrospective) and clearing of native vegetation for bushfire management
DA-2020-332	Mr P D James 509 Tinderbox Road HOWDEN	Extension to dwelling (covered deck), ancillary dwelling and outbuildings (shed/carport and containers) - Retrospective
DA-2020-416	MJ Architecture 24 William Carte Drive ALONNAH	Extensions (deck) and alterations to dwelling including internal fencing and new access
DA-2020-434	TMK Design Solutions 11 Guardian Court HUNTINGFIELD	Extension and alteration to dwelling and outbuilding (shed)
DA-2020-439	Wilson Homes Tasmania P/L 16 Rodway Court KINGSTON	Dwelling
DA-2020-468	Creative Homes Hobart 20 Henwood Drive KINGSTON	Dwelling
DA-2020-469	Creative Homes Hobart 4 Henwood Drive KINGSTON	Dwelling
DA-2020-470	G J Gardner Homes Hobart 64 Hollyhock Drive KINGSTON	Dwelling
DA-2020-475	Department of State Growth Ferry Road KETTERING	Bruny Island Ferry Terminal Upgrades (Ferry Road)
DA-2020-477	Mr D Jackson 308 Coningham Road CONINGHAM	Outbuilding

DA-2020-498	Podmatrix P/L 10 Hutchins Street KINGSTON	Extension to building
DA-2020-501	1 Plus 2 Architecture P/L 90 Tinderbox Road BLACKMANS BAY	Extensions and alterations to dwelling
DA-2020-509	ERA Planning 3707 Channel Highway BIRCHS BAY	Residential alteration – swimming pool
DA-2020-519	Tassie Homes P/L 17 Dolphin Drive KINGSTON	Dwelling
DA-2020-520	Mr B Winspear & Ms M Dusseldorp 6 Morris Avenue TAROONA	Alteration to dwelling (roof replacement,) boundary fence alterations and outbuilding (shed)
DA-2020-527	Mr V & Mrs H Ponsonby 75 Hollyhock Drive KINGSTON	Dwelling
DA-2020-532	J U Shim & H Lee 12 Advocate Drive KINGSTON	Side and rear boundary fence
DA-2020-535	Mr G & Mrs R Harrison 7 Orana Place TAROONA	Extension to dwelling (deck and swimming pool)
DA-2020-537	Ms M J Badger 24 Kingsgate Circle HUNTINGFIELD	Dwelling and ancillary dwelling
DA-2020-539	Maveric Builders P/L 35A Nolan Crescent KINGSTON	Dwelling and outbuilding (shed)
DA-2020-547	Mr R J Fazackerley 15 Cloudy Bay Road LUNAWANNA	Dwelling and outbuilding (shed)
DA-2020-548	Wilson Homes Tasmania P/L 9 Henwood Drive KINGSTON	Dwelling
DA-2020-555	Tassie Homes P/L 73 Eldridge Drive KINGSTON	Dwelling
DA-2020-570	JSA Consulting Engineers P/L 176 Summerleas Road KINGSTON	Dwelling
DA-2020-571	Kings Outdoor Living Unit 2/6 Perch Court KINGSTON	Extensions to dwelling (roof over deck, carport)
DA-2020-572	L Campbell 39 Cleveland Rise LUNAWANNA	Dwelling and outbuilding (workshop)

DA-2020-585	Wilson Homes Tasmania P/L 33 Grand Mews KINGSTON	Dwelling
DA-2020-591	Ms G Cossins 27 Pearl Place and adjoining Council Road Reserve (CT 5069/2) BLACKMANS BAY	Retaining wall (Retrospective) and stormwater realignment works partially within Council Road Reserve
DA-2020-599	Another Perspective 2086 Huon Road LONGLEY	Extension to dwelling
DEVELOPMENT APPLICATIONS FOR SUBDIVISION/STRATA		
DAS-2019-29	James McEldowney Surveying 50 McKenzies Road LESLIE VALE	Subdivision of three lots
STR-2020-22	Rogerson & Birch Surveyors 14 Talone Road BLACKMANS BAY	Strata plan – Units 1 & 2
STR-2020-25	Leary Cox & Cripps P/L 171 Summerleas Road KINGSTON	Strata plan – Units 1-5
DEVELOPMENT APPLICATIONS FOR NO PERMIT REQUIRED		
DA-2020-443	Dunbabin Architects 42 Channel Highway TAROONA	Alterations and extensions to dwelling (including garage)
DA-2020-583	Mr N W Riseley 27 Tetratheca Drive KINGSTON	Alteration to dwelling (roof over existing deck)
DA-2020-605	Theresa L Hatton Building Design 17 Greenhill Drive KINGSTON	Outbuilding (garage)
DA-2020-643	G Hills & Partners Architects 13 Birch Street KINGSTON	Internal alterations to dwelling (ensuite)
DA-2020-664	Mr R Jackson 27 Oakleigh Avenue TAROONA	Deck extension
DA-2020-669	SJM Property Developments P/L 2199 Channel Highway SNUG	Dwelling extension and alterations
DA-2020-670	Kings Outdoor Living 12 Hampton Court BLACKMANS BAY	Roof and balustrade to existing elevated deck

B GENERAL MANAGER'S DIARY 2 NOVEMBER 2020 TO 4 DECEMBER 2020

2 November	In company with the Mayor, met with Mr Simon Brookhouse to discuss Tasmania Jackjumpers National Basketball Team
	Participated in Metro GM's weekly teleconference
	Participated Hobart City Deal Implementation Board Meeting via Teams
	Attended Council workshop
3 November	Attended Derwent Estuary Program AGM and Board meeting
	Participated in Greater Hobart General Manager's Meeting via Teams
4 November	In company with the Mayor, attended TasWater General Meeting and AGM
5 November	Attended LGAT's General Managers Workshop
9 November	Participated in Metro GM's weekly teleconference
	Met with Ms Eve Knight and Mr Jason Saxby re: Bayview Shopping Centre
12 November	Met with Cathryn Kerr of Southern Cross Care regarding Mary's Grange
	Attended LG Professionals Board Meeting
	Attended the Kingston Congestion Working Group workshop
13 November	Attended the TCCI State Budget Breakfast
16 – 25 November	Annual Leave

C CURRENT AND ONGOING MINUTE RESOLUTIONS (OPEN SESSION)

CURRENT	
Resolution Title	Recording of Workshops
Meeting Date	23 November 2020
Minute No.	C701/22-2020
Status	In progress
Responsible Officer	Executive Manager Information Services
Officers Comments	A Councillor Workshop Policy and Procedures (including recording guidelines) to be developed for consideration by Council
Anticipated Date of Completion	February 2021
Resolution Title	Kingborough Ratepayers Association Submission
Meeting Date	26 October 2020
Minute No.	C633/20-20202
Status	In progress
Responsible Officer	General Manager
Officers Comments	Council workshop to be held on 9 February 2021
Anticipated Date of Completion	February 2021
STILL BEING ACTIONED	
Resolution Title	Waste & Recycling Kerbside Extension to Tinderbox
Meeting Date	12 October 2020
Minute No.	C594/19-2020
Status	Ongoing
Responsible Officer	Executive Manager Engineering Services
Officers Comments	As per resolution will survey affected properties to determine willingness for a kerbside collection service extension
Anticipated Date of Completion	January 2021
Resolution Title	New Complaints Handling Framework
Meeting Date	26 October 2020
Minute No.	C624/20-2020
Status	In Progress
Responsible Officer	Executive Manager Information Services
Officers Comments	A review of Council's complaints handling process will be undertaken as part of the development of a Customer Service Strategy (Strategic Action 2.4.2 - 2020) and associated review of the Customer Service Charter.
Anticipated Date of Completion	30 June 2021
Resolution Title	Properties for Disposal
Meeting Date	26 October 2020
Minute No.	C626/20-2020
Status	In progress

Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Agent appointed. Sale process to commence in New Year
Anticipated Date of Completion	July 2021
Resolution Title	Kingborough Sports Precinct Governance Models
Meeting Date	14 September 2020
Minute No.	C521/17-2020
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Research being undertaken
Anticipated Date of Completion	February 2021
Resolution Title	Kingborough Bicycle Advisory Committee Minutes
Meeting Date	14 September 2020
Minute No.	C529/17-2020
Status	Ongoing
Responsible Officer	Executive Manager Engineering Services
Officers Comments	Project bid form updated, guidelines for where separated cycleways may be appropriate will be developed
Anticipated Date of Completion	March 2021
Resolution Title	Legislative Council Inquiry – TasWater
Meeting Date	24 August 2020
Minute No.	C488/16-2020
Status	In progress
Responsible Officer	General Manager
Officers Comments	Submission lodged
Anticipated Date of Completion	December 2020
Resolution Title	Petition – Road Safety in Coningham and Lower Snug
Meeting Date	24 August 2020
Minute No.	C489/16-2020
Status	Ongoing
Responsible Officer	Executive Manager Engineering Services
Officers Comments	Ongoing discussions to be held with the community to action various requests. This may require future capital bids.
Anticipated Date of Completion	June 2021 for most actions
Resolution Title	Hobart City Deal and Implementing the Kingston Place Strategy
Meeting Date	13 July 2020
Minute No.	C397/13-2020
Status	Ongoing
Responsible Officer	Deputy General Manager
Officers Comments	A major project which will be ongoing for the next three years and regular reports will be provided to Council
Anticipated Date of Completion	Ongoing

Resolution Title	Funding for Public Infrastructure Required to Support Large Sub-divisions
Meeting Date	22 July 2020
Minute No.	C429/14-2020
Status	In progress
Responsible Officer	Manager Development Services
Officers Comments	LGAT has confirmed that in the coming weeks they will be surveying the Councils as part of the project development. There has been work with TasWater specifically about the contributions related to them. We will continue to keep Council updated on the progress.
Anticipated Date of Completion	December 2020
Resolution Title	Paid Parking Within Central Kingston
Meeting Date	13 January 2020
Minute No.	C30/1-20
Status	In progress
Responsible Officer	Deputy General Manager
Officers Comments	This is to be revisited following the completion by the State government of the Huntingfield park and ride in that it will then be a more suitable venue for Hobart commuters.
Anticipated Date of Completion	May 2021
Resolution Title	Kingborough Youth Arts Prize
Meeting Date	11 November 2019
Minute No.	C723/22-19
Status	In progress
Responsible Officer	Director Environment, Development and Community
Officers Comments	Development of showcase activities delayed due to COVID
Anticipated Date of Completion	February 2021
Resolution Title	Bruny Island Boat Club Petition
Meeting Date	9 December 2019
Minute No.	C797/24-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Lease agreement terms under negotiation
Anticipated Date of Completion	December 2020
Resolution Title	Recreational Water Quality, Blackmans Bay Beach
Meeting Date	14 October 2019
Minute No.	C696/20-19
Status	In progress
Responsible Officer	Senior Environmental Health Officer
Officers Comments	Recreational Water Quality Investigation Report has been submitted to the Department of Health for consideration by the Director of Public Health.
Anticipated Date of Completion	December 2020

Resolution Title	Information & Communications Technology Review
Meeting Date	27 May 2019
Minute No.	C364/10-19
Status	In progress
Responsible Officer	Executive Manager Information Services
Officers Comments	Funding source yet to be determined.
Anticipated Date of Completion	Unknown
Resolution Title	Proposed Transfer of Land Owned by UTAS to Council at Tarroona Beach
Meeting Date	25 March 2019
Minute No.	C233/6-19
Status	In progress
Responsible Officer	Executive Manager Governance & Community Services
Officers Comments	Awaiting sub-division by UTAS
Anticipated Date of Completion	Unknown
Resolution Title	Tassal Community Advisory Group
Meeting Date	11 September 2017
Minute No.	C460/20-17
Status	In progress
Responsible Officer	Manager Environmental Services
Officers Comments	Community advisory groups currently exist on the Tasman Peninsula, Esperance area and Spring Bay on the east coast. There is not a current group in the Channel area. Tassal have advised that they are considering initiating a group in this region in the future.
Anticipated Date of Completion	Unknown